

# **GOSPORT BOROUGH COUNCIL**

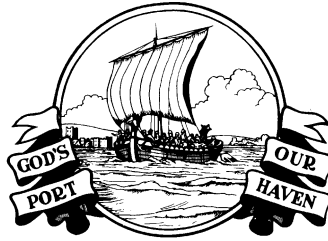
## **ANNUAL & ADJOURNED COUNCIL MEETINGS**

**Wednesday 16th May 2018 at 11:00am**

**and**

**Thursday 17th May 2018**

**At 5pm**



Notice is hereby given that the **ANNUAL MEETING** of the **COUNCIL OF THE BOROUGH OF GOSPORT** will be held in the **BALLROOM** of the **THORNGATE HALLS, BURY ROAD, GOSPORT** on **WEDNESDAY NEXT** the **SIXTEENTH MAY 2018** at **11AM** AND **ALL MEMBERS OF THE COUNCIL ARE HEREBY SUMMONED TO ATTEND TO CONSIDER AND RESOLVE THE FOLLOWING BUSINESS –**

1. To receive apologies from Members for their inability to attend the Meeting.
2. Introduction of newly elected Councillors.
3. To elect from among the Councillors of the Borough a Mayor of the Borough of Gosport to serve for the Municipal Year 2018/2019.
4. The best thanks of the Council be accorded to the retiring Mayor and consort for their services during the past Municipal Year.
5. To award Citizen of the Year and Youth Award to persons who have provided eminent services to the Borough.
6. Adjournment of Meeting

(Until 5pm on Thursday, 17 May 2018, at the Town Hall, Gosport).

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7. To confirm the Minutes of the Ordinary Meeting of the Council held on 4 April 2018 (copies herewith).
  8. To consider any Mayor's Communications.
  9. To receive Deputations in accordance with Standing Order No 3.5 and to answer Public Questions pursuant to Standing Order No 3.6, such questions to be answered orally during a time not exceeding 15 minutes.

**(NOTE: Standing Order No 3.5 requires that notice of a Deputation should be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 14 MAY 2018 and likewise Standing Order No 3.6 requires that notice of a Public Question should be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 14 MAY 2018.**

10. Questions (if any) Pursuant to Standing Order No 3.4

**(NOTE: Members are reminded that Standing Order No 3.4 requires that Notice of Question pursuant to that Standing Order must be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON TUESDAY, 15 MAY 2018).**

11. To elect from among the Councillors of the Borough a Deputy Mayor of the Borough of Gosport to serve for the Municipal Year 2018/2019.
12. To receive the report of the Returning Officer on the Elections held on 3 May 2018.
13. Composition and review of Council Boards and Committees and Determination of Allocation of Seats  
  
To consider the report of the Borough Solicitor and Deputy Chief Executive (copy herewith)
14. To appoint the Chairman of the Policy and Organisation Board pursuant to the Council's Standing Orders.
15. To appoint the Boards, Nominated Deputies for the Regulatory Board, and Standards and Governance Committee and Panels and Outside Bodies.
16. Appointment of a Data Protection Officer

**DAVID WILLIAMS  
CHIEF EXECUTIVE**

**TOWN HALL  
GOSPORT**

8 May 2018

### **FIRE PRECAUTIONS**

(To be read from the Mayor if members of the public are present)

**In the event of the fire alarm being activated, please leave the Council Chamber and Public Gallery immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.**

**This meeting may be filmed or otherwise recorded. By attending this meeting, you are consenting to any broadcast of your image and being recorded.**

**MEMBERS ARE REQUESTED TO NOTE THAT:**

**(1) IF THE COUNCIL WISHES TO CONTINUE ITS BUSINESS BEYOND 9.30PM THEN THE MAYOR MUST MOVE SUCH A PROPOSITION IN ACCORDANCE WITH STANDING ORDER 4.11.18**

