

COUNCIL

Wednesday, 27 June 2018

Attendance:

Councillors
Pearson (Chairman)

Achwal	Huxstep
Ashton	Izard
Becker	Laming
Bell	Learney
Bentote	Mather
Berry	McLean
Brook	Miller
Burns	Murphy
Clear	Porter
Cook	Power
Cunningham	Prince
Cutler	Read
Evans	Ruffell
Gemmell	Rutter
Godfrey	Scott
Gottlieb	Stallard
Green	Thompson
Griffiths	Tod
Hiscock	Tresahar
Horrill	Warwick
Humby	Weir
Hutchison	Weston

1. **TO CONFIRM THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD ON 22 FEBRUARY 2018 AND THE ANNUAL MEETING HELD ON 16 MAY 2018**

RESOLVED:

That the minutes of the Ordinary Meeting of the Council held on 22 February 2018 and the Annual Meeting on 16 May 2018 be approved and adopted.

2. **TO RECEIVE ANY COMMUNICATIONS FROM THE MAYOR, LEADER OR CHIEF EXECUTIVE.**

The Mayor referred to Queen's Birthday Honours List and announced that letters of congratulation would be sent to the following people:

Elizabeth Yarnold MBE – Officer of the Order of the British Empire.
For Services to Winter Olympic Sport

Mr Paul T Murray – Member of the Order of the British Empire.
For Services to Charity and the Community of Winchester

Mr David Compton – Medalist of the Order of the British Empire
Volunteer Warden, Old Winchester Hill Nature Reserve. For Service to
Nature Conservation

The Mayor then reported on the recent visit to Winchester by His
Excellency The Chief Executive of Afghanistan, Doctor Abdullah Abdulla
who gave a talk at the University on the education of woman in his
country.

The Mayor also reported to Council that former Mayor Patricia Norris
(1995-6) had recently passed away. Her funeral was to be held on 2nd
July 2018 at 2pm in St Cross Church.

Finally, the Mayor welcomed and introduced Chas Bradfield, Strategic
Director: Place, who had recently started work at the City Council.

Mr Bradfield thanked the Mayor and reported that he was looking forward
to spending time with Members in the communities that they represented
so that he was able to gain a good understating of Winchester and the
district.

3. **THE MAKING OR TERMINATION OF APPOINTMENTS TO BODIES SET UP
BY THE COUNCIL.**

The Mayor advised that this item would be taken after Item 8 on the agenda for
this meeting only.

4. **DISCLOSURE OF INTERESTS**

Councillor Gottlieb declared a disclosable pecuniary interest in relation to his
ownership of St Clements Surgery. He would leave the meeting should this
matter be discussed or referred to during any discussion.

5. **TO RECEIVE PETITIONS (IF ANY) UNDER COUNCIL PROCEDURE RULE
15.**

There were no petitions received.

6. **TO ANSWER QUESTIONS (IF ANY) UNDER COUNCIL PROCEDURE RULE
14.**

16 Questions were asked by Members, which are set out in full on the Council's
website, together with responses from the relevant Portfolio Holder. The Mayor
allowed time for supplementary Questions to be asked and responded to.

7. **TO CONSIDER AND DETERMINE THE FOLLOWING RECOMMENDED
MINUTES:**

(a) **The Overview and Scrutiny Committee – 21 May 2018**

DRAFT ANNUAL SCRUTINY REPORT

(Report OS201 refers)

The Chairman of The Overview and Scrutiny Committee, Councillor Learney moved that the Recommended Minute of The Overview and Scrutiny Committee be approved and adopted. Councillor Learney introduced the Report.

RESOLVED:

That the Recommended Minute of The Overview and Scrutiny Committee be approved and adopted.

(b) **Cabinet – 20 June 2018**

BISHOPS WALTHAM DEPOT – NEW BUILD INDUSTRIAL UNITS

(Report CAB3048 refers – less exempt Appendices B and C)

The Mayor advised that the Recommended Minute of Cabinet had been distributed with a Supplementary Agenda after the statutory deadline, but that he had decided to accept this onto the agenda, because of the urgent need for Council to approve the matters detailed within Report CAB3048.

The Corporate Head of Resources advised that any reference to the exempt Appendices B and C should be made during exempt session. There was no corresponding exempt minute of Cabinet because their consideration of the matter stayed with an open session.

The Leader, Councillor Horrill moved that the Recommended Minute of Cabinet be approved and adopted. Councillor Horrill introduced the Report.

With reference to the exempt Appendices B and C to the Report, Council agreed that it would not require to move into exempt session to discuss the appendices before returning to open session in order for it to debate and to make its final decision.

RESOLVED:

That the Recommended Minute of Cabinet be approved and adopted.

