

WINCHESTER CITY COUNCIL DECISION RECORD

VERSION 3. NOVEMBER 2020

Officer Completing the Form: Ian Way
Lead Director: Dawn Adey
Subject: Parking Places Order – Upper Brook Street car park

Details of Decision: *Please provide a brief explanation as to what decision was made, including any financial implications.. This should be done in easy to understand, non-technical language - as this wording will appear on the website for the public to read. Also please remember all staff will be able to see this document.*

A Parking Places Order (WINCHESTER CITY (OFF STREET) PARKING PLACES ORDER 2003 (VARIATION NO. 11) ORDER 2021) was proposed, in order to revoke the provisions relating to Upper Brook Street Car Park (the surface pay and display car park to the east of Upper Brook Street and west of Middle Brook Street) and remove it from the Principal Order, namely Winchester City (Off Street) Parking Places Order 2003 (as amended). The effect of the removal from the Principal Order is that the car park will no longer be a pay and display car park.

The proposal was supported by Winchester City Council Ward Members and Hampshire County Member. No objections were received from statutory consultees which included Hampshire County Council and Hampshire Police.

The proposal was formally advertised on 24/11/2021.

One objection to the proposal was received during the consultation period. This was from a local resident claiming access rights from the rear of their property onto the existing car park. Access to the land is a private legal matter between the Council as landowner and the resident which is the subject of discussions between the Council, the site developer and the resident. The objection does not have an impact on the status of the land and its use as a car park.

THE RECOMMENDATION is that :

The Service Lead- Legal be authorised to make the Order and arrange for publicity in accordance with statutory requirements.

Type of Decision: (please tick. see reverse for definitions)	
	<input type="checkbox"/> Key Decision (Executive) & Subject to Call-In (see section 2A on reverse of this form)
	<input checked="" type="checkbox"/> Significant Operational Decision (see section 2B (1) on reverse of this form)
	<input type="checkbox"/> Other Decisions to be Published (see section 2B (2) on reverse of this form)
	<input type="checkbox"/> Administrative Decision (see section 3 on reverse of this form)

Reason for the Decision: <i>A brief overview of your reasons for taking this course of action.</i>
<i>The variation to the Order is to facilitate the closure of the car park which is to allow for the construction of a new GP Surgery on site, as approved by planning application 15/02897/FUL and as considered and approved by Cabinet on 12th September 2017 and 16th December 2020.</i>
Alternative Options Considered & Rejected: <i>All alternative options considered need to be outlined here. Please include detail of any representations received. This will include your response to any alternatives suggested by those making representation and the reasons why these alternatives were rejected.</i>
N/A

Supporting Information: <i>If your decision relates to delegated authority derived from a specific Committee resolution, please confirm the name of the Committee, the date of the meeting and paste the resolution into this box.</i>
Please see accompanying Plan and Draft Order.


Declared Officer and/or Member interests: <i>List any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision and, in respect of any declared conflict of interest, any note of dispensation granted by the Monitoring Officer.</i>

Departmental Review		
Legal review:	<i>Tick this box to confirm legal team have reviewed proposed decision</i>	<input checked="" type="checkbox"/>
Finance review:	<i>Tick this box to confirm finance team have reviewed proposed decision</i>	<input checked="" type="checkbox"/>

Other review:	Tick this box to confirm any other departmental review of proposed decision (and specify department)	<input type="checkbox"/>	
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PTO

Are the details of the decision open or exempt?	
<input checked="" type="checkbox"/> Open	
<input type="checkbox"/> Part Exempt. Please expand	
<input type="checkbox"/> Exempt. Please expand	

Decision Taker (name): This needs to be the specific Officer or Cabinet Member who holds the delegation within the constitution/or referred to by a Committee	Decision Taker (Signature):	Date:
Dawn Adey – Director of Place		20.1.22

Call In dates (key decisions only) and Implementation date:	
Commencement of call in: (date)	Click here to enter a date. (Please refer to Dem Services for this)
Last date for call in: (date)	Click here to enter a date. (Please refer to Dem Services for this)
Planned Implementation Date:	Click here to enter a date.

Notes.

1) Why record officer decisions?

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require local authorities to produce a written statement of an executive decision made by an officer as soon as is reasonably practicable after the decision is taken (see Paragraph 13). This written statement must include the information requested in the questions of the pro forma on the previous page.

2) What sort of decisions are there?

- a) **Key decisions.** A key decision is defined by Regulation 8 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 as being an executive decision which is likely:
- To result in the local authority incurring expenditure, which is or the making of savings which are significant having regard to the local authority's budget for the service or function to which the decision relates; (For Winchester City Council, the financial limit above which a decision is regarded as significant is £250,000 per year), or;
 - To be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules, Access to Information Procedure Rules (Part 4) and the Officer Scheme of Delegation (Part 3) of this Constitution.

- b) **Non-Key Decisions.** Officers will usually take non-key executive decisions. A non-key decision is an executive decision that does not meet either criterion of a key decision as laid out above. These decisions are divided into significant operational decisions and administrative decisions.

- Significant Operational (Non-Key) Decisions.** This is a decision in relation to a Council or executive function which is not a key decision and results in one of the following:
 - Revenue expenditure or making savings (including the receipt or loss of income) between £100,000 and £250,000 per year;
 - Capital expenditure (i.e. if they involve entering into new commitments and/or making savings) and/or contract awards of between £100,000 and £250,000
 - When, in the opinion of the Chief Executive, the Section 151 Officer or Monitoring Officer, a published record of the decision is required to provide openness and transparency.
 - A significant decision should be recorded in order to comply with Regulation 13 (Recording of executive decisions made by individuals) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (No. 2089).
- "Other" Decision.** Regulation 7 of the Openness of Local Government Bodies Regulation 2014 requires a written record to be produced as soon as reasonably practicable after an officer has made a decision under delegation which a) grants a permission or licence or b) affects the rights of an individual.
- Administrative Decision:** *(these do not require recording on this form unless one or more of the following applies)*
 - There is a financial implication;
 - It is in conflict with the Budget and Policy Framework or other approved policies approved by full Council; and
 - It raises new issues of policy.

3) Which officer decisions need to be recorded on this form?

Officers need to record:

- any key decision, i.e., decisions that have a significant effect on 2 or more divisions, or have a cost/saving of £250,000 or more. (see 2A above)
- any Significant Operational Decisions. (see 2B (1) above)
- "Other" officer decisions regarding the granting of a permission or licence or that affect the rights of an individual (see 2B (2) above)
- Administrative decisions for which there is a financial implication.

4) What are the relevant processes to be followed?

For all decisions, the report author needs to complete the Forthcoming Decisions record in Sharepoint.

Establish which type of decision it is (see 2 A and 2B above.)

Most officer decisions require to be recorded on this form (see 3 above) Once completed, please ensure that it is reviewed by legal, finance and the relevant Director prior to signing. Once approved, the form should be forwarded to Democratic Services for adding to the Council's website where it can be viewed by members of the public on the decisions page (unless it is an Administrative decision).

