



CHESHIRE WEST AND CHESTER COUNCIL

LOCAL PLAN PART 2

DETAILED POLICIES

CHESTER COMMUNITY VOICE UK

Members of National Organisation of Resident Associations

Representation to Inspector of Hearing in Public

August/September 2018

STUDENTIFICATION OF CHESTER

MATTER 1- GOVERNANCE

LACK OF REALISTIC AND PROPORTIONATE ENGAGEMENT BY CWAC OF CCV UK IN THE GENERATION OF ITS HIGHER EDUCATION POLICY THROUGHOUT THE LOCAL PLAN PART 2 PROCESS.

A REASONED COMPLAINT ABOUT THE FAILURE TO RESPECT AND IMPLEMENT THE EXPRESSED WILL OF THE PEOPLE OF THE CITY OF CHESTER AND OF FULL COUNCIL



‘regeneration before degeneration’

CCV UK REPRESENTATION TO:

**Independent Examination of the Cheshire West and Chester Council
Local Plan Part Two: Land Allocations and Detailed Policies
Inspector's Matters, Issues and Questions for Examination**

ATTENTION OF:

***R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC
Inspector appointed by the Secretary of State for Communities and Local Government***

Timeline and explanation of the treatment of CCV UK's attempt/s at partnership and general engagement to discuss our outstanding concerns regarding the issue of studentification, related housing supply and other matters pertinent to this Plan throughout the Local Plan part 2 process 2014 – 2018.

"In the four years over which the Local Plan Part 2 has been processed Chester Community Voice UK despite asking for partnership and for engagement, partnership or not, in discussion about our outstanding concerns regarding the implications for Chester of ongoing studentification including impact on housing supply and other aspects concerning the Local Plan the group has been offered no such partnership and has been given not one minute of engagement in discussion about these concerns."

CCV UK Committee, 20 August 2018.

<p>24 November 2014</p> <p>CCV UK SUBMISSION</p>	<p>CCV UK submit paper 'Impact of University Growth and Student Occupancy' 'Proposed Strategic Policy and Control and Enforcement Policy' to Local Plan Working Group (LPWG). Reminder included of promise from CEO at the LP Part 1 stage of full Higher Education Impact Assessment for Chester on adoption of the LP Part 1 Included. Included, request for partnership and discussion about contents of this paper.</p>
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<p>29 December 2015</p> <p>CCV UK BRIEFING TO MP</p>	<p>Final proposed studentification SPD (Student Housing and Houses in Multiple Occupancy) draft has been produced but despite requests to sit down with LA officers to discuss any concerns CCV UK continues to have about it there has been no offer in response to our requests for a meeting between CCV UK and the LA to discuss our outstanding concerns. CCV UK response (rejection of the Proposed CWAC Final Draft Studentification SPD) produced and issued but no engagement with us to discuss our concerns and requests.</p> <p>*MP had previously submitted petition to Parliament for CCV UK asking for debate about impact of studentification on Town and Gown places.</p>
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<p>13 January 2016</p> <p>CWAC LOCAL PLAN WORKING GROUP MEETING</p>	<p>The previous meeting having been cancelled, CCV UK applied to speak on the issue of studentification and the Local Plan and related matters at this meeting on 25 January 2016 in public time. Having explained twelve days in advance to the Secretary we wished to do this we were refused to speak on the issue on the night because we were told the issue was not on the agenda. The Secretary had contacted us back in response to the application asking what we wished to speak about on the agenda. In reply we explained it was about an aspect of the studentification issue, but had noted to her that at the time no agenda was actually published for the meeting? In the altercation that followed at the meeting the LA did not acknowledge this and 15 minutes of public speaking time were unused by anyone as a result. When public speaking time was offered the Chairman did not make any reference to our submitted application to speak; only refusing us when we spoke up and asked to be allowed to speak. Following the meeting certain cllrs present contacted us and stated they would have allowed us to speak. A paper we had prepared was handed in (although subsequently has never been responded to). We were told we could speak at some future meeting when the studentification issue was on their agenda, but the moment had passed for what we wanted to say at this time. The engagement in discussion we sought was not offered. Local press covered the issue.</p>
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<p>25 February 2016</p> <p>REQUEST TO LPWG FOR RESPONSE TO PAPER ISSUED 25 JANUARY</p>	<p>CCV UK General Secretary wrote to LPWG Secretary in advance of upcoming CCV UK meeting inquiring about a response to the paper we had issued to the LPWG, pointing out the group were expecting to be briefed on the response from CWAC. There was no response.</p> <p>*Subsequently (to date) the paper has not been responded to by CWAC to CCV UK.</p>