**(2) MOBILE PHONES SHOULD BE SWITCHED OFF OR SWITCHED TO SILENT FOR THE DURATION OF THE MEETING**

**MINUTES OF THE MEETING OF THE COUNCIL  
HELD ON 4 APRIL 2018 AT 6.00pm**

Attendance:

The Mayor (Councillor Mrs Batty) (P) (in the Chair);

Councillors Allen (P), Ms Ballard (P), Bateman (P), Beavis, Bergin (P) , Burgess (P), Carter (P), Chegwyn (P), Mrs Cully (P), Earle (P), Edgar , Farr (P) Mrs Forder (P), Foster-Reed (P),Mrs Furlong (P), Hammond (P) Hicks (P), Hook (P), Mrs Hook (P), Huggins (P) Hylands (P), Jessop (P), Mrs Jones (P), Miss Kelly (P), Mrs Morgan , Murphy (P), Philpott (P) , Prickett (P), Raffaelli (P), Ronayne (P), Scard (P), and Wright (P).

Also in attendance: Honorary Freeman O'Neill, Honorary Alderman Gill

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**APOLOGIES**

Apologies were received from Councillors Beavis, Edgar and Mrs Morgan.

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**MINUTES**

COUNCIL RESOLVED: That the Minutes of the meeting of the Council held on 7 February 2018 be confirmed and signed.

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**MAYOR'S COMMUNICATIONS**

The Mayor received a certificate acknowledging Gosport's retention of Fairtrade borough status. Mark Smith, addressed the Council offering congratulations and thanks to the Council for their support.

**DEPUTATIONS**

One deputation had been received.

Mr Percival was invited to address the Council. He advised that he was speaking on behalf of the Gilkicker Action Group.

He advised that for decades, the area, which had SSSI status had been enjoyed by the public and provided views of the Solent and good walking routes. The Council was advised that following the sale of the Fort, the developers had blocked walking routes, and existing rights of way. Residents had been unhappy about this and the strength of feeling had resulted in a public meeting with the Council at which over 200 residents attended.

Gosport Borough Council had made progress in designating the rights of way but this had been as a result of the community.

Mr Percival advised that the Group had arranged to meet Caroline Dinenage MP at the site to allow her to witness the current situation.

He advised that a number of questions had been raised to the Council and that not all had been answered, he expressed concern at the lack of consultation and advised that it was felt there had been a lack of scrutiny of the works. He felt that residents' requests had been ignored and that the key issues the group would like reassurance on were the promise of safe pathways for Military Road and the reinstatement of the north west path by the developer. The designations of rights of way for the area and whether Gosport Borough Council would commit to the reinstatement of the areas of conservation for the protected wildlife that had been removed. He also requested that greater transparency be given to the decisions regarding the site to keep members of the public informed, and questioned what would happen if the 5 year loan of land to complete the works was exceed. Mr. Percival concluded by requesting some assurance on the financial stability of the project and hoped that lessons would be learnt for this and other future developments in the Borough.

#### **QUESTIONS PURSUANT TO STANDING ORDER 3.4**

There were no questions received.

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#### **PART II MINUTES**

**COUNCIL RESOLVED: That the following Part II Minutes be received.**

- Community Board: 7 March 2018
- Economic Development Board: 14 March 2018

#### **GOSPORT LOTTERY**

Consideration was given to a Report of the Borough Solicitor and Deputy Chief Executive recommending the Council facilitates a Gosport community lottery in order to raise funds for local charities, voluntary organisations and good causes in the Borough.

