



**FAREHAM** BOROUGH  
COUNCIL

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## **Minutes of the Executive**

**(to be confirmed at the next meeting)**

*Minutes of a meeting held on 18 June 2012  
in the Council Chamber, Civic Offices, Fareham*

**Present:** Councillor S D T Woodward - Policy, Strategy and Finance  
(Executive Leader)  
Councillor T M Cartwright - Public Protection (Deputy Leader)  
Councillor B Bayford - Housing  
Councillor K D Evans - Strategic Planning and Environment  
Councillor Mrs C L A Hockley - Leisure and Community  
Councillor L Keeble - Streetscene

**Also in attendance, Councillors:**

Miss Bell (Chairman of Leisure & Community Policy Development and Review Panel)  
Mrs K Mandry (Chairman of Public Protection Policy Development and Review Panel)  
R H Price, JP for minute 7(1)  
N J Walker (Chairman of Planning Committee) for minute 7(1)

## Public Session

### 1. APOLOGIES FOR ABSENCE

There were no apologies for absence received for this meeting.

### 2. EXECUTIVE LEADER'S ANNOUNCEMENTS

The Executive Leader invited the Solicitor to the Council to make a statement regarding the item being considered to confirm the position for all Members of the Executive on making declarations of interest.

The Solicitor to the Council highlighted that the item being considered was slightly complicated by the fact that in some cases, the Executive Members were wearing different hats. He confirmed that this is not an uncommon occurrence within Local Authorities as Members often do have to discharge different functions in respect of the same issue and this fact is recognised by law.

The Solicitor to the Council clarified that the over-riding point in this instance is that some Executive Members have sat on the Portchester Community Centre Task and Finish Panel and in that latter role, will have had to look at and consider the bids, before coming to a view as to what they would recommend to the Executive for decision. That role is different to then sitting on the Executive and making that decision.

The Solicitor to the Council stated that in simplistic legal terms, there is a significant difference between all the roles Members discharge. He reminded the Executive that some Members who previously sat on the Portchester Community Centre Task and Finish Panel which then submitted a Planning application, were also members of the Planning Committee. The role undertaken when sitting on a panel and in essence being the applicant of a planning committee involve both a Personal and a Prejudicial Interest. Whereas the issue being considered by the Executive, in his view, represents only a Personal Interest.

The Solicitor to the Council emphasised the importance that justice is seen to be done and he acknowledged that Members may feel slightly uncomfortable about all the different roles they have to discharge. He advised that all Members of the Executive are perfectly at liberty to speak and to vote on the matter. However, there is an alternative option if Members wish to avail themselves of it, which is to declare a Personal Interest, take part in the discussion, remain seated but abstain from voting on the matter. That way provides clear water between sitting on the panel which makes recommendations, and sitting on the Executive to discuss the matter and then make a decision.

The Executive Leader thanked the Solicitor to the Council for his guidance.

### **3. DECLARATIONS OF INTEREST**

In accordance with Standing Orders and the Council's Code of Conduct, Councillors Mrs C L A Hockley, T M Cartwright and L Keeble declared Personal Interests for item 7(1) as they were all members of the Portchester Community Centre Task & Finish Panel which met on 21 May 2012 to recommend the awarding of the lease for the new Community Centre. They each stated that whilst they would take part in the debate and discussions for item 7(1), they would not vote on the recommendation.

### **4. PETITIONS**

The Executive was presented with a petition of 1511 signatures entitled "Keep Portchester Community Association at the New Community Centre. Keep the Community Centre for local people."

The text of the petition was given as:

"We the undersigned strongly want the current Community Association Trustees to run the New Community Centre. They have a proven record of understanding and responding to the residents needs for all age groups, also through their management money has been raised with grants to expand numerous services. They have also acted as a catalyst for providing the Christmas Tree and organising the village Gala. The Association organises both indoor and outdoor activities, we believe no other organisation could ever have or be able to provide such an excellent service."

The Executive received the petition and took account of it in determining the matters at minute 7(1) below.

### **5. DEPUTATIONS**

The Executive received a deputation from Mrs Stella Bell in relation to item 7(1) - Award of Lease for the New Portchester Community Centre and she was thanked accordingly (see minute 7(1) below).

