

# FAREHAM

## BOROUGH COUNCIL

### Minutes of the Council

*Minutes of a Council meeting held on 22 February 2013  
at the Civic Offices*

**PRESENT:**

Councillor D L Steadman  
(Mayor)

Councillor Mrs S M Bayford  
(Deputy Mayor)

**Councillors:** B Bayford, J V Bryant, Mrs P M Bryant, T M Cartwright, P J Davies, Mrs M E Ellerton, J M Englefield (joined at 17:45), K D Evans, G Fazackarley, M Ford, JP, J S Forrest, N R Gregory, Miss T Harper, Mrs C L A Hockley, T J Howard, L Keeble, T G Knight, A Mandry, Mrs K Mandry, D J Norris, Mrs S Pankhurst, R H Price, JP, D C S Swanbrow, Mrs K K Trott, N J Walker, D Whittingham, P W Whittle, JP and S D T Woodward.



**1. PRAYERS**

The meeting opened with prayers led by the Mayor's Chaplain, Reverend Gregory Holmes.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Miss Bell.

**3. MINUTES**

RESOLVED that the Mayor be authorised to sign as a correct record the minutes of the meeting of the Council held on 24 January 2013 ([cl-130124-m](#) refers) subject to the addition of Councillor Price on the list of Councillors present at the meeting.

**4. MAYOR'S ANNOUNCEMENTS**

The Mayor was saddened to announce that former Solicitor to the Council, Jim Burrill had died that morning. The funeral arrangements would be circulated to members when known.

The Mayor reported that the Valentine's Dinner held on Saturday 16 February was a great success which raised approximately £350 for his charity. The Mayor paid tribute to Councillor Mrs Ellerton for hosting a thoroughly enjoyable evening and thanked for her hard work and hospitality.

The Mayor announced that the next charity event would be the Mayor's Tea Party on the 4 April at 2:30pm with a talk by Dianne Hatfield about hearing dogs for the hard of hearing. She will also be bringing along one of the puppies currently in training.

The Mayor also confirmed the date for the annual Mayor's Charity Ball as Friday 19<sup>th</sup> April. He stated that tickets are on sale and are already selling well.

**5. EXECUTIVE LEADER'S ANNOUNCEMENTS**

There were no Executive Leader's announcements made at this meeting.

**6. EXECUTIVE MEMBERS' ANNOUNCEMENTS**

There were no Executive Member's announcements made at this meeting.

**7. DECLARATIONS OF INTEREST**

The Mayor confirmed that the Monitoring Officer had granted a dispensation to all Members to enable discussion and a decision to be taken at item 15 – Finance Strategy, Capital Programme, Revenue Budget and Council Tax 2013/14 and for item 16 – Members' Allowances.

Councillor Price declared a Disclosable Pecuniary Interest for item 15 – Finance Strategy, Capital Programme, Revenue Budget and Council Tax 2013/14 as he leases an allotment in Portchester. He confirmed that he would leave the chamber and not take part in any debate on allotments.

## 8. PETITIONS

There were no petitions presented at this meeting.

## 9. DEPUTATIONS

There were no deputations given at this meeting.

## 10. REPORTS OF THE EXECUTIVE

The minutes of the meeting of the Executive held on 11 February 2013 were presented to the Council, together with a schedule of decisions made by individual Executive Members.

RESOLVED that:-

- (a) the minutes of the Executive meeting held on 11 February 2013 (reference papers [x-130211-m](#)) be received;
- (b) the recommendation of the Executive contained in minute 11(1) of 11 February 2013 regarding the Finance Strategy, Capital Programme, Revenue Budget and Council Tax for 2013/14 be considered at item 15 (see minute 15 below);
- (c) the recommendation of the Executive contained in minute 11(2) of 11 February 2013 - Housing Revenue Account Spending Plans, including Capital Programme for 2013/14 to approve:
  - (a) individual rent increases in line with the rent restructuring model, be approved for Council dwellings with effect from 1 April 2013;
  - (b) rents for Council garages be increased by 5% with effect from 1 April 2013;
  - (c) discretionary fees and charges be increased to provide a minimum increase of 5% with effect from 1 April 2013;
  - (d) the revised budget for 2012/13;
  - (e) the base budget for 2013/14;
  - (f) the capital programme and financing for 2012/13 to 2016/17; and
  - (g) annual budgets and assumptions be set with the aim of ensuring sufficient surpluses are held to repay debt on the date of maturity of each loan, be agreed.
- (d) the recommendation of the Executive contained in minute 11(3) of 11 February 2013 regarding the endorsement of the draft Treasury Management Strategy and Prudential Indicators for 2013/14, attached as Appendix A to the report ([xps-130211-r04-cha](#) refers), be approved; and

- (e) the schedule of decisions made by individual Executive Members ([cl-130222-xschedule](#)) be received.

