

**Annual Meeting of Council  
11 May 2023**

**Questions & Statements submitted for the Public Participation Period**

**1. Question – submitted by Shaun Leavey OBE**

I request details of action taken by Dorset Council within the past 12 months to proactively safeguard listed buildings (Grade 1 & 2) within the county, and to state the number of occasions when the Council's statutory powers were used.

**Response by Cllr David Walsh**

Maintaining listed buildings is primarily the responsibility of the landowner or occupier. Whilst Local authorities have a number of discretionary powers that can be used, this is only undertaken when other options have been exhausted and it is expedient and in the public interest to do so. In general we strive to resolve issues in a pro active manner with owners.

Whilst the council has made a number of section 215 notices in recent years, it has not been considered expedient to issue any in the last 12 months.

**2. – Question submitted by Roger White MA FSA**

Kathryn Melhuish of Dorset Council has made the following statement to the Georgian Group, which is the statutory national amenity society covering listed 18th century buildings, regarding Newell House in Sherborne:

**Dorset Council is aware of the condition of the Grade II listed Newell House. But as there are no active breaches of planning or listed building control, its state of repair is a matter for the property owner to address in the first instance.**

**We have brought this to the attention of the owner and also looked into the scope of using powers under the Town and Country Planning Act to address maintenance of the building. But such action needs to be demonstrably in the public interest and, in assessing this, we must also have regard to the circumstances of the owner/occupier. At this present time, it is considered that such action would not be expedient but officers will keep the situation under review.**

It is very obvious that, while it may technically be the responsibility of the property owner to address the very poor and deteriorating condition of Newell House, it is equally clear that the owner in question has created the current situation and has absolutely no intention of taking action, having ignored offers of help from the Sherborne CPRE, for instance. He does not reply to letters, he does not live in the building - though a light is left on to create the impression that he does - and there is no evidence that he has carried out any repairs since it closed as a school in 2000. So this prominently sited listed building has been sitting deteriorating in full view for over 20 years. In the circumstances, I do not see how can it be argued that 'there are no active breaches of listed building control'. Would the Council find it more concerning, and be spurred into action, if the owner was replacing the windows in UPVC without listed building consent? If so, this clearly makes an absurdity of Dorset Council's view of listed buildings as a whole.

Question:

Why does Dorset Council continue to be so reluctant to take action over the condition of Newell House? Further, when did anyone from Dorset Council last visit Newell House to assess its condition, and, assuming that such a visit took place, what conclusions were drawn?

**3. – Statement and question submitted by Julia Findlater**

**Statement**

As residents of Sherborne we have watched the gradual deterioration of Newell House since it ceased being a school in 2000. The house is rarely occupied and the decline of the property is now accelerating. Vegetation overwhelms the East elevation, some of it growing through broken windows. The building is not weather tight and its fine interiors will soon be in an advanced state of decay. We have raised our concerns with Dorset Council who inform us they are keeping a 'watching brief,

In recent weeks a gate on the perimeter wall of the house was forced open and graffiti daubed on the walls inside the property.

**Question**

Given the recent vandalism, which we hope does not lead to further more serious attacks, precisely how far does the deterioration of Newell House have to go before Dorset Council will take decisive action to prevent further decline?

**Response to Questions 2 & 3 above by Cllr David Walsh**

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We have brought this to the attention of the owner and also looked into the scope of using powers under the Town and Country Planning Act to address maintenance of the building. But such action needs to be demonstrably in the public interest and, in assessing this, we must also have regard to the circumstances of the owner/occupier. At this present time, it is considered that such action would not be expedient but officers will keep the situation under review.

**4. Question – submitted by Gerald Rigler, Chairman – Purbeck & Poole Group of Dorset CPRE**

Since the street lighting team is required to maintain real understanding of current needs/research (with a view to enabling regular reviews of policy to keep it sound), why are the perceived associated contractual arrangements (with Enerveu Ltd) being allowed to inhibit implementation of any relevant changes until 2032?

*(Mr G Rigler is unable to attend the meeting so therefore will receive a written response).*

## **5. Statement – submitted by Andy Matthews, Chair, Portland Community Partnership Ferrybridge Boundary**

The officers report accompanying this item indicates that there is a minded decision to support a change to the Boundary despite the submission of Portland Town Council which has a legitimate reason for putting forward the case as stated.

Portland Community Partnership which supports the Town Council in various areas in particular the development of the Portland Neighbourhood Plan had originally made a similar request on behalf of the Town Council and despite being recognised by the Authority [Partnership working In Weymouth and Portland](#) had this submission not formally recorded. However, at the Full Council meeting of the 14<sup>th</sup> July did conclude that a Boundary change was not necessary ref Agenda Item 24 – Appendix 1 - Recommendation 31 (see link)

[Appendix 1 - Draft FINAL Recommendations.pdf \(dorsetcouncil.gov.uk\)](#)

The subsequent review of the Weymouth and surrounding area authorised at the Full Council meeting of the 20th October Item 39 Appendix 1 did not formally scope in the Portland Parish and boundary. (see link)

[Community Governance Review - Weymouth and surrounding areas and Vale of Allen - Dorset Council](#)

Nevertheless Portland Town Council responded in good faith to the request and reiterated the original position.