<p>29 February 2016</p> <p>QUESTIONS ABOUT CWAC STUDENTIFICATION POLICY TO CWAC LEADER SAM DIXON</p>	<p>Questions about CWAC Studentification Policy were put to the Chester Chronicle, and journalist David Holmes related these to CWAC Leader Sam Dixon for responses. Cllr Brian Clare was delegated to answer. After several attempts to secure answers these were given to David Holmes 22 March 2016. Mr Holmes forwarded them to CCV UK for our comment in response and this was given. There were some significant misrepresentations of CCV UK in the councillor's responses (which were returned to the Chronicle). There was no further response to CCV UK from Cllr Clarke.</p> <p>*Copy of CCV UK response to Cllr Clarke's comments attached at end of this chronology.</p>
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<p>10 March 2016</p> <p>BRIEFING TO CWAC CABINET C/O CLLR CLARKE</p>	<p>Briefing paper sent to Cllr Brian Clarke in advance of CWAC Cabinet meeting 16 March 2016. Not acknowledged and two issues raised as concerns in the briefing relating to matters under consideration at that Cabinet meeting not referred to.</p>
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<p>16 March 2016</p> <p>CWAC CABINET CONSIDER STUDENT SPD</p>	<p>The Cabinet adopted the Studentification SPD, but not in a form we had long pressed for. Cabinet removed the requirement for a student housing needs assessment with we note no legal advice provided by the LA about its legal soundness but rather with reference to advice of Barrister David Manley acting for unnamed parties with some interest (?) in this matter; his comments in line with those of the University who objected to the inclusion of a needs assessment for student housing. The taking of this decision on this basis was a matter of great concern to CCV UK and others at the time.</p> <p>Submission to this meeting by CCV UK were noted I agenda papers but not responded to.</p> <p>Some minor changes had been made to the SPD that made slight improvements but nothing significant had been done to make it sound in securing sustainable mixed community in the city going forward.</p> <p>A Cabinet decision to establish engagement in conversation with the student body was taken but not the same for the City residential community?</p>
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<p>05 April 2016</p> <p>CWAC PLANNING COMMITTEE HUNTER STREET STUDENT HOSTEL DEVELOPMENT APPLICATION</p>	<p>Leading up to a decision to refuse this application CCV UK along with others such as Chester Civic Trust and the local Resident Association objected. Officers recommended approval, but members agreed refusal. An appeal managed in an unsatisfactory way in a number of respects later challenged by CCV UK followed. CCV UK subsequently submitted a power point report to CWAC on its assessment of the handling of the issue, and then rather than thanked became entangled to our surprise with the LA in certain disagreements about the handling of the appeal and of our submitted report. Our request for scrutiny was refused based on government changes to the Localism Bill that now decrees planning matters are not subject of LA scrutiny; and we were unable to achieve any alternative judgement of this matter and our report by the LA at any other of its arms of governance in public and in engagement.</p> <p>*The CCV UK Hunter Street Report and copies of exchanges with the LA available for review.</p>
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<p>16 June 2016 and 25 November 2016</p> <p>MINUTES OF CHESTER GROWTH PARTNERSHIP</p>	<p>Extracts of minutes recorded to file, noting CGP discussion taking place with University of Chester regarding location of new student accommodation in the City.</p> <p>Representation to this committee to be considered by the CCV UK group seeking engagement with its work.</p> <p>No such engagement with the residential community was taking place by the committee.</p>
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<p>Oct'ber/Nov'mber 2016</p> <p>LPWG MEETING</p> <p>21 November 2016</p>	<p>CCV UK appealed to all councillors asking them to attend next meeting of the LPWG to represent our concerns to the Panel. Just one councillor responded with regard to intention to attend, but stated they were not registering to speak. Ref. problems with CCV UK gaining engaged time to discuss our outstanding issues and concerns about handling of the Hunter Street appeal etc.</p> <p>No councillor attended to speak about our concerns. A few stated they were unavailable and the rest (most) did not reply.</p>
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<p>6 January 2017</p> <p>INTERVENTION OF CWAC INFORMATION GOVERNANCE</p>	<p>Michelle Cross wrote to CCV UK. "Your correspondence has been escalated for my attention". 'I write regarding the multiple emails in connection with the Hunter Street Student Accommodation planning decision'. "Note your request for your submission not to be dealt with as a complaint" (<i>*sent with reference to desire to discuss this issue in partnership infact</i>). "Have cancelled the registration of your submission as a complaint in response". "You continue to put forward issues demanding attention and action where there are no grounds to consider any further action on this decision". "At this time your continued correspondence is bordering on becoming persistently unreasonable". "The council will now consider the matter closed and will not enter into any further correspondence". "Limit your correspondence to a single point of contact in the future". (Contact address given to customer relations).</p> <p>*Infact, a number of key concerns CCV UK had and still have remain unanswered/not dealt with as is explained/recorded in the correspondence file. CWAC was politely informed that there are other options by way of which our concerns can be shared/represented. There remains a strong sense of unease about the way the Hunter Street issue was handled.</p>
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<p>6/7 January 2017</p> <p>CCV UK REPLY CWAC INFORMATION GOVERNANCE</p>	<p>Acknowledgement sent of CWAC determination that they consider the matter of representations about the Hunter Street issue closed with confirmation of four outstanding concerns that have not been answered to CCV UK's satisfaction. Noted our representations had been made by reasonable people asking fair questions in the public interest. Noted that as CWAC see the matter as closed we expect no further response.</p>
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<p>24 January 2017</p> <p>EXTRACT FROM LOCAL GOVERNMENT LAWYER AND SUBMISSION TO GOVERNMENT REVIEW</p>	<p>Noted, Department of C&LG had launched a 'long overdue' inquiry into the operation of Scrutiny in Local Government; in part due to concerns about its operation.</p> <p>CCV UK submitted to the review and our example taken from our experience with our LA and Inspectorate (ref. Hunter Street issue) was accepted and published on the review website.</p>
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<p>26 January 2017</p> <p>REPRESENTATION TO LPWG</p>	<p>Submission via Mike A Jones Secretary. Expressing concern about failure of committee to meet CCV UK to discuss our issues. Noting to Mr Jones that CCV UK chairperson had contacted CWAC CEO at this stage asking for meeting to discuss our outstanding concerns. LPWG did not respond to this missive. Copied to Cllr Dawson.</p>
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<p>31 January 2017</p> <p>OFFER TO MEET</p>	<p>In acknowledgement at this stage of CWAC Officer Michelle Cross seemingly being put in charge of General Secretary's representations to CWAC a 'get to know us' offer to meet to Ms Cross was sent; also offering a walkabout to include the then CEO Gerald Meehan of a local area. The offer was refused.</p>
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<p>1 -18 February 2017</p> <p>CCV UK CHAIRPERSON REQUESTS FOR MEETING TO DISCUSS CONCERNS</p>	<p>Avril Coady phoned and emailed Emma Lawrence, PA to CEO, requesting meeting with CEO to discuss outstanding group's issues regarding studentification of Chester; for example, with reference to the promised but yet to be delivered Higher Education Impact Assessment and other issues.</p>
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<p>23 February 2017</p> <p>CWAC CEO REPLY TO CCV UK CHAIRPERSON'S REQUEST TO MEET</p>	<p>Letter from CEO received BY Chair of CCV UK. Meeting refused. "I suggest you continue to engage in this process (with the LPWG) moving forward". A dismissive response considering CCV UK had now over a long period of time been denied any meeting/s to discuss our outstanding concerns with the LPWG or any other relevant representative arm of the LA.</p>
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<p>24 February 2017</p> <p>CCV UK GENERAL SECRETARY UPDATE TO MEETING OF GROUP</p>	<p>Summary of ongoing failure of CWAC to CCV UK group signatories and other supporters to meet us to discuss our outstanding concerns regarding proposed management of and policy for studentification in Chester.</p>
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<p>25 February 2017</p> <p>CCV UK LETTER TO LEADER CONSERVATIVE GROUP CWAC COUNCIL</p>	<p>CCV UK wrote to the Leader of the CWAC Conservative Group expressing our concern that despite our requests to discuss our outstanding concerns about matters to do with studentification of Chester including with reference to the emerging Local Plan Part 2 we were denied any such meeting.</p>
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<p>20 March 2017</p> <p>CCV UK MISSIVE TO MIKE A JONES, SECRETARY LPWG</p>	<p>CCV UK submit and ask Mr Jones to pass on group statement (attached) about unrated student HMO to members of the LPWG. He replied: "After discussion with Officers and the LPWG Chairman you should submit this paper directly to members. Their details can be found on the CWAC website". *Effectively a refusal of the committee to accept submission of this statement. CCV UK did as directed but subsequently received no formal response.</p>
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<p>22 March 2017</p> <p>RESPONSE FROM CONSERVATIVE GROUP</p>	<p>Lyn Riley said: "I will raise this with members from our group who sit on the LPWG and Chester district Advisory Panel".</p> <p>*Subsequently the Chester DAP has never agenda listed discussion of this concern while the LPWG have offered no meeting/s for discussion.</p>
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<p>2 April 2017</p> <p>MISSIVE TO CWAC CEO</p>	<p>“Dear Mr Meehan,</p> <p>To make a substantive change in the status quo to establish sustainable quality management of evolving adverse impacts in Chester (<i>CCV UK suggests</i>) CWAC needs to use appropriate collected data to devise a management strategy which is ‘SMART’ (Specific, Measurable, Agreed Upon, Realistic, Time Related). To this end (<i>ref. in relation to management of studentification of the city</i>), as has been delivered in other Town and Gown places, an Impact Assessment is needed as a basis upon which to establish agreed sound policy. CCV UK looks forward to meeting you in the near future to meet to discuss this matter”.</p> <p>General Secretary CCV UK.</p>
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<p>14 April 2017</p> <p>MISSIVE TO MIKE A JONES, SECRETARY LPWG.</p> <p>FROM CCV UK.</p>	<p>Ref. Next LPWG meeting 24 April 2017. “The studentification issue is not on this agenda and we (CCV UK) have still not received any response from this panel regarding our query as to when we are to be engaged to discuss our outstanding concerns with the LPWG as the CEO has directed in lieu of his (<i>persistent</i>) refusal to meet with our group”.</p> <p>*No response.</p>
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<p>18 April 2017</p> <p>REPLY FROM PETER L LEVINE, TUFTS</p>	<p>Following our briefing; renowned expert on civic engagement Peter Levine said: “I agree that you’re being blocked from engaging with the Local Authority, although you and your fellow citizens demonstrate commendable civic engagement by pressing for influence from the</p>
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UNIVERSITY BOSTON USA. AUTHOR, 'WHAT IS THE DEFINITION OF CIVIC ENGAGEMENT' PUB.2012.	outside"
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21 APRIL 2017 LETTER TO CWAC CEO FROM CCV UK CHAIRPERSON SUMMING UP CCV UK RESPONSE TO CWAC'S DETERMINATION NOT TO MEET CCV UK TO DISCUSS OUTSTANDING CONCERNS	*SEE FULL TEXT OF LETTER, ATTACHED AT END OF THIS CHRONOLOGY.
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22/23 JUNE 2017 CONFIRMATION OF CCV UK SPEAKER AT LPWG MEETING TO LPWG SECRETARY, MIKE A JONES	<ol style="list-style-type: none"> 1. Confirmation of speaker, 2. Submission of written paper, 3. Note of concern that CCV UK continues to be concerned about lack of engagement with us by the LPWG to discuss our outstanding concerns/issues. <p>*No response to speaker on night of meeting 1, to written paper 2, or to concern about lack of engagement 3.</p>
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24 June 2017 MISSIVE TO CHAIR LPWG	<p>Expression to Cllr Bissett of CCV UK continued concern about aspects of the handling of the issue of studentification of Chester by CWAC.</p> <p>*No response.</p>
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CLLR ROB BISSETT	
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26 June 2017	Document produced and delivered. Summary of CCV UK outstanding concerns regarding the approved HE Studentification policy. Extended list presented of issues we continue to want to discuss with CWAC as part of the LP Part 2 and in addition to it.
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LPWG MEETING, AND SUMMARY OF CCV UK OUTSTANDING ISSUES FOLLOWING LPWG APPROVAL OF PROPOSED HIGHER EDUCATION POLICY	<p>*CCV UK addressed the LPWG at its adoption meeting of their proposed student housing etc policy. Chas Warwood for CCV UK addressed the meeting but his statement was, although listened to, not responded to by the panel at the meeting or at any time subsequently. Copies of our written comments in response, having reviewed the proposed policy in advance of the meeting, were drawn to the attention of the Chair and committee and were left on the table for members. No member nor the committee or any other from CWAC subsequently responded to us about this submission.</p> <p>RESPONSE TO CWAC’S PROPOSED HE POLICY’ STUDENTIFICATION IN CHESTER ‘Objection to Inadequate proposals to manage studentification in Chester’</p> <p>AND</p> <p>Renewed expression of complaint concerning lack of engagement including dispute of claim there was much support for the content of the CWAC proposed policy.</p> <p>To sum up:</p> <p>“having taken the time and trouble to inspect and comment on this proposed (CWAC) policy it strikes us (CCV UK) quite forcibly as to how thin and lacking in substance it is. It fails to deliver policy to secure balanced community (set against all other policy needs) in Chester. We</p>
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	<p>note several key issues we have raised in response (and throughout) in response to the LP Part 2 consultation that have been overlooked; this not helped by CWAC's failure to engage with CCV UK in response to our requests in discussions about the matter'.</p>
<p>10 July 2017</p> <p>MISSIVE TO CWAC CEO</p>	<p>CCV UK reiterated our long-standing dissatisfaction over lack of any engagement in discussion by CWAC with us over a number of issues we continued to consider outstanding and yet to be considered in public as part of the development of the LP Part 2 and in other regards (development strategy for development of student accommodation in Chester and management of that etc).</p> <p>*Noted 'CCV UK always striving to assist even in face of a determination not to treat us in partnership and/or to engage in discussion with us'.</p>