## 11. REPORT OF THE SCRUTINY BOARD

The minutes of the meeting of the Scrutiny Board held on 23 January 2013 were presented to the meeting.

RESOLVED that the minutes of the Scrutiny Board meeting held on 23 January 2013 (reference papers [sb-130123-m](#)) be received.

## 12. REPORTS OF OTHER COMMITTEES

The minutes of the following Committee meetings were presented to Council:-

- |     |   |                 |                                  |
|-----|---|-----------------|----------------------------------|
| (1) | Planning Committee  | 30 January 2013 | <a href="#">pc-130130-m</a>      |
| (2) | Leisure and Community Policy Development and Review Panel | 16 January 2013 | <a href="#">l&amp;c-130116-m</a> |
| (3) | Health and Housing Policy Development and Review Panel    | 17 January 2013 | <a href="#">h&amp;h-130117-m</a> |

RESOLVED that:-

- (a) the minutes of the meeting of the Planning Committee held on 30 January 2013 be received;
- (b) the minutes of the meeting of the Leisure and Community Policy Development and Review Panel held on 16 January 2013 be received; and
- (c) the minutes of the meeting of the Health and Housing Policy Development and Review Panel held on 17 January 2013 be received.

## 13. QUESTIONS UNDER STANDING ORDER 17.2

There were two questions submitted under Standing Order 17.2 for this meeting.

### **Questions by Councillor N R Gregory:**

- (a) What is the view of the Chairman of the Audit and Governance Committee on the sanctions that are available to the Standards Sub Committee where it has been found that there has been a breach of the Council's Code of Conduct for Members?
- (b) Does the Chairman of the Audit and Governance Committee think that the sanctions that are now available carry sufficient weight to deal with serious breaches of the Code of Conduct for Members?

- (c) Does the Chairman of the Audit and Governance Committee agree that the ethics of the code are undermined because the Sanctions applied are implemented by the same people they are meant to govern?

**Verbal response by the Chairman of the Audit and Governance Committee:**

- (a) The Localism Act 2011 introduced a lighter touch regime for dealing with standards matters. It has simplified the previous system for dealing with complaints about Members' behaviour so that it concentrates on serious matters rather than on more trivial, "tit for tat" or politically motivated complaints.

There is no power to suspend or disqualify a Member or to withdraw Members' special responsibility allowances. However there is now a criminal offence where a Member fails to register or declare a Disclosable Pecuniary Interest. There are also other criminal and common law actions that can be pursued outside the Code of Conduct depending on what the offence is. Where a Member is convicted of an imprisonable offence of over 3 months, they are automatically disqualified.

I think it is important too, when considering sanctions and the seriousness of the offence, to bear in mind that in the last five years under the old scheme there have been only seven complaints of an alleged breach of the Council's Code of Conduct that had to be referred to the previous Standards Assessment Sub Committee, none of which needed to be further investigated.

To date there have been no complaints where it has been necessary to refer the matter to the Standards Sub Committee under the new more serious regime.

- (b) The Localism Act 2011 has made no provision for sanctions against Members who are found to have breached their Council's Code of Conduct. Leading Counsel's advice has been sought by the Association of Council Secretaries and Solicitors (ACSeS) and the only lawful sanctions that are available are the ones that have been incorporated within the Council's procedures and these were approved by Council at its meeting on 21 June 2012.

In the answer to the previous question I have outlined the legal remedies for serious breaches of the code. I think there is no doubt owing to the high profile of Councillors and the good name of this Council that Members would insist that serious breaches were properly dealt with in Court and therefore clearly outside the political arena.

- (c) I very much welcome this question as it gives me a chance to explain what an important role our two Independent Persons have. I don't think the general public realise how seriously they take their work.