The moving of the Boundary will entail unnecessary costs, result in confusion and could in fact limit opportunities for the area which are improved by maintaining the current position.

## **6. – Statement submitted by Cllr David Harris (Weymouth Town Council)**

Dear Fellow Councillors

The guidance for CGR makes it very clear that Parish and Town Council Wards are the building blocks for the next tier of councils and that these higher tier council wards are the building blocks for parliamentary seats. Lower tier wards should reflect the communities that people live in and not depend on lines drawn on maps mostly over 100 years ago or for Dorset Council 4 years ago. This process has not followed these logical requirements. It is suggested in para 4.3 that DC and WTC can work together to resolve the present problems when DC wards are reviewed at some time in the future. However it is also clear that this review cannot alter parish/town boundaries and our communities will still be split because DC wards overlap the boundaries between Chickerell and Weymouth with parts of present Weymouth being allocated to the Chickerell DC ward.

When the first consultation came out last year it correctly recognised that Weymouth had expanded since the last review 50 years ago and that there were estates on the Western edge of Weymouth that had crossed the old West Dorset boundary. These communities at Wyke, Littlesea and Cobham Drive, which are marked on the distributed map, were brought together and rightly placed in Weymouth. At that time, for some unknown reason, DC joined

them into a single town ward completely separated and in no way a community. Weymouth Town Council complained about having such a non-sensical, non-community based ward and hence this second consultation.

The new proposal, on which we have supposedly been consulted, removed this problem by leaving these three areas split as communities and handing them back to Chickerell. This left estates split and communities fractured. When on Dorset County Council I used to represent the 14 houses in Cobham drive actually on the Weymouth side of the line, having to drive past 25 houses in West Dorset to get to some of them. To quote from the guidance in this paper, the purpose of a CGR is to produce clearly defined boundaries, tied to firm ground features and remove anomalies. Leaving this unchanged is clearly NOT doing this. I have just persuaded First Bus to keep a Weymouth Westham Bus going for another three months, which has an impact on all the residents of Cobham Drive. The Chickerell bus could not be involved in the solution as Cobham Drive is not connected to Chickerell by the road system in any way.

The main response by the town council, representing 53000 people, to this flawed consultation, was to return to the original boundaries suggested by DC. To achieve this consistency with the logic of the process (Community coherence and democratic representation, or effective and convenient) Weymouth Town Councillors were willing to represent almost double the number of people represented by all the other town councillors in the County. We accepted this added burden knowing this would join communities together in a sensible way and concur with democratic requirements.

Wyke, Littlesea and Cobham Drive all look to Weymouth for their services, their parks and open spaces, their shopping, the beach and sea front and toilets. Littlesea and Cobham Drive are almost equidistant from either town hall but Wyke is over ½ mile further from Chickerell than from Weymouth. Littlesea and Cobham Drive residents have to drive over ½ mile through Weymouth to get to the boundary of Chickerell. Wyke residents drive **over a mile through Weymouth** before getting road access to the Chickerell boundary. Clearly defined boundaries, tied to firm ground features and remove anomalies is the purpose of the review. These areas have easy access to Weymouth but are separated from Chickerell by open spaces, industrial estates and will go to Weymouth to gain access to DC services in Weymouth library.

The recommendation before you today is a missed opportunity to restructure our boundaries so they make sense to the people living in them in the 21<sup>st</sup> century. Although the consultation period was several weeks the recommendations before you today were formulated by the working group the day after the consultation closed and so clearly the time to consider the logic of alternative views and feedback, with the opportunity for site visits, was minimal for valid decisions. Councillor Gill Taylor has her house in Littlesea, Weymouth, but her garden is in Chickerell, she would have willingly hosted the review team to tea so they could see for themselves the illogic of their thinking.

Weymouth residents deserve logical community boundaries – the recommendation before you today fails to achieve this and leaves me wondering what the value of this entire exercise has been. It claims to be using DC ward boundaries as its guiding rule but then says in the paragraph concerning Bincombe “For good community governance the new development and the present split area of Nightingale Drive should be in Weymouth” The new development land in Southill will be crossing the proposed boundary between Weymouth and Chickerell yet this has been left unchanged to create split communities in the future.

I urge you to vote against the recommendation being put before you on the basis that it contradicts itself and fails to join communities together as it is required to do.

(Please see *Boundary map as a separate appendix to this document*).