<p>17 July 2017</p> <p>EXCHANGE WITH RUTH WINSTON, INTERNAL GOVERNANCE</p> <p>RESPONSE TO FOI REQUEST. DATA ON LOCATION OF STUDENT HMO IN CHESTER</p>	<p>CCV UK had asked for information about numbers of unrated student etc HMO's in the city. A partial and partially helpful response was given (our thanks to Ruth Winston), although the LA told us they do not keep a record (monitored?) of such privately owned property; but CCV UK told a full declaration would take the LA a significant number of hours of work to trawl through records for the information; and stated the cost to do so would be £3050. CCV UK had asked for records covering a full year but the LA only indicated that a free review for a particular month might be possible.</p> <p>The LA asked for clarification of the request for this information and this was given at 4.06pm Monday July 17.</p> <p>CCV UK responded by stating that offer would be considered; but on reflection were convinced based on the requirements of the NPPF for councils to establish targets to monitor the full range of housing provision that the said required information should have been freely available to us 'off the shelf' from the LA, this view reinforced by an understanding of the extent to which other LAs track their stock of</p>
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	<p>student HMO (including university and private owned accommodation) including with reference to an Ombudsman's judgement that such information should be provided in full in a case from Cornwall, as well as with reference to the standard of record keeping from other LAS such as Brighton and in particular Bristol.</p> <p>*The full information although asked for has not been forthcoming. Original response held on CCV UK file.</p>
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<p>2 August 2017</p> <p>MISSIVE FROM KAREN MCILLWAINE JOINT DIRECTOR OF GOVERNANCE</p> <p>REVIEW OF PUBLIC SPEAKING TIME RULES AT COUNCIL AND COMMITTEE MEETINGS</p> <p>NOTE ON CCV UK VIEW ABOUT PROPRIETY AND EFFICIENCY OF TREATMENT OF APPLICATIONS TO SPEAK AT COUNCIL AND COMMITTEE MEETINGS</p>	<p>Confirmation in response to a complaint that CCV UK was refused public speaking time at LPWG meeting (at any council meeting) if our/an item the applicant wishes to speak on is not on the agenda (ref our complaint of 8 June 2017) under renewed terms of governance.</p> <p>Confirmation in relation to this concern that the issue of public speaking time at council meetings is now subject of review by a working party of the Audit and Governance Committee that on 7 December 2016 started a wide-ranging review of council and committee procedures. The working group to present its recommendations late 2017.</p> <p>*This later updated to early in the new year (2018). CCV UK was advised this WG had met twice when we later inquired about progress; but on checking the A&G committee agendas and minutes up to 10 August 2018 we can find no record of a report and recommendation about this matter; and we have not been advised further about it by CWAC.</p> <p>*CCV UK has wondered why, when we had applied to speak well in advance of a meeting and before the agenda was even published, given the previous one in our case concerning representation to the LPWG had been cancelled and time was of the essence for us to make representation on our case, our application to speak for five minutes in a fifteen minute window that was otherwise unapplied for and in the end at the said meeting unused was refused; and even then only on the night when we turned up expecting to speak having not been informed in advance in response to our application that we would not? In addition we have wondered why there is no reassurance in the orders that given an issue is within the remit of the work of that body and the application is fair that there is a standing order requiring that application to be at least included as a matter of course on the next agenda; or indeed if the matter needs dealing with urgently in a way that pre-empts the next meeting of that body a special meeting should</p>
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	<p>not be provided to deal with it? While we have considered the issue in this regard we have not been asked for our view based on our unsatisfactory experience.</p>
<p>16 August 2017</p> <p>CWAC OFFICER KAREN MCILWAINE RESPONSE TO EMAILS OF 9 JULY AND 2 AUGUST TO HER AND CEO.</p>	<p>Imposition of restricted access in what is indicated by her to be our unwelcome persistence in asking to meet certain CWAC Officers directly to meet CCV UK to discuss our still outstanding concerns about CWAC's proposed student housing and studentification policy as part of the Local Plan Part 2 and related matters.</p> <p>We are instructed to limit submitted comment to a single point of contact at CWAC Customer Relations; with any such submission said to be only noted and not responded to unless we are raising some new issue.</p> <p>Noted the imposition of monitoring of our contacts for three months from October to December 2017 pending review with the threat of further special measures being imposed if as she alleged "your contact continues to be unreasonable within this time".</p> <p>*CCV UK notes the Officer in taking this action in the process fails to offer/deliver the asked for meeting/s to discuss with CWAC our outstanding concerns about the proposed CWAC Studentification policy as part of and in addition to the content of the policy developed for the Local Plan part 2, and regarding such as the long promised but never delivered Higher Education Impact Assessment for Chester. Perceived as a judgement of CCV UK not being acceptable in partnership or in any other respect to participate fully in the LP part 2 development process (despite our ten years of involvement-from 2008 to date-in understanding the complexities of this matter) in line with Government recommended best practice or aims and objectives set out in CWAC's SCI. *See extracts at end of this chronology.</p>

