

FAREHAM

BOROUGH COUNCIL

Minutes of the Council

Date: Thursday, 23 April 2015

Venue: Council Chamber - Civic Offices

PRESENT:

D J Norris
(Mayor)

M J Ford, JP
(Deputy Mayor)

Councillors: B Bayford, Mrs S M Bayford, Miss S M Bell, J V Bryant, Mrs P M Bryant, T M Cartwright, MBE, P J Davies, Mrs M E Ellerton, K D Evans, G Fazackarley, N R Gregory, Miss T G Harper, Mrs C L A Hockley, T J Howard, L Keeble, T G Knight, A Mandry, Mrs K Mandry, Mrs S Pankhurst, R H Price, JP, D L Steadman, D C S Swanbrow, Mrs K K Trott, N J Walker, P W Whittle, JP, C J Wood and S D T Woodward



1. PRAYERS

The meeting opened with prayers led by the Mayor's Chaplain, Dr Ian Meredith from St Mary's Church in Portchester.

The Mayor invited all Members of the Council and members of the public present to observe a minute's silence, as a mark of respect and in memory of former Fareham Borough and Hampshire County Councillor, Dr Ray Ellis who died on 18 April 2015.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J M Englefield and D M Whittingham.

3. MINUTES

RESOLVED that the Mayor be authorised to sign as a correct record the minutes of the meeting of the Council held on 20 February 2015, subject to a correction at item 7 – Declarations of Interest to replace the word "Portchester" with "Locks Heath" in Councillor J M Englefield's declaration regarding his allotment.

4. MAYOR'S ANNOUNCEMENTS

The Mayor thanked everyone who supported his charity events during the municipal year. The Mayor was very pleased to make a contribution to the brilliant work carried out by the RSPCA Stubbington Ark and the Rowans Hospice.

The Mayor welcomed Cadet Corporal Matthew Charter to the Council meeting. Matthew had carried out his duties as the Mayor's Cadet with great poise and the Mayor was particularly pleased that Matthew assisted at the commemoration event for the start of World War One, in August. Matthew was thanked for his service and presented with a certificate to mark the end of his year as the Mayor's Cadet.

5. EXECUTIVE LEADER'S ANNOUNCEMENTS

The Executive Leader drew attention to the fact that in 2016, the Council will be celebrating the 50th anniversary of the town twinning and friendship between Fareham and Vannes.

He announced that he had therefore asked the Chief Executive to consider the options for commemorating this important anniversary, in discussion with the twin town, and to bring forward a report later in the year setting out proposals for approval.

The Executive Leader announced that earlier in the day he had met with the new owner of Fareham Shopping Centre, which had been on the market for the past couple of months. Subject to the landlord's consent, which in this case is Fareham Borough Council, and the due diligence test, Chris Beckerman of the Roubaix Group expects to become the owner of Fareham Shopping Centre in June 2015 and so everyone can look forward to one or two changes being made when he takes over.

6. EXECUTIVE MEMBERS' ANNOUNCEMENTS

Counter-Terrorism and Security Act

The Executive Member for Public Protection advised that the Counter-Terrorism and Security Act is a new piece of legislation which has created a duty on a range of organisations, including local authorities, to prevent people from being drawn into terrorism.

Earlier in the week, the Executive Member attended a Prevent Partnerships Conference, organised by Hampshire Police, to learn more about the new legislation and how it is being implemented across Hampshire. Briefings were given by the Head of Special Branch and by Steve Hawkins (an ex-Policeman dealing with extremism in Portsmouth and surrounding districts) who explained the situation on extremism in Portsmouth; in addition, the conference heard a personal perspective from a Syrian National together with several other interesting case studies and the way forward.

The Executive Member highlighted that as a District Council, Fareham has an important role to fulfil to ensure that none of the Council owned buildings (including community centres and housing stock) are used by extremist groups to promote terrorism. He was pleased to report that officers have already contacted all of Fareham's community centres to raise awareness of the new legislation and have also hosted a training event for tenants.