It was recommended that the Council approve:

1. A community run Gosport focused lottery being introduced in 2018, called The Gosport Community Lottery (the Lottery).
2. The purpose of the Lottery is to raise funds for local charities, voluntary organisations and good causes in the Borough.
3. That the Council works with Gosport Voluntary Action (GVA) and Gatherwell ( an external lottery management company) in order to deliver the Lottery.
4. The initial set up fee of £3500 is given by the Council to GVA to initiate the Lottery.
5. The ongoing annual licence fee is assigned from ongoing Lottery income streams.
6. An annual £1,000 marketing budget is allocated to the Lottery (from ticket receipts) to ensure ongoing lotto awareness and promotion to drive ticket sales and to promote the Lottery amongst good causes.
7. That GVA are the holders of the remote operating licence
8. The Council hosts a launch event to promote the Lottery to include press, PR and social media, as well as provide additional first draw prizes (iPad, theatre tickets etc.).
9. Delegated authority is given to the Chief Executive in consultation with the Leader of the Council to agree with GVA a policy and the process for the allocation of the good causes central pot in conjunction with relevant officers.

An amendment was proposed and seconded that recommendation 9 be amended to read;

Delegated authority is given to a sub-board of three Members to agree with GVA a policy and the process for the allocation of the good causes central pot in conjunction with relevant officers.

And that an additional recommendation 10 be added to read;

That the lottery be reviewed by the Council after 12 months

A subsequent amendment was proposed and seconded that was similar to the first amendment in that recommendation 9 be amended to read;

Delegated authority is given to the Chief Executive in consultation with the Group Leaders to agree with GVA a policy and the process for the allocation of the good causes central pot in conjunction with relevant officers.

And that an additional recommendation 10 be added to read;

That the lottery be reviewed by the Council after 12 months

Following discussion it was requested that paragraph 5.1 be withdrawn from the report, this was agreed.

It was agreed that the amendments be combined and that the amendment put to the Council be the following;

Delegated authority is given to the Chief Executive in consultation with the Group Leaders to agree with GVA a policy and the process for the allocation of the good causes central pot in conjunction with relevant officers;

And that an additional recommendation 10 be added to read that the lottery be reviewed by the Council after 12 months;

And that paragraph 5.1 of the Borough Solicitor and Deputy Chief Executive's report be withdrawn.

**The Amendment was accordingly declared CARRIED.**

**COUNCIL RESOLVED: That the Substantive Motion as amended be approved and adopted.**

### **RIGHTS OF WAY AROUND FORT GILKICKER**

Consideration was given to a report of the Borough Solicitor and Deputy Chief Executive seeking authority from Council to take the necessary steps to dedicate footpaths around Fort Gilkicker as formal rights of way.

It was recommended that;

That Council agrees to the creation of rights of way around Fort Gilkicker:

- (i) By entering into a Public Path Creation Agreement with Hampshire County Council in respect of the paths on land within the Council's ownership (the approximate position of which are shown in red on the plan attached as Appendix A) at such time as the land is no longer necessary for the redevelopment of Fort Gilkicker; and
- (ii) Encouraging and supporting the developer to enter into a Public Path Creation Agreement with Hampshire County Council in respect of the paths on land within the developer's ownership (the approximate position of which are shown in blue on the plan attached as Appendix A) at such time as the land is no longer necessary for the redevelopment of Fort Gilkicker; or
- (iii) In the event that the developer is unable or unwilling to enter into a Public Path Creation Agreement as set out at (ii) above, to make a Public Path Creation Order in respect of the paths on land within the developer's ownership at such time as the land is no longer necessary for the redevelopment of Fort Gilkicker.



COUNCIL RESOLVED: That the recommendations be approved.

### **RETIRING COUNCILLORS**

The Council paid tribute to Councillors Edgar, Wright and Mrs. Forder who would be retiring at the forthcoming election and former Councillor Ms. Diffey who had recently stood down from the Council.

The long and distinguished service of Councillors Edgar and Wright was commended and it was requested that the thanks of the Council to them be recorded.

The Council thanked the Mayor for the way she had chaired Council meetings throughout her period of office.

The meeting concluded at 7.45pm

The Mayor.