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<p>16 August 2017</p> <p>CCV UK RESPONSE TO MS MCILWAINE'S ACTION ON BEHALF OF CWAC.</p> <p>....and</p> <p>20 August 2017</p>	<p>Noted this judgement of what the LA states constitutes acceptable engagement between the LA and CCV UK is not acceptable to us (<i>we note with regard to what we have been asking and have persistently been refused</i>). We do not accept there is anything unreasonable or in any way vexatious about our reasonable but rejected attempts to achieve engagement in discussion of our outstanding and not address concerns with the LA as part of the LP Part 2 process.</p> <p>*A preliminary complaint was made at this time to the LGO but not pursued, with an agreed group preference to let the matter instead go forward as part of the Local Plan Hearing in Public process; and the LGO was so informed. The LGO did advise we make a formal complaint to the LA and allow that to be processed before returning to him/her if we did choose to pursue the matter via this route; and it was agreed such a complaint would be submitted to the LA on the basis of this advice (but mindful of the fact that the LA has pointed out they would not deal further with any of our representations on this; for us remaining an outstanding matter but for them a closed issue). Response from LGO on file Ref. 17 008 154.</p>
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<p>24 August 2017</p> <p>SUMMARY BRIEFING TO MP</p>	<p>The MP, who has retained an interest in this matter throughout, was approached at a constituency surgery and briefed on what had developed regarding CCV UK attempts to achieve engagement with the LA by way of meeting to discuss the outstanding concerns he had throughout been kept informed of.</p> <p>In addition, by email CCV UK noted to the MP commitments in terms of</p>
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	<p>promised and standards of acceptable engagement found in CWAC's Statement of Community Involvement and THRIVE policies, and with reference to guidance noted from published Cabinet Office key principles (Ref. public Law, Duty to consult (Evershed-Sutherland.Com) 10.07.2015. See statements appended at the end of this chronology.</p> <p>The MP asked us what we wanted him to do, and we stated he should exercise his own judgement of what we had briefed him about and should act on it as he saw fit. We did not press him to take any particular action. We did alert him to the need to bear in mind the treatment of the studentification of Town and Gown places in context of Local Plan process (based on local experience) and where appropriate speak on that at Westminster.</p>
<p>30 August 2017 (to 17 September 2017)</p> <p>SUBMISSION OF COMPLAINT ON ADVICE OF LGO.</p>	<p>As advised a complaint was submitted to CWAC highlighting concerns about the treatment of CWAC representatives and of the issues we had attempted to but had been denied an opportunity to with the LA.</p> <p>*This was done reluctantly with all other options having seemingly been exhausted as throughout CCV UK had asked for partnership in discussion of the outstanding issues we had raised and had repeatedly stated we did not want our submissions treated as complaints; even when the LA had on occasion registered a submission as a complaint?</p> <p>*The submission (copy retained on file) , posted to the correct address and partnership, was not acknowledged.</p>