The Executive Member has asked the Director of Community to prepare a short article for a future edition of the Members Newsletter and to include further details on this important topic in the next annual report on Community Safety.

Hampshire Police and Crime Panel

The Executive Member for Public Protection announced that he attended the Hampshire Police & Crime Panel on 10 April, where he received an update from the Commissioner on the Police & Crime Plan and the Operational Change Programme.

The Executive Member advised Members that the Panel was concerned about the future of safer neighbourhood policing teams, especially with the recent press release from the Chief Constable who stated that, in the future, he could no longer guarantee these arrangements. The Commissioner was questioned about this, especially as he had just increased the 2015/16 precept where he had guaranteed that safer neighbourhood policing would continue stating that

he was happy about the current arrangements but was concerned about more funding cuts in future years.

The Executive Member had also raised an issue at the meeting about communication - to both the public and the police on the Operational Change Programme and the Estates Plan.

Using the Estates Plan as an example, at the last meeting in January, the Panel were given a glossy publication for Fareham stating that the Police would move into the Civic Offices in July 2015 – which, at that time, was news to Fareham Borough Council. Following this meeting on the 23 January, an initial meeting was held with the Council on the 29 January, and on the 30 January, draft Heads of Terms for a lease of office space was provided. The Council is still awaiting a response.

The Executive Member confirmed that at the April meeting of the Panel, it was agreed that communications to the public and the police would be on the agenda of the next meeting, and would also be subject to pro-active scrutiny.

7. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

8. PRESENTATION OF PETITIONS

There were no petitions presented at this meeting.

9. DEPUTATIONS

The Council received a deputation from Mr Edward Morell in relation to a petition recently submitted requesting the Council to consider establishing a Parish Council.

Following the deputation, the Mayor invited the Executive Leader to outline the process which must be followed by the Council in response to the petition.

The Executive Leader reminded Members that the Council's petition scheme requires us to inform the petitioner what action the Council will take, within 10 working days. Within this timescale, officers will check that the petition request is valid against the conditions as set out in The Local Government and Public Involvement in Health Act 2007 (Chapter 3, Section 80). These provisions include checking that the number of local government electors who have signed the petition meets the minimum percentage or minimum number required of the electorate for the proposed area.

If the petition is found to be valid, it will trigger a Community Governance Review. The preparatory stage of the review requires that Hampshire County Council be informed that the Review has been triggered. HCC must also be consulted on the Terms of Reference for the review and these Terms of Reference should be drawn up and agreed with the petitioners before being confirmed by a decision of Full Council.

The date of the Terms of Reference decision by Full Council marks the formal start of the Community Governance Review period which must be completed within 12 months. Key elements of the review will include running formal consultations with the effected electorate, the County Council, and any other person or body with an interest in the review.

Before the end of the 12 month review period, the Council must determine what action it will take with regards to the setting up of a Parish Council. The decision must take into account the statutory guidance and the consultation results.

10. REPORTS OF THE EXECUTIVE

(1) Minutes of meeting Monday, 2 March 2015 of Executive

RESOLVED that:

- (a) the minutes of the Executive meeting held on 2 March 2015 be received; and
- (b) the recommendation of the Executive contained in minute 11(2) – Treasury Management Strategy and Prudential Indicators 2015/16, to approve the Strategy, be agreed.

11. REPORT OF THE SCRUTINY BOARD

(1) Minutes of meeting Thursday, 19 March 2015 of Scrutiny Board

RESOLVED that:

- (a) the minutes of the Scrutiny Board held on 19 March 2015 be received;
- (b) the Council notes that the Scrutiny Board considers that the call-in procedure is operating satisfactorily and that there are no reasons to suggest the arrangements be amended for 2015/16; and
- (c) the recommendation contained in minute 7(j) regarding the work programme for 2015/16, be accepted and accordingly, the work programme be endorsed.