## AGENDA ITEM NO 12.

### GOSPORT BOROUGH COUNCIL

#### RETURNING OFFICER'S REPORT ON BOROUGH COUNCIL ELECTIONS

3 MAY 2018

1. I have to report that, whereas the number of Candidates validly nominated in the election of Councillors for each of the Alverstoke, Anglesey, Bridgemary North, Bridgemary South, Brockhurst, Christchurch, Elson, Forton, Grange, Hardway, Lee East, Lee West, Leesland, Peel Common, Privett, Rowner and Holbrook and Town Wards of the Borough exceeded the number of Councillors to be elected for the respective Wards, a poll was taken on the 3<sup>rd</sup> day of May 2018, and the votes cast for the respective Candidates at each such election were as follows:-

WARD	NAMES OF CANDIDATES	VOTES GIVEN FOR EACH CANDIDATE
ALVERSTOKE	Kevin Francis CASEY	1145
	Jonathan James EATON	308
ANGLESEY	Paul NOAKES	327
	Alan David SCARD	1011
BRIDGEMARY NORTH	Peter BATTY	278
	Alan DURRANT	228
	Martin Eric PEPPER	574
BRIDGEMARY SOUTH	Linda Mary BATTY	445
	James Llewellyn FOX	300
	Stephen James MARSHALL	284
BROCKHURST	Simon James BELLORD	381
	Stephanie Rae BRAZIER	144
	David George FOSTER	63
	Austin Richard HICKS	452
	Jane STAFFIERI	56
CHRISTCHURCH	Chris PERCIVAL	285
	Wayne Lee RONAYNE	403
	Julie Karen WESTERBY	575

<b>WARD</b>	<b>NAMES OF CANDIDATES</b>	<b>VOTES GIVEN FOR EACH CANDIDATE</b>
ELSON	Susan Victoria BALLARD	703
	Craig Thomas HAZEL	304
	Alan Michael NEVILLE	77
	Emma Jean SMITH	59
FORTON	Monica CASSIDY	40
	Clive FOSTER-REED	411
	Daniel John SMITH	180
	Gary David WALKER	254
GRANGE	Tony JESSOP	485
	Hetty OLLIVANT	198
	Lynne PYLE	93
HARDWAY	Roger Patrick ALLEN	522
	James Neil HUTCHISON	718
	Mark SMITH	142
LEE EAST	Piers BATEMAN	1133
	Caroline OSBORNE	443
LEE WEST	Chris CARTER	1447
	Jill WHITCHER	344
LEESLAND	Peter John CHEGWYN	544
	David Keith HERRIDGE	439
	Natasha HOOK	336
	Alison Mary MANDRILL	151
	Charis Andrea NOAKES	119
	Sam POLLARD	222
	David Eugen SEKULES	106
	Rebecca STARES	370
PEEL COMMON	Martyn Kevin DAVIS	299
	Lynn Maree HOOK	883
PRIVETT	Sean Peter BLACKMAN	752
	Annelies Lara JAMES	276
	Russell Garth Thomas	159
ROWNER & HOLBROOK	Patrick BERGIN	349
	Murray Alexander JOHNSTON	356
	Tim RYAN	110
TOWN	June Elizabeth CULLY	814
	Lesley Meenahgan	511

2. The undermentioned Candidates who received the greatest number of votes were therefore elected Councillors for a four-year period.

**WARD****COUNCILLOR**

ALVERSTOKE	Kevin CASEY
ANGLESEY	Alan David SCARD
BRIDGEMARY NORTH	Martin Eric PEPPER
BRIDGEMARY SOUTH	Linda Mary BATTY
BROCKHURST	Austin Richard HICKS
CHRISTCHURCH	Julie Karen WESTERBY
ELSON	Susan Victoria BALLARD
FORTON	Clive FOSTER-REED
GRANGE	Tony JESSOP
HARDWAY	James Neil HUTCHISON
LEE EAST	Piers BATEMAN
LEE WEST	Chris CARTER
LEESLAND	Peter John CHEGWYN
PEEL COMMON	Lynn Maree HOOK
PRIVETT	Sean Peter BLACKMAN
ROWNER & HOLBROOK	Murray Alexander JOHNSTON
TOWN	June Elizabeth CULLY

3. The undermentioned Candidate who received the second greatest number of votes was therefore elected Councillor for a two-year period.