<p>14 September 2017</p> <p>MISSIVE TO CWAC CEO INQUIRING ABOUT 'WHAT HAD HAPPENED TO SUBMITTED COMPLAINT?'</p>	<p>CCV UK wrote to CWAC CEO 14 September 2017 noting our submitted complaint had not been acknowledged and responded to as per CWAC's usual complaints process?</p>
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<p>15 September 2017</p> <p>EMAIL RECEIVED FROM MIRIAM WALLACE</p>	<p>Ms Wallace noted when the complaint had been sent and to where but asserted that after internal investigation the LA had no record of this complaint on their files/records. CCV UK advised as of now the LA would process this complaint and a response <i>if</i> one was considered a</p>
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REGARDING TREATMENT OF COMPLAINT.	<p>valid complaint would follow in due course.</p> <p>*CCV UK were left wondering as to whether or not the original submission had been in some way discarded based on Ms McIlwaine's previous assertion that submission from us might only be answered if relating to a new issue, with this complaint of course addressing outcomes of the existing issue we had had restrictions placed on us in making representations about. This was a question we and CWAC would probably never find the answer to and an issue impossible for us to pursue further; hence that consideration was allowed to rest.</p>
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<p>24 Oct 2017</p> <p>ACKNOWLEDGEMENT OF COMPLAINT FROM CWAC CUSTOMER RELATIONS</p>	<p>Formal acknowledgement of complaint from CWAC Customer relations; referring to our complaint as of 17 September 2017 (?).</p>
<p>2 October 2017</p> <p>JUDGEMENT FROM CWAC CUSTOMER RELATIONS REFUSING CCV UK COMPLAINT</p>	<p>Both parts of the complaint were refused. Copy of refusal retained on file.</p> <p>This judgement asserted CWAC position about how any further submissions by CCV UK on this same issue would be treated (<i>*Ref. will not be responded to/CWAC consider the matter closed</i>). A copy of the LA's Managed Contract Policy (previously not issued to us) was enclosed.</p> <p>*CCV UK contacted the MP to brief him about the LAs treatment of this matter, leaving it at his discretion as to how to deal with this unsatisfactory situation as treatment of the issue and of CCV UK ourselves had come to.</p>