The Council appointed two Independent Persons in June 2012 who are consulted on all allegations and whose views are taken into account. Whilst the meeting of any Standards Sub Committee can no longer be chaired by an Independent Member it will have input from an Independent Person as part of the arrangements for dealing with allegations of breaches of the Code.

The Independent Person is a key part of the arrangements; they are not 'part of the Council'. They are there to ensure the fairness of the process for all concerned and to act as a guarantor to both the Council and the public that matters are being dealt with correctly, effectively and proportionately.

Having seen the work of the Independent Persons I would very much like to place on record my thanks for their outstanding qualities. If there was any suggestion of impropriety in the way decisions were arrived at or the way the committees were run they would definitely make their views public.

**Questions by Councillor D Whittingham:**

The Planning Inspectorate report I received states that between 06.04.11 and 05.04.12 that there were 30 appeals.

1. Of the 30 appeals 50% of these were allowed, 47 % dismissed and 1 withdrawn, but 4 resulted in costs against our Council. Would the Chairman consider it worthwhile to analyse this information to see just how many are from decisions made by Committee or Officers?
2. Should we not, as a local Authority allow applicants to enjoy the right to ask to have their application to be decided by the Planning Committee if they suspect that they face a delegated refusal?
3. Should we not encourage applicants to openly carry out their own consultation with their neighbours, as consultation and public views are an essential part of the planning process?
4. Should consideration be given to Officer reports to the Planning Committee stating the full number of consultation letters that were sent out for that application, not just the number of objections or support?
5. Would he agree with me this would give a balance weight to the correct level of response from letters of consultation from this authority?

Could we find some sort of consistency in the number of consultation letters which are sent out across all applications, there are great differences in the amount consultation letters over applications?

**Verbal response by the Chairman of the Planning Committee:**

1. The Councillor is incorrect and really should check his facts. There have been no costs awards made against Fareham Borough Council. Meanwhile the results of appeals are always carefully considered by officers and will be presented to members of the Planning Committee on 27<sup>th</sup> February.
2. The Councillor should be aware that in the situation where an application which officers consider should be refused receives a letter of support it will automatically stand referred to the Planning Committee for determination. Equally he should be aware that any Councillor can refer any application to the Planning Committee for determination
3. We already do encourage applicants to do this through pre-application discussions.
4. On Fareham Borough Council's website, we publish the addresses of every neighbouring property we write to about a planning application. If Members of the Planning Committee considered it to be helpful in their decision making, details could be provided in reports of the total number of letters sent.
5. If the Councillor had bothered to attend the training afforded to Planning Committee members including him he would know that the notification policy seeks to ensure that the notification undertaken is proportionate to the development proposed. He would also then not need to ask any of the questions which he has submitted this evening.

**14. MOTIONS UNDER STANDING ORDER 15**

There was one motion submitted under Standing Order 15 for this meeting:

- (1) Notice of motion received 8 February 2013 by Councillor N R Gregory:

"I would like to request that this Council sends a letter to Eric Pickles, Secretary of State for Communities and Local Government.

The letter should request a review of the regulations on the elected members' Code of Conduct to allow sanctions to be implemented by Employed Officers of the Authority and or independent member/s of the public of this Authority without Political intervention.

This move would promote openness, accountability and integrity to the people who elected us to our public office, and ensuring that all elected members Code of Conduct's are fit for purpose.

Whilst the current Code of Conduct and the implementations of sanctions do meet current Government regulations; however the changes adopted last April bring to question the accountability of these due to the sanctioning of breaches. This also brings into question the accountability of members to their residents.”

Having been duly seconded by Councillor Whittingham, the Mayor confirmed that as the subject matter of the motion came within the terms of the Audit and Governance Committee, the motion would stand referred without discussion to the Audit and Governance Committee for consideration.

## **15. FINANCE STRATEGY, CAPITAL PROGRAMME, REVENUE BUDGET AND COUNCIL TAX 2013/14**

### **(1) Suspension of Standing Order 19.4**

Having been duly proposed and seconded, it was RESOLVED that the provisions of Standing Order 19.4 be suspended to allow the Executive Leader of the Council to speak on the matters referred to in items (2) and (3) below for longer than five minutes and the Spokesman for each opposition group speak for not more than ten minutes.