LEESLAND

David Keith HERRIDGE

**GOSPORT BOROUGH COUNCIL**

<b>BOARD/COMMITTEE:</b>	<b>ADJOURNED ANNUAL COUNCIL</b>
<b>DATE OF MEETING:</b>	<b>17 MAY 2018</b>
<b>TITLE:</b>	<b>COMPOSITION AND REVIEW OF COUNCIL BOARDS AND COMMITTEE AND DETERMINATION OF ALLOCATION OF SEATS</b>
<b>AUTHOR:</b>	<b>BOROUGH SOLICITOR AND DEPUTY CHIEF EXECUTIVE</b>
<b>STATUS:</b>	<b>FOR DECISION</b>

**PURPOSE**

To advise the Council of the balance of the seats on the Council and the position with regard to Political Groups and to undertake a review in accordance with the “Proportionality Rules” of the balance of seats on the Boards and Committees of the Council.

**RECOMMENDATIONS**

That the Council approves:

1. That the Policy and Organisation Board and Regulatory Board comprise of 13 members; Community Board and Economic Development Board comprise of 15 members; and that Standards and Governance Committee remain comprised of 12 members; and the Licensing Sub-Board remain comprised of 3 members; and the Licensing (General Applications) Sub-Board remain comprised of 5 members.
2. The allocation of seats on the Boards and Committee as set out in paragraph 3.2

**1.0 REVIEW OF COUNCIL BOARDS AND SUB-BOARDS**

- 1.1 The Council previously reviewed the allocation of seats and made a determination as to the allocation between the Political Groups at the Council Meeting on 13 December 2017.

**2.0 PROPORTIONALITY RULES**

- 2.1 Currently notices have been received from 3 Political Groups.

2.2 Section 15 of the Local Government and Housing Act 1989 requires the Council to review the allocation of seats and when making allocation of seats to Political Groups allocations are made to give effect so far as reasonably practicable to the following principles:

1. That not all the seats are allocated to the same Political Group;
2. That the majority of seats are allocated to the Political Group having a majority of seats on the Council;
3. That subject to 1 and 2 above the number of seats on the total of all Boards and Committees of the Council allocated to each Political Group bears the same proportion to the proportion on the Council;
4. That subject to all the above the number of seats on each Board and Committee allocated to each Political Group bears the same proportion to the proportion on the Council

2.3 The Council will have 4 Boards and one Committee; and there will be 68 seats to be allocated as set out in paragraph 2.2 above.

	<b>Conservative</b>	<b>Labour</b>	<b>Liberal Democrats</b>	<b>TOTAL</b>
Members	18	2	14	34
Proportion	52.94%	5.88%	41.18%	100%
Seats	36	4	28	68

### **3.0 COMPOSITION OF BOARDS AND PROPOSED ALLOCATION – BOARDS, STANDARDS AND GOVERNANCE COMMITTEE**

3.1 To allow the allocation to best give effect to the principles of paragraph 2.2 it is proposed that the number of seats on each Board be amended so that Regulatory Board and Policy and Organisation Board comprise of 13 seats each and Community Board and Economic Development Board comprise of 15 seats each. The composition of the Standards and Governance Committee and Licensing Sub-Boards remains unchanged.