<p>3 October 2017</p> <p>CCV UK CHAIRPERSON RESPONSE TO JUDGEMENT RECEIVED FROM MIRIAM WALLACE</p>	<p>CCV UK Chairperson Avril Coady wrote to Ms Wallace confirming CCV UK's complaint as valid and asserting group representations were reasonable, fair and proper. Response retained on file.</p>
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<p>9 October 2017</p> <p>MISSIVE TO MP BREIFING HIM ON THIS JUDGEMENT BY CWAC</p>	<p>As requested, CCV UK briefed the MP on the pattern of events leading up to what the group consider to be this most unsatisfactory state of affairs/outcome for his consideration. Noted to him extracts from CWAC Statement of Community Involvement in support of our concern that we had not been treated in line with the intentions of this policy in terms of public engagement with consultation and decision making in development of the Local Plan.</p> <p>Noted to MP number of emails submitted to CWAC had not been unreasonable in number and only issued in line with the stage of development of the LP part 2, and with hardly any sent most recently in relation to the stage of development of this Plan.</p> <p>*See quote from CWAC SCI policy at end of this chronology.</p>
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<p>13 October 2017</p> <p>LETTER FROM MP EXPLAINING HIS ACTION IN RESPONSE TO CCV UK REPRESENTATIONS</p>	<p>MP wrote:</p> <p>"I fully understand and appreciate the concerns you have raised"</p> <p>"I have written to the CEO of CWAC on your behalf".</p> <p>"I will be in touch when I have received a response".</p> <p>The MP wrote to the CWAC CEO:</p> <p>"Noted, CCV UK have received a warning letter from CWAC about attempts to meet to discuss outstanding concerns about student policy</p>
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	<p>in the emerging Local Plan part 2”.</p> <p>“Noted, number of submissions CCV UK have made since January 1st 2017 9about 17) and the reasons for these to secure answers to outstanding concerns and to meet to discuss these”.</p> <p>“Is it possible to allot CCV UK time to discuss these with the LA?”.</p> <p>*letter retained on file.</p>
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<p>4 November 2017</p> <p>LETTER TO CHESTER GROWTH PARTNERSHIP</p>	<p>Reminder letter sent to Secretary. Noted, original letter sent February 2017 yet to be replied to. Original letter expressed disappointment that the CGP had been engaged with the university in discussion about housing needs in the city but not with members of the city residential community.</p>
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<p>5 November 2017</p> <p>SUBMISSION TO CLLR NICOLE MEARDON, 'CWAC CONSULTATION ON SETTING OF RATES'</p>	<p>Review alerted to fact that no rates are paid on student HMO by property owners, and that as of 2020 changes to Government regulations on rate collection will cause considerable loss of income to Town and Gown LAs such as CWAC. Attention drawn to CCV UK document addressing this concern submitted to LPWG, November 2016.</p> <p>*As with the LPWG CCV UK received no response from this review about this matter.</p>
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<p>24 November 2017</p> <p>FOI RESPONSE TO REQUEST FOR FULL DATA ON NUMERS OF PARTIALLY AND FULLY UNRATED STUDENT ETC HMO IN CHESTER</p>	<p>LA confirm cost for a full search of one year's data will cost £3,050. A more limited response mentioned. See previous entry on this log concerning this application. CCV UK continue to believe this data should be available free and off the shelf from LA monitoring records based on LGO judgements and best practice followed in other LAs.</p>
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<p>24 November 2017</p> <p>INQUIRY TO CUSTOMER RELATIONS, PROGRESS OF GOVERNANCE REVIEW.</p>	<p>CCVUK inquired about whether or not promised Governance Review had been completed and about what had been decided about management of public speaking time at council and committees.</p>
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<p>29 November 2017</p> <p>STATEMENT ISSUED TO CWAC CABINET. COMPLAINT ABOUT LACK OF ENGAGEMENT WITH CCV UK TO DISCUSS OUTSTANDING CONCERNS AS PRT OF DEVELOPMENT OF LP part 2.</p>	<p>Submitted to CWAC Cabinet for its attention at CWAC Cabinet meeting.</p>
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<p>5 December 2017</p>	<p>"The working group established to examine this issue has met twice. They report back to the Audit and Governance Committee in the new</p>
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RESPONSE FROM CWAC FOI WEST REGARDING GOVERNANCE INQUIRY	year. You can keep track of agenda items for the A&G committee at.....”
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7 December 2017 ACKNOWLEDGEMENT FROM TRACEY BROWN (POLICY AND RESOURCES) FOR CWAC CABINET	<p>“Thank you for your statement”</p> <p>“Following the Cabinet meeting of 29/11/2017 Cllr Brian Clarke has agreed to respond to your statement”</p> <p>*As of 12 August 2017, CCV UK have received no response.</p>
20 December 2017 LETTER FROM BEV WRIGHT, CWAC CUSTOMER RELATIONS TEAM. LIFTING OF MANAGED CONTRACT ARRANGEMENT	<p>Following a review by a Ms Whiting Ms Wright states that ‘due to CCV UK having agreed to moderate our contacts with the LA they are pleased to tell us the Managed Contract restriction is lifted’, but add a warning about a requirement to channel our representations via a single point of contact using the customer relations link.</p> <p>*See response from CWAC chairperson as follows this chronology.</p>

22 December 2017 MISSIVE FROM JOANNA DOUGLAS, SECRETARY CHESTER GROWTH PARTNERSHIP.	<p>Acknowledgement of letter of 4 November. Confirmation it has been passed to the CGP Chairperson.</p> <p>*no contact with CCV UK from the CGP followed.</p>
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<p>30 December 2017</p> <p>CCV UK RESPONSE TO LETTER FROM BEV WRIGHT OF 20/12/2017</p>	<p>Noted: "CCV UK has never accepted its representations to have been unreasonable, and at a level commensurate with the stage of development of the LP part 2 and a reasonable need to secure engagement in discussion about CCV UK outstanding concerns" (<i>*such as infact have been denied</i>). Stated "The judgement is noted but the context in which it is made misrepresents CCV UK's position regarding this matter as it has evolved and been managed".</p> <p>*In effect the judgement delivered by CWAC at this stage continues the LA determination not to meet and discuss with us our outstanding concerns about the management strategy set out in the LP part 2 for student housing supply and studentification of the city.</p>
<p>10 January 2018</p> <p>CCV UK COMMITTEE ASSESSMENT OF MANAGED CONTRACT ISSUE</p>	<p>Agreed statement: "We have never accepted the imposition of this MCA for reasons the LA do not acknowledge. All our representations the LA has taken Umbridge over have been delivered in proportionate and realistic response to CWAC's treatment of the issue of studentification of the City of Chester in search of engagement to meet and discuss our outstanding concerns about such policy in line with its commitments to such engagement as set out in its Statement of Community Involvement and based on an understanding on Government Cabinet guidance as to what such engagement should entail. We accept no accusations of guilt or wrong doing in the making of our representations on this issue on our part. Any reduction that has taken place in our representations that has not been with particular regard to this LA judgement but rather naturally in line with the stage of development of the LP part 2; and as the LA have been informed given how our representations have been treated by the LA there are other options than simply seeking engagement with the LA for us now to pursue our outstanding concerns. We have exercised our human rights in line with guidance set out in the EU adopted Human Rights Act Section 10".</p>