### **(2) Report of Executive – 6 February 2012**

The Council considered the Executive’s recommendations concerning the Finance Strategy, Capital Programme, Revenue Budget and Council Tax for 2012/13, referred to at Minute 10 above. It was proposed by Councillor Woodward and seconded by Councillor Cartwright that the Council accepts the recommendations of the Executive and approves:-

- (i) the capital programme and financing as amended in paragraphs 3-7 of £22,903,000;
- (ii) an overall revised revenue budget for 2012/13 of £10,458,500;
- (iii) a revenue budget for 2013/14 of £9,823,300; and
- (iv) a council tax for Fareham Borough Council for 2013/14 of £140.22 per band D property, which represents no increase when compared to the current year.

In presenting the proposal the Executive Leader reviewed the Council’s performance over the past year and drew attention to the continuing challenge facing members and officers in meeting increasing public expectations whilst the economy remains unstable. He highlighted a number of achievements in the past year and was pleased to report that projects such as the Bus Rapid Transit, Portchester Community Centre, Olympic and Diamond Jubilee celebrations including a royal visit had all been successfully implemented.

The Executive Leader highlighted a number of significant challenges to be faced over the coming year and stated that the biggest challenge to the Council will be the work involved in planning for the new community to the North of Fareham. Other sites undergoing important development include Coldeast, Daedalus, Fareham Town Centre and Locks Heath District Centre and these will all provide real benefits to the local communities.



In focusing on the residents of Fareham, the Executive Leader also highlighted the challenges facing our residents with the introduction of Universal Credit which gives those on benefits more responsibility in managing their finances as benefits will be brought together and paid to individuals rather than landlords. In addition to this the new Council Tax Support Scheme will begin to replace the Council Tax Benefit Scheme and the changes in assessment may result in some residents paying council tax for the first time.

The Executive Leader remarked that the possibility of continuing to freeze the Council Tax was all the more remarkable given that since 2009, when the Council Tax was set at £140.22, our core funding from the Government at that time was over £6 million and has since dropped to £3.5 million.

The Executive Leader ended by saying that the proposed budget was balanced, sustainable and robust and that this strong position would provide certainty for customers, employees and members that the level of high quality of services would continue to be delivered. He commended a budget which would make Fareham's Council Tax the 7<sup>th</sup> lowest "district" rate in England (out of 201) whilst 82% of councils would be receiving more Government support per head than Fareham.

Councillor J S Forrest, Leader of the Liberal Democrat Group, replied to the motion and moved an amendment to add a further recommendation that:

"Fareham Borough Council notes improvements made in 2012 to the Sustainable Communities Act, which enable councils to consult and try to reach agreement with representatives of communities in their areas on proposals to submit under the Act. Fareham is already working in partnership with voluntary and non-government organisations whose aims meet the Act's definitions of sustainable communities, namely: improvement of the local economy, protection of the environment, promotion of social inclusion and participation in civic, political and democratic activity.

The Council therefore resolves to respond to the Government's invitation to use the Act, by tasking an officer/member working group to work with local partners in developing proposals for government action and assistance over the next three years."

Following the debate on the amendment, Councillor Forrest subsequently withdrew his amendment, stating it would be re-submitted as a motion to a later meeting of the Council.

On the proposal being put to the meeting following further debate, it was declared CARRIED unanimously.

RESOLVED that the recommendations of the Executive be accepted and accordingly the Council approved:

- (i) the capital programme and financing as amended in paragraphs 3-7 of £22,903,000;
- (ii) an overall revised revenue budget for 2012/13 of £10,458,500;
- (iii) a revenue budget for 2013/14 of £9,823,300; and

- (iv) a council tax for Fareham Borough Council for 2013/14 of £140.22 per band D property, which represents no increase when compared to the current year.

## **16. MEMBERS' ALLOWANCES**

The Council received a report by the Director of Regulatory and Democratic Services inviting members to consider the report of the Independent Remuneration Panel and determine whether to accept the Panel's recommendations ([cl-130222-r01-ewi](#) refers).

RESOLVED that the Council:

- (a) adopts the scheme of members' allowances for 2013-14 which mirrors the scheme for the current year; and
- (b) makes no change in the level of reimbursement for travel and subsistence.

(The meeting started at 5:00pm  
and ended at 7:47pm).