## **7. Statement from Winterborne Farringdon Parish Council – Cllr Graham Brant**

### **Section 4, Recommendation 3 on page 9**

The paragraph:

*“Whilst Winterborne Farringdon Grouped Parish Council supported the move of the southern boundary of Bincombe where a large scale development is proposed, they did not support the move of other existing properties, particularly Nightingale Drive. They expressed concern that this may impact on electoral equality of Dorset Council’s ward boundaries, and may also make their own parish potentially unviable. Dorset Council considered this submission carefully but felt that in the interests of good community governance, that [sic] the residents of the Nightingale Drive area should reside within a single parish, and not be split across 2 different parishes.”*

... Is an inaccurate characterisation of Winterborne Farringdon’s stated position.  
It would better read:

“Winterborne Farringdon Group of Parish Councils [WFGPC] supported the northward move of the southern boundary of Bincombe where a large scale development is proposed but not yet built. But they did not support the move of existing properties, particularly Nightingale Drive, into Weymouth Town Council [WTC] until the Dorset Council ward and Parliamentary constituency can be similarly realigned. WFGPC recognised that such a realignment of the ward boundary may impact on the carefully constructed electoral equality of Dorset Council’s ward boundaries so may have knock on effects. As a secondary issue, WFGPC noted that the loss of such a large proportion of the existing population may make the existing parish grouping unviable and other forms of representation, such as individual parish meetings, may have to be considered.”

Dorset Council claim to have ‘considered this submission carefully’ but seem to have misunderstood the nuances of WFGPC’s position and instead relied too much on WTC’s characterisation of it in their submission. With due respect to Dorset Council, the report’s conclusion that ‘in the interests of good community governance, the residents of the Nightingale Drive area should reside within a single parish, and not be split across 2 different parishes’ is a logical *non sequitur*, it is already split by the illogical 1933 boundary but the large majority currently live in Bincombe. The question for the CGR is when and how to bring about a more logical solution.

**In summary, the position of this council is simply:**

- 1. Move the boundary NOW in all those areas where development has yet to take place.**
- 2. DO NOT move the boundary in those areas where there is an existing population UNTIL the DC ward and Parliamentary constituency can be similarly realigned.**

(Please see *boundary map as a separate appendix to this document*)

## 8. – Question submitted by Richard Thomas

In response to a question from a member of the public at the Council's meeting on 14 February, Cllr Flower concluded, on the matter of so-called 'predetermination': 'My encouragement to councillors is to seek advice from the Monitoring Officer before committing in public to a particular point of view.'

This was because Cllr Flower appeared to believe that elected members of Dorset Council are sufficiently feeble of mind that 'there are dangers in a councillor associating themselves closely with one particular pressure group and speaking after having listened only to that group' and 'doing so can give the impression that they have made up their mind in advance and even that they are speaking on behalf of that group.'

The Localism Act 2011, however, makes it very clear that it is an intrinsic part of any elected members role 'to engage in an open and rigorous debate with their local communities about council business.' Further, the Act, according to the Local Government Association, 'clarifies that decision-makers will not be taken to have had (or to have appeared to have had) a closed mind when making the decision just because (i) they had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and (ii) the matter was relevant to the decision.'

Question to Cllr Flower: Will Cllr Flower therefore admit that his admonition to Dorset members that they must seek the permission of Mr Mair before they can voice an opinion in public was wrong and is misguided and will he accept that an elected member is entitled to any view he or she cares to express in public without having to seek the permission of anyone, either officer or another member? Will he further accept that to do so is not only lawful but a basic democratic right in a country that boasts of an individual's right to free speech?

### Response by Cllr Spencer Flower

In response to a question put to me at the February Council meeting I **encouraged** councillors to seek **advice** from the Monitoring Officer about questions of predetermination. I did not as the questioner supposes say that councillors needed **permission** from an officer before speaking publicly.

My answer tonight is no different than the one I gave in February when I was asked about the distinction between a councillor who is predisposed to a point of view and one who has a predetermined position.

Like anyone else a councillor can be predisposed to a particular point of view. That is to be expected and is, I am told, perfectly lawful. What we must not do is approach decisions having already made up our minds in advance and unwilling to listen. There are dangers in a councillor associating themselves closely with one particular pressure group and speaking after having listened only to that group. Doing so can give the impression that they have made up their mind in advance and even that they are speaking on behalf of that group.

The law around predetermination is complex, with the potential for significant consequences if we get it wrong. My encouragement to councillors is to seek **advice** on such matters from the Monitoring Officer before committing themselves in public to a particular point of view.

### **9. – Question submitted by Tracee Cossey**

Is it correct that democratic organisational or public participation in council meetings is to be limited in future and if so, why?

### **10. – Question submitted by Giles Watts**

In the report from the Review of Public Participation Rules, the recommendation is that the rules be changed so that Council only accepts the first 8 questions and the first 8 statements received.

"While I appreciate that Council needs to manage the half-hour public participation and thus is unable to do this is an excess of questions and statements are received from residents or organisations, I see no reason why all statements should not be published in full in the agenda and the minutes. Furthermore, it would not affect the management of the public half hour if any questions in excess of 8, where the resident or organisation has requested a response, were to be published in the agenda and in the minutes. This would however provide the benefit of providing public visibility of all questions asked of Council and the responses given, and all statements made.

"Will Council consider changing the proposed Procedure Rules to allow for all statements to be accepted and published, and for all questions asked and answers given, whether read out in the meeting or not, to be published in the agenda and the minutes?"

### **Response to questions 9 & 10 by Cllr Spencer Flower**

This matter has been discussed by a cross party working group and considered by the Audit & Governance Committee, all members will have the opportunity to debate the recommendations when the report is considered later in this meeting at agenda item 15.