

COUNCIL**Tuesday, 19 March 2019**

Attendance:

Councillors
Pearson (Chairman)

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

Apologies for Absence:

Councillor Read

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

The Mayor announced that his next Charities event was a Hampshire County Youth Wind Orchestra Concert at The Great Hall which was to be held on Friday 29 March 2019 at 7.30pm.

The Mayor also announced that the private viewing of the Mayor's Choice exhibition at City Space, Winchester Discovery Centre was to be on Thursday 4 April. Invitations were to be issued directly from Hampshire Cultural Trust.

The Mayor then referred to the recent terrorist attacks in Christchurch, New Zealand and he paid tribute to those killed or injured. Council stood for a moment of silence in their memory.

The Leader referred to a recent assault by a taxi driver in Winchester who was licensed by the City of Wolverhampton Council. The Leader reported that she had written to the Secretary of State and Winchester's two Members of Parliament urging legislative change. She had also written to the Leader of City of Wolverhampton Council expressing serious concern at this practice and also that Winchester City Council had not been made aware of the matter until charges had been brought against the driver.

The Leader then announced that details had been released with regards to Brexit contingency plans to use the A31 to 'stack' lorries. Enabling works had been completed to the Ladycroft cross-over and additional works were also to be undertaken at the Percy Hobs roundabout soon. Residents, relevant parish and town councils, the media and MPs had been informed.

The Leader announced the progress of the delivery by the Council of new homes. The Chesil Lodge and Bailey Close schemes had now been officially opened. Construction of a further 75 units at Stanmore was soon to commence.

The Leader then reported that contracts had now been signed with the construction partner and the operator for the new Leisure Centre. Ground had now been broken today and the Leader thanked both Councillor Griffiths (Portfolio Holder for Health and Wellbeing) and Andy Hickman (Head of Programme) who had both led the project with commitment.

2. **DISCLOSURE OF INTERESTS**

Councillor Gottlieb declared a disclosable pecuniary interest with regard to him being the owner of St Clements Surgery. However as this had no bearing on discussion or decisions to be made at this evening's meeting, he remained in the room and spoke and voted thereon. Councillor Gottlieb also referred to two standards matters that he was involved in; however this also had no direct bearing on the agenda items that may require him declare a further interest.

Councillors Hiscock, Huxstep, Porter Stallard, Tod and Warwick declared personal and prejudicial interests as they were County Councillors. However as there was no material conflict of interest, each participated in the meeting and voted on items as below, under the dispensation granted by the Monitoring Officer.

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

23 written questions had been received, 12 of which were heard in the meeting along with any associated supplementary questions. All questions are set out in

full on the Council's website, together with responses from the relevant Portfolio Holder.

4. **THE COUNCIL'S NEW CONSTITUTION**

(Report CL144 refers)

Appendix 1 (Response to Members' Consultation) to Report CL144, was circulated with a supplementary agenda after the statutory deadline. The Mayor agreed to accept Appendix 1 to Report CL144 onto the agenda, because of the urgent need for Council to consider the information in the Appendix in conjunction with the Report that required decisions at this evening's meeting.

Councillor Horrill, Leader, moved that the Recommendations in Report CL144 be approved and adopted (seconded by Councillor Mather).

Council proceeded to ask questions and debate each section of the Constitution in turn (as set out in Appendix 2 to Report CL144). In addition to this, the Monitoring Officer drew to Council's attention any proposed changes to these sections where drafting errors had become apparent to officers since publication of the report.

The Monitoring Officer advised that there was a drafting error in Article 4.02, b) (agenda page 45). 'Supplemental Planning Documents, final Master Plans and associated development guidance.' This should be deleted from the list at Article 4.02 and this was agreed by Council.

The Monitoring Officer also advised that there was a drafting error in Part 4.6 Financial Procedure Rules, paragraph 6.9 (agenda page 202). The first line should read 'The Council nominates the Audit and Governance Committee rather than The Overview and Scrutiny Committee' and this was agreed by Council.

(i) AMENDMENT (1) Councillor Evans (2) Councillor Izard

Reference - Part 2, Article 8: Regulatory and Other Non-Executive Decision Making Committees. Para 8.02. (agenda page 54)

"The Development Management Committee be named 'the Planning Committee' as in the current Constitution."