<p>13 January 2018</p> <p>LETTER FROM MP RETURNING CWAC DEPUTY CEO, Mr C</p>	<p>CWAC Deputy CEO Mr Seward apologised for the 3month delay in replying.</p> <p>"I am unable to give you a precise figure of the number of times Mr Barritt has contacted the council" (<i>ref. since 1 January 2017</i>).</p>
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SEWARD'S RESPONSE TO HIS APPLICATION ON CCV UK'S BEHALF OF 13 OCTOBER 2017	<p>*Noted no reference to CCV UK or RTB's status as General Secretary in this sentence, or any approach by CCV UK's Chairperson.</p> <p>"With regard to your request for officers to meet CCV UK, I do not believe this would serve any useful meaningful purpose. It is not always possible to engage in ongoing dialogue with individuals on matters of great interest to them".</p> <p>*Noted, a quite incredible dismissive treatment of a serious issue raised by a well-educated and knowledgeable community group who have spent some ten years making themselves familiar with this issue and its implications for the Local Plan in a City set on significant expansion over the coming years of Higher Education.</p>
January 2018 CCV UK SUMMARY DOCUMENT OF OUTSTANDING CONCERNS PRODUCED AND SUBMITTED TO LP PART 2 FINAL COINSULTATION	<p>Document listing CCV UK's outstanding concerns in absence of any meeting with the LA to discuss these, as has persistently been denied to the group. *Document retained on file.</p>

January 2018 MISSIV ETO CWAC GROUP LEADERS	<p>CCV UK wrote to CWAC political group leaders, Samantha Dixon (Labour) and Lyn Riley (Conservative), expressing concern about proposed changes to the rates collection system for England from 2020 with regard to loss from unrated student HMO, such as will affect CWAC due to the expansion of Higher Education in the authority. They were asked to take matter up through council by writing to relevant Government departments direct asking for adjustments to the proposed new system so that our LA can, along with others who have already written directly have done.</p> <p>*No evidence that CWAC have discussed this matter at any public forum or has written directly as requested.</p>
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1 March 2018	<p>The detail of the debate is not recorded on the CWAC committee website but CCV UK observed the debate and recorded what was said</p>
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<p>CWAC FULL COUNCIL APPROVAL OF LP PART 2 TO GO FORWARD TO INSEPECTORATE FOR HEARING IN PUBLIC</p>	<p>leading up to a vote for approval.</p> <p>Two councillors (Dawson and Stocks) abstained from voting for the submission stating grounds of concern about the lack of adequate public consultation as they judged it in the process of the production of this proposed plan. One stated concern about such lack of consultation with both the fracking and studentification groups who had made representations to the Plan.</p> <p>The chairperson noted it was their Plan (the LAs), stating it had received as many as 200 representations to it, therefore considering it worthy of approval following which it was approved.</p> <p>*Noted by CCV UK Current population of West Cheshire is 338,000. Response = .0006 approx. of population; and very few of those are community representations.</p>
<p>8 May 2018</p> <p>FURTHER MISSIVE FROM MIRIAM WALLACE, CWAC CUSTOMER RELATIONS MANAGER 'CONTACTS WITH LA'</p>	<p>From: NOREPLYcustomerrelations Sent: 08 May 2018 12:57 To: [REDACTED] Subject: Your contact with the Council</p> <p>Dear Mr Barritt</p> <p>I have been made aware of your email to Andrea Thwaite dated 20 April 2018, within which you request that it is shared with various officers of the Council and that you have alerted the acting CEO. I understand Andrea has since responded to confirm that your request has been forwarded to individual officers.</p> <p>I would like to remind you of the Council's letter to you in December 2017 concerning managed contact arrangements. You were advised then that the level of contact from you [and on behalf of CCV UK] had diminished sufficiently to allow restricted communication arrangements with you to be lifted. You were also advised to use the Council's online reporting/request for information facilities rather than contact officers direct. I attach a copy of that letter for your ease of reference.</p> <p>Can I please request that you use these communications channels from now on. As you can see, your correspondence to Andrea Thwaite was not within her remit to answer and led to a delay in it being forwarded, the online channels allow for more efficient processing of your enquiries and is what we ask all of our customers to use.</p> <p>If you really must contact an individual officer can I please ask you to correspond with Jane Makin only, who has agreed to act as your single point of contact and coordinate responses. This is only for issues that cannot be submitted online and Jane will redirect you to the online channels where appropriate.</p> <p>I feel it is only fair to warn you that continued contact to individual officers and/or scattergunning the same messages to various officers of the Council may lead to the Council implementing its managed contact policy for your contact again.</p> <p>Thank you for your cooperation.</p> <p>Yours sincerely</p> <p>Miriam Wallace Customer Relations Manager Cheshire West and Chester Council Tel: 0300 123 8123 Email: enquiries@cheshirewestandchester.gov.uk Location: Cheshire West and Chester Council 4 Civic Way, Ellesmere Port, CH65 0BE Visit: cheshirewestandchester.gov.uk</p>

RESPONSE TO MIRIAM WALLACE.

17/05/2018

Dear Ms Wallace,

I write to acknowledge your missive of 8th May 2018 (Your contact with the Council unreferenced).

Regarding your missive to me of 20 December 2017, you have been informed that its wording incorrectly represents my own submissions to CWAC on behalf of CCV UK, and the reasons for that pattern of representation to which you have taken exception has been explained.

Having then discussed that matter with the MP he was prepared to accept our reasoning regarding this matter.

Despite the MP having subsequently written to the CEO asking for a meeting between CCV UK and the LA to have discussion about our outstanding concerns regarding the studentification issue in context of the evolving Local Plan Part 2 as you will know that final request pre the adoption of the said Plan was refused; and our attempts to secure such a meeting directly with CWAC at that point ceased; we having finally hit the brick wall regarding our attempts to have what we consider realistic and proportionate engagement at that stage with the LA concerning this matter.