The Executive received a deputation from Mr Nick Hall in relation to item 7(1) - Award of Lease for the New Portchester Community Centre and he was thanked accordingly (see minute 7(1) below).

The Executive received a deputation from Mr Glyn Wadey in relation to item 7(1) - Award of Lease for the New Portchester Community Centre and he was thanked accordingly (see minute 7(1) below).

The Executive received a deputation from Mr Paul O'Beirne in relation to item 7(1) - Award of Lease for the New Portchester Community Centre and he was thanked accordingly (see minute 7(1) below).

The Executive received a deputation from Mr Roger Matthews in relation to item 7(1) - Award of Lease for the New Portchester Community Centre and he was thanked accordingly (see minute 7(1) below).

## 6. MINUTES/REFERENCES FROM OTHER COMMITTEES

- (1) Minutes of the Portchester Community Centre Task and Finish Panel:

The Executive received the minutes of the meeting of the Portchester Community Centre Task and Finish Panel held on 21 May 2012 ([pcctf-120321-m](#) refers).

The recommendation of the Portchester Community Centre Task and Finish Panel contained in minute 3 was accepted and accordingly, it was AGREED that:-

- (a) the Executive accept the offer of the old School Bell from Castle Primary School to be housed in the bell tower at the new Portchester Community Centre; and
- (b) that officers be authorised to enter into negotiations with the school concerning the conditions in the offer letter for loan of the bell and with regard to the wording on the proposed commemorative plaque.

RESOLVED that the minutes of the meeting of the Portchester Task and Finish Panel held on 21 May 2012 be received and the recommendations contained in minute 6 - Business Plan Evaluation, be noted and taken into consideration in determining the matters at minute 7(1) below.

## 7. EXECUTIVE MATTERS FOR DECISION IN PUBLIC

The Executive considered the following matter for decision and resolved as indicated, in the Notices of Executive Decisions referred to and as set out below:-

### Policy, Strategy and Finance

- (1) Award of Lease for the New Portchester Community Centre (Key Decision) - Decision No. [2012/13-31](#)

At the invitation of the Executive Leader, Councillor R H Price, JP addressed the Executive for this item. Councillor Price declared a Personal Interest as he is a member of the Portchester Community Centre Task and Finish Panel; a representative for Fareham Borough Council on Portchester Community Association; and a representative for Hampshire County Council at Portchester Community School.

At the invitation of the Executive Leader, Councillor N J Walker addressed the Executive for this item. Councillor Walker declared a Personal Interest as he is Vice-Chairman of the Portchester Community Centre Task and Finish Panel.

RESOLVED that:-

- i The lease for the new Portchester Community Centre be offered to Portchester Community School;

- ii The lease be awarded be for a duration of 10 years, with a 5 year break clause;
- iv The lease includes a clause that 2 representatives from Fareham Borough Council and 1 from Hampshire County Council be represented on the management board for the new community centre;

## 8. EXCLUSION OF PUBLIC AND PRESS

RESOLVED that in accordance with the Local Government Act 1972 the Public and Press be excluded from this section of the meeting, as the Executive considers that it is not in the public interest to consider the matters in public on the grounds that they will involve the disclosure of exempt information, as defined in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Local Government Act.

### Private Session

## EXECUTIVE MATTER FOR CONSIDERATION IN PRIVATE

The Executive considered the following matter in private session as set out below:-

### 7. Policy, Strategy and Finance

- (1) Award of Lease for the New Portchester Community Centre (Key Decision) - Decision No. [2012/13-31](#)

At the invitation of the Executive Leader, Councillor R H Price, JP addressed the Executive for recommendations iii and v of the report ([xps-120618-rx01-mbo](#) refers)

At this point, the meeting moved back into **Public Session** for the following decision:

RESOLVED that:-

- iii The proposed heads of terms for the lease for the new community centre be approved as detailed in appendix B with minor amendments as discussed during private session; and
- v The heads of terms for the lease of the Children's Centre be approved as detailed in appendix C.

*(NOTE: All decisions are non-key decisions unless otherwise indicated)*

(The meeting started at 5:00pm  
and ended at 6:20pm).