AMENDMENT CARRIED

(ii) AMENDMENT (1) Councillor Evans (2) Councillor Izard

Reference Part 3.4: The Scheme of Delegation to Officers. Delegations to the Head of Development Management. Para 1 (e) (agenda page 131)

“Para 1 (e) be amended to read: 'six or more representations with an interest in the district' in place of the words 'six or more representations.’”

During discussion of the proposed Amendment, Council noted that the intention of the Amendment was to determine in a more precise manner the extent to which a representation would be taken into account and was not intended to stop those neighbouring authorities or businesses etc who may have a genuine interest in a proposal, from submitting representation. It was therefore agreed that the Amendment be supported in principle, subject to officers redrafting the exact wording to ensure that this agreed sentiment was clear.

AMENDMENT CARRIED

(iii) AMENDMENT (1) Councillor Thompson (2) Councillor Tod

Reference Part 3.4: The Scheme of Delegation to Officers.
Delegations to Strategic Directors. Para 6 (4) (g) (agenda page 127)

“Delete the delegated powers contained in (g). Delete the delegated powers conferred on Strategic Directors: to make amendments to policies approved by Members which do not have a significant impact of the operation of the current policy.”

During discussion of the proposed Amendment, the Chief Executive clarified that the sentiment of the existing draft was to specify that Strategic Directors had delegated authority to make any amendment (to a policy) that did not have a significant impact on the operation of that policy. The Chief Executive advised that redrafting this point would provide extra clarity.

On the basis of the Chief Executive’s advice, the proposer and seconder of the amendment (Councillors Thompson and Tod respectively) agreed to withdraw their Amendment.

A Member referred to the map appended to the terms of reference and procedure for the Joint West of Waterloo Planning Committee on agenda page 122 within Part 3.3 – The Regulatory Committees and Other Non-Executive Decision Making Committees. It was agreed that the map be replaced with a more up to date version that included the development of the new community and ward boundaries and also that of Newlands Parish Council.

During discussion, a Member suggested that there should be details within the Constitution with regard to Members’ rights to access of information, however it was pointed out that this was governed by law and was decided upon a ‘need to know’ basis.

(iv) **AMENDMENT (1) Councillor Gottlieb (2) Councillor Thompson**

Reference Part 5.2: Protocol for Member/Officer Relations. Para 2.13 (agenda page 253)

“Delete the words ‘**avoid taking**’ and replace with ‘**not knowingly take**’ at paragraph 2.13 so to read as follows:
‘Members must not knowingly take actions which are unlawful, financially improper or likely to amount to maladministration.’”

AMENDMENT LOST

(v) **AMENDMENT (1) Councillor Thompson (2) Councillor Learney**

Reference: Part 5: Members Code of Conduct. Appendix A, Part 2: Description of Categories of Non-Pecuniary Interest. Para 2 (agenda page 250)

“Delete para 2 (b) and the words 'directed to charitable purposes'. Substitute a new para (b) with the following text: ‘membership of any body directed to charitable and/or not for profit purposes, including, but not limited to Rotary Club, City of Winchester Trust, Winchester BID, Winchester Chamber of Commerce and masonic organisations.’”

As more than a third of those present requested, a recorded vote was taken with regard to the Amendment.

Division Lists

The following Members voted in favour of the Amendment:

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 the Amendment:

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

As there was an equality of votes, the Mayor exercised his casting vote, which was against the amendment.

AMENDMENT LOST

(vi) **AMENDMENT (1) Councillor Thompson (2) Councillor
Learney**

Reference – to adapt the terminology in the Constitution from his/her and Chairman to a suitable form of words that is gender neutral

“Make whole Constitution gender neutral and this be undertaken in a timely manner.”

AMENDMENT CARRIED

Council then voted on the Substantive Motion, which was Recommendations 1, 2 and 3 in Report CL144, subject to the Amendments carried and agreed corrections to drafting errors.

RESOLVED:

That the Recommendations in Report CL144, subject to the Amendments carried and agreed corrections to drafting errors, be approved and adopted.

The meeting commenced at 7pm, adjourned between 7.45pm and 8.05pm and concluded at 10.25pm.

The Mayor