12. REPORTS OF OTHER COMMITTEES

(1) Minutes of meeting Wednesday, 25 February 2015 of Planning Committee

RESOLVED that the minutes of the Planning Committee held on 25 February 2015 be received.

(2) Minutes of meeting Wednesday, 25 March 2015 of Planning Committee

RESOLVED that the minutes of the Planning Committee held on 25 March 2015 be received.

- (3) Minutes of meeting Tuesday, 3 March 2015 of Planning and Development Policy Development and Review Panel

RESOLVED that:

- (a) the minutes of the Planning and Development Policy Development and Review Panel held on 3 March 2015 be received; and
 - (b) the recommendation contained in minute 10(c) regarding the work programme for 2015/16, be accepted and accordingly, the work programme be endorsed.
- (4) Minutes of meeting Wednesday, 4 March 2015 of Leisure and Community Policy Development and Review Panel

RESOLVED that:

- (a) the minutes of the Leisure and Community Policy Development and Review Panel held on 4 March 2015 be received: and
 - (b) the recommendation contained in minute 9(c) regarding the work programme for 2015/16, be accepted and accordingly, the work programme be endorsed.
- (5) Minutes of meeting Thursday, 5 March 2015 of Streetscene Policy Development and Review Panel

RESOLVED that:

- (a) the minutes of the Streetscene Policy Development and Review Panel held on 5 March 2015 be received; and
 - (b) the recommendation contained in minute 6(c) regarding the work programme for 2015/16, be accepted and accordingly, the work programme be endorsed.
- (6) Minutes of meeting Tuesday, 10 March 2015 of Public Protection Policy Development and Review Panel

RESOLVED that:

- (a) the minutes of the Public Protection Policy Development and Review Panel held on 10 March 2015 be received; and
 - (b) the recommendation contained in minute 7(i) regarding the work programme for 2015/16, be accepted and accordingly, the work programme be endorsed.
- (7) Minutes of meeting Thursday, 12 March 2015 of Health and Housing Policy Development and Review Panel

RESOLVED that:

- (a) the minutes of the Health and Housing Policy Development and Review Panel held on 12 March 2015 be received; and

- (b) the recommendation contained in minute 7(c) regarding the work programme for 2015/16, be accepted and accordingly, the work programme be endorsed.
- (8) Minutes of meeting Monday, 16 March 2015 of Audit and Governance Committee

RESOLVED that:

- (a) the minutes of the Audit and Governance Committee held on 16 March 2015 be received; and
- (b) the recommendation contained in minute 7 regarding the work programme for 2015/16, be noted and accordingly, the work programme be approved.
- (9) Minutes of meeting Thursday, 26 March 2015 of Audit and Governance Standards Sub-Committee

RESOLVED that the minutes of the Audit and Governance Standards Sub-Committee held on 26 March 2015 be received.

- (10) Minutes of meeting Tuesday, 17 March 2015 of Licensing and Regulatory Affairs Committee

RESOLVED that the minutes of the Licensing and Regulatory Affairs Committee held on 3 March 2015 be received and that the congratulations of the Council be added to those of the Chairman to the Fareham and Gosport Environmental Health Partnership which had won a silver award, coming second out of 200 local authorities in the Delivering Through Efficiency category of the Improvement and Efficiency (IESE) Awards.

13. QUESTIONS UNDER STANDING ORDER 17.2

There were two sets of questions submitted for this meeting:

Questions from Councillor P J Davies:

- 1. Can the leader advise on matters relating to Bus Shelters.
 - a) Can the leader advise on the feasibility of moving omnibus shelters from locations from whence omnibuses no longer arrive and depart?
 - b) Can the leader advise on the feasibility of moving bus shelters from Hillson Drive (opposite St Columba church) and Highlands Road (southside adjacent to Frosthole Close) to well used locations in Nashe Way (opposite Arras House) and Hill Park Road (south).

