

FAREHAM

BOROUGH COUNCIL

Minutes of the Executive

(to be confirmed at the next meeting)

Date: Monday, 22 February 2016

Venue: Council Chamber - Civic Offices

Present:

S D T Woodward, Policy and Resources (Executive Leader)
T M Cartwright, MBE, Public Protection (Deputy Executive Leader)
Miss S M Bell, Leisure and Community
K D Evans, Planning and Development
Miss T G Harper, Streetscene
Mrs K Mandry, Health and Housing

Also in attendance:

B Bayford, Chairman of Health and Housing Policy Development and Review Panel
Mrs P M Bryant, Chairman of Licensing and Regulatory Affairs Committee; for item 8(1)
Mrs M E Ellerton, Chairman of Public Protection Policy Development and Review Panel
M J Ford, JP, Mayor
Mrs C L A Hockley, Chairman of Leisure and Community Policy Development and Review Panel
L Keeble, Chairman of Streetscene Policy Development and Review Panel
A Mandry, Chairman of Planning and Development Policy Development and Review Panel
D C S Swanbrow, Chairman of Scrutiny Board
N J Walker, Chairman of Planning Committee



1. APOLOGIES FOR ABSENCE

There were no apologies given for this meeting.

2. MINUTES

RESOLVED that the Minutes of the Executive on the 8 February 2016 be confirmed and signed as a correct record.

3. EXECUTIVE LEADER'S ANNOUNCEMENTS

There were no announcements made by the Executive Leader at this meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. PETITIONS

There were no petitions presented at this meeting.

6. DEPUTATIONS

The Executive received deputations in relation to item 8(1) – Delivery of Welborne Report from Mr Christopher Smith of BST Warehouses Limited; Mr Mark Thistlethwayte of Buckland Development Limited; Mr Shaun Cunningham; and Mr Jason Mudge.

7. MINUTES / REFERENCES FROM OTHER COMMITTEES

There were no minutes or references from other Committees given at this meeting.

8. PLANNING AND DEVELOPMENT**(1) Delivery of Welborne**

In presenting the report, the Executive Leader advised that a letter enclosing Counsel opinion had been received earlier that day from solicitors acting for Buckland Development Limited which asked the Executive to defer consideration of the matter, suggesting that the recommendations contained within the report are premature and unlawful. In light of this serious allegation, the Executive Leader sought legal advice from the Acting Solicitor to the Council present at the meeting.

The Acting Solicitor to the Council confirmed that the letter had been seen and considered by Fareham's solicitors and by external legal advisers. Members were advised that the legal implications in relation to this matter are as set out in the report, in particular but not limited to paragraphs 45 to 57.

The Acting Solicitor to the Council emphasised that at this stage the decision is not to pursue or proceed with a Compulsory Purchase Order but that it is simply an indication that the Council will be minded to use those powers if and when a decision becomes necessary in due course. At that time, many of the issues raised within the letter will be addressed in any report to the Executive which might seek authorisation to progress to a Compulsory Purchase Order but it would be premature to consider those arguments at this stage.

The Acting Solicitor to the Council confirmed that she was satisfied that the decision before the Executive at this meeting is presented in a fair and unbiased manner.

The Executive Members were asked to confirm that they had read and understood the contents of the letter and the Counsel's opinion and that they would give due regard to the contents of the letter and the Counsel's opinion in reaching their decision. The Executive Members confirmed that this was the case.

The comments of the deputations were taken into account in considering this item (see minute 6).

At the invitation of the Executive Leader, Councillor Mrs P M Bryant addressed the Executive on this item.

RESOLVED that the Executive agrees:

- (a) to delegate authority to the Director of Planning and Regulation to commence a selection process for a development partner to deliver an acceptable scheme that achieves the comprehensive development of the Welborne area in accordance with the Local Plan;
- (b) to note that the Director of Planning and Regulation will seek Executive approval for the appointment of a preferred development partner and the details of the proposed financial and commercial agreements to deliver the project at the appropriate time;
- (c) to delegate authority to the Director of Planning and Regulation to commence the Compulsory Purchase Order process necessary to secure the objectives of the Welborne Plan and bring forward comprehensive development in the Welborne area by the carrying out of land referencing, survey and other information gathering activities to establish the detailed type and scope of powers required and extent of interests likely to be affected;
- (d) to note that the Director of Planning and Regulation will seek Executive approval for the making of a Compulsory Purchase Order(s) at the appropriate time;
- (e) to resolve that the use of the Council's compulsory purchase and associated powers (including but not limited to those under the Town and

Country Planning Act 1990 and the Local Government Act 1972) to facilitate comprehensive development in the Welborne area would be justified in principle, subject to the Council being satisfied that the acquisition of each interest or right to be acquired is justified in the public interest;

- (f) to approve the promotion of, and seek grant funding opportunities for, the highways improvement works required at Junction 10 of the M27 motorway and the surrounding highway network required to secure the delivery of the comprehensive development of the Welborne area;
- (g) to delegate authority to the Director of Finance and Resources to acquire the interests identified, as set out in the confidential Appendix B, in the Welborne area in advance of a development partner being selected;
- (h) to note that the Director of Planning and Regulation will develop proposals for the future governance arrangements to oversee the progression of the Welborne Development Strategy (outlined in this report) and seek Executive and/or Council approval as appropriate;
- (i) to delegate authority to the Director of Planning and Regulation to procure appropriate external advisers to assist the Council in carrying out the above steps, subject to remaining within the overall approved budget provision for the project;
- (j) that subject to budgetary provision being made by the Executive as outlined in this report, to delegate authority to the Director of Planning and Regulation following consultation with the Executive Member for Planning and Development, to undertake actions to progress the Welborne Development Strategy, including but not limited to incurring expenditure, entering into partnership working arrangements, seeking grant and other funding opportunities and working with the appropriate Highways and Planning Authorities and other relevant statutory bodies, provided that these actions remain within the overall approved budget and Local Plan framework for Welborne set by the Executive and Council respectively; and
- (k) that the Executive be provided with regular progress reports on the progression of the Welborne Development Strategy on a schedule to be agreed following consultation with the Leader and the Executive Member for Planning and Development.

(The meeting started at 6.05 pm
and ended at 7.20 pm).