3.2 The proposed allocation of seats is set out below.

	<b>Conservative</b>	<b>Labour</b>	<b>Liberal Democrats</b>	<b>TOTAL</b>
Policy and Organisation	7	1	5	13
Community	8	1	6	15
Economic Development	8	1	6	15
Regulatory	7	1	5	13
Standards and Governance Committee	6		6	12
<b>TOTAL</b>	<b>36</b>	<b>4</b>	<b>28</b>	<b>68</b>

## SUPPORTING INFORMATION

<b>Financial Services Comments:</b>	Nil
<b>Legal Services Comments:</b>	As indicated in Section 2
<b>Crime and Disorder:</b>	Not applicable
<b>Equality and Diversity:</b>	Not applicable
<b>Service Improvement Plan implications:</b>	Nil
<b>Corporate Plan:</b>	Nil
<b>Risk Assessment:</b>	Nil
<b>Background Papers:</b>	Council Meeting 13 December 2017
<b>Appendices/Enclosures:</b>	None
<b>Report Author/Lead Officer:</b>	Michael Lawther, Borough Solicitor and Deputy Chief Executive

## AGENDA ITEM NO.16

<b>Board/Committee:</b>	COUNCIL
<b>Date of Meeting:</b>	THURSDAY, 17 MAY 2018
<b>Title:</b>	APPOINTMENT OF DATA PROTECTION OFFICER
<b>Author:</b>	DEPUTY CHIEF EXECUTIVE & BOROUGH SOLICITOR
<b>Status:</b>	FOR DECISION

### **Purpose**

For Council to agree an appointment to the role of Data Protection Officer

### **Recommendation**

Council agree to appoint the David Eland pursuant to the General Data Protection Regulations (GDPR) , as the Council's Data Protection Officer.

#### **1.0 Background**

- 1.1 The GDPR come into effect on 25<sup>th</sup> May 2018 and public authorities have a duty to appoint a Data Protection Officer. Gosport Borough Council are defined by the Data Protection Bill as a public authority, that under GDPR, must appoint a Data Protection Officer.
- 1.2 The Data Protection Officers (DPO) is the person with statutory responsibility to assist in the monitoring of internal compliance of GDPR and other data protection laws, inform and advise of data protection obligations, provide advice regarding Data Impact Assessments (DPIAs) and act as a contact point for data subjects and the supervisory authority.

#### **2.0 Report**

- 2.1 The Information Commissioner's Office has provided guidance for the skills and qualities required for the appointment of the DPO
- 2.2 DPO's must be appointed based on their professional qualities and expert knowledge of Data Protection Law and practices. They must report to the highest level of management. The DPO will also act as a contact point for the Information Commissioner's Office (ICO).
- 2.3 The DPO is not personally liable for data protection compliance, the responsibility for compliance with GDPR is the Council's, nevertheless; the DPO plays a crucial role in helping to fulfil the Council's data protection legislation.



2.4 The Council does not currently have a DPO, and would therefore be in breach of GDPR if no appointment was made. It is therefore recommended that David Eland be appointed to the post to meet the Council's obligation and compliance with accountability principle in Article 5 (2) of the GDPR.

### 3.0 Risk Assessment

3.1 Article 38(6) of the Regulations allows DPO's to fulfil other tasks and duties but requires that the Council ensures that there is no conflict of interests.

3.2 Due to the structure and size of Gosport Borough Council the Head of IT is considered to be the most appropriate appointment.

3.3 The appointment of a DPO will ensure Gosport Borough Council meets its obligations under GDPR.

<b>Financial Services comments:</b>	None
<b>Legal Services comments:</b>	As per GDPR, Article 29
<b>Crime and Disorder:</b>	Not applicable
<b>Equality and Diversity:</b>	Not Applicable
<b>EIA:</b>	Not required. There is no equality impact identified
<b>Service Improvement Plan implications:</b>	Not applicable
<b>Corporate Plan:</b>	Not applicable
<b>Risk Assessment:</b>	See Section 3 contained in the report
<b>Background papers:</b>	GDPR Article 29
<b>Appendices/Enclosures:</b>	None
<b>Report author/ Lead Officer:</b>	Michael Lawther