Response by the Executive Member for Planning and Development:

- 1 a) There is the potential to relocate bus shelters that are no longer on a bus route, although this would depend upon a number of salient factors that could, for example, include age and condition of the shelter to be relocated, feasibility of the location proposed, likelihood that the route is

altered or discontinued in the future, and actual demand in terms of passenger numbers.

Notwithstanding the above, at their meeting on Monday 20 April 2015 the Executive considered a recommendation arising from the Public Transport Review undertaken by the Planning and Development Policy & Development Review Panel that officers be asked to undertake a feasibility study for an on-going programme of installation of new and/or re-located bus shelters and associated bus stop infrastructure in the Borough. This study would complement existing repair and maintenance activities undertaken by the Council and proposals for renewing of the maintenance contract for bus shelters that is due to expire in March 2016.

The Executive's Decision was to accept the recommendation for that feasibility study to be carried out with a scope of work that includes bus shelter relocations. I would therefore respectfully ask the Councillor to await the findings of this study which will be submitted to the Executive for consideration in due course.

- 1b) The two bus shelters in question are relatively new and in good condition and therefore moving these shelters would be a practical proposition, assuming the required funding is available and it can be confirmed that there are no underground services impacting on installation at these sites. However, it should be noted that due to financial constraints the Council's Environmental Services Department is currently unable to allocate a budget for carrying out this work.

Should re-location of these shelters be agreed in the future, then there appears to be sufficient space at the site in Nashe Way to accommodate a shelter. In Hill Park Road it is likely that a shelter could be installed in the wide verge on the north side, and the bus operator advised that the one shelter will be used by both northbound and southbound buses.

Questions from Councillor P J Davies:

2. Can the leader advise on the following matters relating to hot food takeaways?
 - a) What action can be taken against car drivers who throw the remains and packaging of such 'haute cuisine' onto the public highway?
 - b) How can the Council taxpayer be recompensed for the cost of clearing up the remains of such 'haute cuisine'?

Response by the Executive Member for Public Protection

2. a) Defra were due to complete a study by the end of March 2015 reporting with their recommendations for introducing appropriate regulations to better tackle littering from vehicles.

At present there is no provision (regulation) which allows a Local Authority outside London to serve a Fixed Penalty Notice on the

registered keeper of a vehicle for someone throwing litter from a vehicle or allows litter to be thrown from a vehicle. So until such a regulation is made the keeper of a vehicle is not liable to pay a fixed penalty notice if litter is dropped from his or her vehicle.

Until then we can issue a FPN for littering from a vehicle, what we would do is contact the registered keeper to ask who was driving on the day in question. If the litter came from the driver's side it's simple. If the registered keeper doesn't say someone else was driving we could pursue the registered keeper as the defendant for littering.

If it's the passenger it's a little more complicated, as we would have to rely on the registered keeper of the vehicle giving us the details of the passenger. Until this provision (regulation) comes in we would need to pursue the passenger, however without knowing who the passenger was and if the Enforcement Officers can't approach the vehicle at the time, we would need to again contact the registered keeper and ask them to confirm who was the passenger, if they were not forthcoming with the name then no FPN could be served.

2. b) There is no means by which the taxpayer can be directly recompensed for the cost of clearing up litter thrown from vehicles. However, if new legislation as described in a) above does come into force, the number of penalty charges may increase slightly.

14. MOTIONS UNDER STANDING ORDER 15

There were no Motions under Standing Order 15 submitted for this meeting.

15. SPECIAL RESPONSIBILITY ALLOWANCE

RESOLVED that the Council allocates a Special Responsibility Allowance of 75 points to the Mayor in the role of Chairman of the Council and that this allowance be reviewed by an Independent Remuneration Panel when it is formed later this year.

16. CHANGE TO LEISURE AND COMMUNITY POLICY DEVELOPMENT AND REVIEW PANEL MEETING DATE

RESOLVED that the Council agrees that the date for the meeting of the Leisure and Community Policy Development and Review Panel be changed from Wednesday 20 May 2015 to Wednesday 3 June 2015.

(The meeting started at 6.00 pm
and ended at 7.03 pm).