8. **TO CONSIDER NOTICE OF MOTION(S) (IF ANY) UNDER COUNCIL PROCEDURE RULE 9**

(a) The following Notice of Motion had been submitted by Councillor Porter and seconded by Councillor Thompson, under Council Procedure Rule 9:

“This Council notes:

- That a planning application has been submitted for the new leisure centre on June 14, 2018 – with a Statutory Expiry date before the next scheduled Full Council meeting
- That this application was submitted before councillors and local residents had been consulted on the detailed final design – and before local sports clubs had been given full access to detailed proposed plans for the scheme to check their practicality

This Council believes that:

- It should follow exemplary consultation practices, including detailed public and councillor consultation on its own planning applications before designs are agreed and submitted
- The proposed design has several design flaws that lie partly or wholly outside the scope of the planning process – but that need to be urgently addressed before construction starts – including:
 - o An impractical design of the main sports hall that does not meet the needs of local sport and recreation
 - o Poorly thought through access and parking arrangements – especially for residents in Highcliffe

This Council therefore:

- Reconfirms its commitment to a new leisure centre at Bar End
- Instructs the Council **as developer and landowner** to bring forward a revised plan that addresses these concerns – and other critical design concerns raised during public consultation and consultation with local sports clubs – to be submitted **to the Council as the Local Planning Authority** in sufficient time to minimise any delay to the planning and development process.”

As part of her introduction to her Motion, Councillor Thompson requested a minor drafting amendment, which was accepted by the Mayor. This is shown by the additional text in bold above.

The Corporate Head of Resources provided advice to those members of the Council who were members of the Planning Committee. In summary, it was clarified that Planning Committee members were able participate in the debate of the Notice of Motion, with the caveat that case law had made it clear that the words used by particular Members and the interpretation put on those words was of particular importance. Therefore, Members would need to be aware of making statements in advance of the determination of planning applications as there was a risk that they can be misinterpreted or taken out of context.

Motion (1) Tod (2) Thompson

“Suspend Council Procedure Rule 9 (6) so to allow the matters referred to in the Notice of Motion to be voted upon and resolved by Council, rather than firstly referred to a Committee for consideration and reference back to a future Council meeting.”

Motion carried.

During the debate which followed on Councillor Thompson’s Motion, the following points were raised:

- Councillor Ashton highlighted that, to date, there had been extensive consultation on the proposed new Leisure Centre at Bar End. Various organised events had been arranged as well as liaison with residents, users, clubs and groups etc. There had been much discussion on the design of the centre, sustainability, accessibility etc. Changes to the proposed plans as outcomes from this work had been made and in advance of the planning application. Everyone was still able to comment on the plans submitted and then after 16 July, there would be a feedback session to consider any required redesign.
- Although consultants had been engaged with regard to the design of the sports hall and that this was reflective of predicted need, had they taken account of predicted increased usage of under 16 years olds and the over 70s? In addition, the current design of the sport hall inclusive of the glass wall may limit the overall ‘usability’ of the hall. Furthermore, the lack of viewing gallery and seating was regrettable.
- The planning application as submitted had not acted upon the matters previously raised with regard to pedestrian and cycle access to the site and also the potential for greater accessibility to park-land for the residents of Highcliffe.
- There were concerns that the Notice of Motion, if supported, may delay the project being taken forward as there were unlikely to be any fundamental changes that were able to be incorporated to the plans. Residents were keen for the new centre to be built.
- Although the location and specification of the new centre had been agreed following consultation, the detailed aspects within the planning application had not been consulted on. There were issues that needed to be addressed to ensure that the facility was to work as well as it might.
- The Cabinet (Leisure Centre) Committee had considered various iterations of the proposals and that there had been positive feedback with regard to accessibility. The Movement Strategy would also influence the final proposals.
- Only a relatively small percentage of the total throughput figure for the existing River Park Leisure Centre was associated with sports clubs. The sports hall at the new facility at Bar End would also be 50% larger.

Council then voted on the Notice of Motion (as amended) which was carried.

RESOLVED:

That the Notice of Motion as set out above be agreed

- (b) The following Notice of Motion had been submitted by Councillor Bell and seconded by Councillor Murphy, under Council Procedure Rule 9:

“Council notes that each member of Project Integra is being asked to agree the draft Project Integra Action Plan 2018-2021.

Council believes that, as drafted, the plan lacks ambition:

- (1) relying heavily on increasing capture of materials currently accepted for recycling;
- (2) failing to account for disincentives to use Household Waste Recycling Centres and incentives to flytip due to charging;
- (3) failing to give a clear commitment to doorstep recycling of an increased range of material including plastics widely recycled elsewhere; and
- (4) not articulating renewed national ambition on reducing unsustainable products such as single use plastic items through behaviour change.

Council therefore resolves not to support the Project Integra Action Plan 2018-2021 and ask the Project Integra Board to respond to the issues raised.”

During the debate which followed, the following points were raised:

- The Project Integra Action Plan and papers relating to the joint Committee was not easily accessible via the Council’s website and some appeared to have restricted access via the East Hants District Council website.
- The Council’s Joint Environment Services Contract Committee met regularly and the Action Plan had been much discussed.
- Winchester’s current recycling rates appeared to be lower than for some other authorities in the Project Integra area and there must be improvements. There was seemingly no commitment to kerbside collection within the Action Plan, nor proposals to engage with the public with regard to plastic recycling. The capture of recyclables was not the only way to increase overall rates.
- Councillor Warwick highlighted that delivery of the Action Plan required buy-in from all local authority partners. Proposed improvements to recycling facilities were explained and Members reminded that the Joint Environment Services Contract Committee was administered by East Hants District Council.
- Councillor Warwick also highlighted that the Joint Committee had commented that the Action Plan could have been more ambitious and that it would jointly work to be part of a solution. It was expected that the Action Plan would be revised accordingly within 1 year.

- Councillor Warwick suggested that Project Integra Action Plan be additionally referred to a future meeting of The Overview and Scrutiny Committee for further consideration and comment.

RESOLVED:

That the Notice of Motion (together with the draft Project Integra Action Plan 2018-202) be referred to a future meeting of The Overview and Scrutiny Committee for further investigation.

(c) Notice of Motion – Removal of Leader from Office

The Mayor agreed to allow a procedural Motion (Motion 1 below) to suspend Council Procedure Rule 9 (1) to allow the consideration of a late Notice of Motion (Motion 2 below) to be moved by Councillor Tod.

Motion 1 (1) Councillor Tod (2) Councillor Learney

‘That Council Procedure Rule 9 (1) be suspended to allow consideration of a late Notice of Motion to be moved by Councillor Tod.’

Motion carried

Motion 2 (1) Councillor Tod (2) Councillor Learney

“This Council agrees to remove Councillor Horrill as Leader of the Council with immediate effect.”

As it was the wish of more than a quarter of those present, the Mayor decided that a recorded vote be taken in respect of the Motion.

Division Lists

The following Members voted in favour of the Motion:

Councillors Achwal, Becker, Bell, Bentote, Clear, Cutler, Evans, Gottlieb, Green, Hiscock, Hutchison, Izard, Laming, Learney, Murphy, Porter, Power, Prince, Rutter, Thompson, Tod and Weir.

The following Members voted against:

Councillors Ashton, Berry, Brook, Burns, Cook, Cunningham, Gemmell, Godfrey, Griffiths, Horrill, Humby, Huxstep, Mather, McLean, Miller, Pearson, Read, Ruffell, Scott, Stallard, Tresahar, Warwick and Weston.

Motion lost.

9. **THE MAKING OR TERMINATION OF APPOINTMENTS TO BODIES SET UP BY THE COUNCIL.**

Following an adjournment of the meeting (to allow the Groups to consider and agree upon appointments to committees to reflect the changes to proportionality following Councillor Gottlieb's resignation from the conservative group) changes to appointments to committees were agreed.

RESOLVED:

That the Committee memberships and Chairman be agreed as set out below:

Cabinet (8:0) – Cllrs Ashton, Brook, Godfrey, Griffiths, **Horrill**, Humby, Miller, Warwick

The Overview and Scrutiny Committee (5:5) – Cllrs Cunningham, Gemmell, McLean, Stallard, Weston, Evans, **Learney**, Clear, Thompson, Tod (deps Berry, Mather, Hiscock, Weir)

Audit Committee (4:4) – Cllrs Burns, Huxstep, Mather, Stallard, Bentote, **Cutler**, Prince, Power (deps Cunningham, Murphy)

Licensing and Regulation Committee (6:6) – Cllrs Berry, Burns, Cook, **Mather**, McLean, Read, Becker, Bentote, Green, Izard, Laming, Power (deps Achwal, Huxstep)

Planning Committee (4:4) – McLean, Read, **Ruffell**, Cunningham, Clear, Evans, Izard, Rutter (deps Berry, Laming, Weir)

Joint West of Waterlooville MDA Planning Committee (5) – Read, **Ruffell**, McLean, Clear, Evans (dep Izard)

Personnel Committee (3:3) Berry, Cook, **Read**, Achwal, Bentote, Cutler (deps Murphy, Weston)

Standards Committee (6:6) - **Berry**, Cunningham, Gemmell, Mather, McLean, Weston, Bell, Clear, Evans, Izard, Laming, Power

Housing Appeals Committee (4) - **Cook**, Huxstep, Porter, Clear (dep Izard)

Appeals and Disputes (8) - Burns, Huxstep, Stallard, **Weston**, Hiscock, Hutchison, Learney, Weir

Licensing Sub Committee - Burns, Mather, Green, Izard

Audit (Governance) Sub Committee – Burns, Huxstep, Stallard, **Cutler**, Prince

10. **EXEMPT BUSINESS: TO CONSIDER WHETHER IN ALL THE CIRCUMSTANCES OF THE CASE THE PUBLIC INTEREST IN MAINTAINING**

THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number ##</u>	<u>Item</u>	<u>Description of Exempt Information</u>
	Bishops Waltham Depot – New Build Industrial Units (exempt appendices)) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)

RESOLVED:

That the content of Exempt Appendix B and C to Report CAB3048 be noted.

The meeting commenced at 7pm, adjourned between 9:35pm and 10pm and concluded at 10:15pm

The Mayor