It then being too late for any meaningful engagement to do with that matter, we have now as a result taken our outstanding concerns to do with that issue forward to the Inspector of the LP Plan Part 2 post CWAC Full Council's approval of that Plan and its submission. Had we been allowed at any stage over the four years of development of this LP Part 2 it is likely (we being very fair minded and reasonable people always seeking no more than partnership) this with all the associated stress that associates the making of such a representation would not have been necessary.

And in this regard, we note some councillors did withhold their support for the adoption of the LP Part 2 on ground including concern about the level of consultation afforded to our group.

In this regard CCV UK does not accept we have done anything wrong, and what we have said is only in the public interest in context of Article 10 of the European Convention on Human Rights.

Regarding my missive of 20th April 2018, it should be understood that the submission to Ms Thwaite concerned the management of open and

green space in the area I live in and not the Planning decision itself, which was only noted to highlight the need for the status of our Local and Open Greenspace to be reminded to the committee she is Secretary of as per the remit of the Locality and Chester DAP as published. In proof of that you will note I have not challenged the planning decision concerning 50 Appleyards Lane as such but rather the process adopted in its making and directed my concern to the need not to sell off such open and green space assessed in shortfall and recommended for protection in this area. If you are telling me that is not the appropriate committee to deal with this I would welcome notification of which committee and/or officer is.

In any event that concern is now registered with the Community Assets Review that is currently taking place this being a matter not discussed with the community here in Handbridge due to no Area Forum meetings having taken place here since 2013 against a background of this area having no town, community or parish council serving its interests along with no neighbourhood Plan or Committee being in place or under development.

On a positive note I am happy to report to you that there are now plans to bring some officers and community members together to discuss outstanding concerns regarding management of the central Handbridge street scene and a proposal to have the locality at least considered for Conservation Area status has been welcomed by your Conservation Team.

I hope this clears matters up for you.

Sincerely
Reg Barritt
General Secretary Chester Community voice UK
General Secretary Handbridge Residents Council

*CCV UK has explained a number of times to CWAC Customer Relations that such restrictions placed on us are considered unreasonable given the circumstances surrounding our attempted engagement in the LP part 2 consultation process that led to this judgement. It Seems the aftermath of that is that such restrictions continue to be applied even when, as in the case of the communication with the CWCA locality Team a perfectly correct representation is made in line with that committee's (Chester District Advisory Panel - DAP) stated acceptance of written public submissions to it.

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<p>23 JULY 2018</p> <p>LETTER FROM KERRY TRUMAN PROGRAMME OFFICER MANAGER LOCAL PLAN HEARING IN PUBLIC</p>	<p>Notification of dates of hearing in public (starting 18 September 2018) and reference to Examination Diary found on the council's website.</p> <p>CCV UK registered to speak on matters 1 (Governance), 8 (Chester) and 16 (Management and Monitoring). Written submissions (to be in by 25 August) to be submitted as a general update regarding response to the policies and developments in Chester since we last submitted and in response to the Inspector's published questions and issues, and separately concerning lack of engagement of CCV UK by the LA in any discussion about the development of its Studentification policy, including in relation to housing supply management.</p>
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CWAC STATEMENT OF COMMUNITY INVOLVEMENT (EXTRACTS)

- 1.1** The Cheshire West and Chester Statement of Community Involvement (SCI) 2015 guides how the Council will involve key stakeholders and local communities in the preparation of local development documents and development management decisions.

- 1.1** Consultation and engagement are high priorities for Cheshire West and Chester in all areas including the preparation of the Local Plan. The new planning system includes a strong emphasis on continuous community involvement and planning at a local level which is intended to make the plan preparation process more inclusive and accessible than the previous system. The aim of greater community involvement is to strengthen the engagement of local people in the development of planning policy and provide opportunities for them to shape the place in which they live to create better and more sustainable communities.

3 Our vision for community involvement

- 3.3** The Council's aims for consultation on planning matters are:

To provide opportunities at an early stage for all people, regardless of age, sex, ability, ethnicity or background, business, the community and voluntary sector, partnerships and others to make their views known and have a say in how their community is planned and developed; To promote a positive view of planning by improving the local communities' understanding of the planning system and increasing their sense of ownership of planning policies and major development proposals at a community level; To deliver local development documents in a speedy, flexible and responsive manner, that takes into account the views of local people against statutory requirements and enables us to achieve sustainable development; To provide a transparent and accessible service, where feedback and monitoring are integral to the whole process.

Working principles

- 3.4** In order to achieve these aims all work on local development documents will adhere to the following principles:

Encourage

We will actively seek wider involvement of the community in planning matters. We want to enhance local democracy and understand people's needs; We will inform the community about the local development document preparation process by ensuring everyone has the fullest opportunity to understand and participate in its preparation and putting it into action. We want the community to have their say; We will get people involved from the earliest stages to enable them to influence the development of policies and procedures. We want to prepare a Local Plan that the community feels it has had a significant influence on; We will set out clear timetables for involvement ensuring early participation when a response can make a difference; We will use a variety of methods to

increase involvement using traditional and new techniques to catch the attention and gain the interest of as many of the relevant people as possible.

Respect

We will promote a spirit of mutual openness, listening to and actively involving people in the production of local development documents.

4.1 Who can get involved in the Local Plan? The Council wants to give everyone the opportunity to have their say. We are committed to involving as many people and groups as possible in developing planning policies for the authority. Anyone who has a role or an interest in shaping the future of the area, including local people, local organisations, local community groups, landowners/developers, other organisations and government departments has a contribution to make to the preparation of the Local Plan and other local development documents.

4.2 Not everyone will need to get involved with every document and not all our methods for engaging people will be used each time. The methods chosen will relate to the type of document, scale of involvement and the stage of preparation reached. Some documents such as the Local Plan will deal with widespread aspects of planning looking at the future development of the whole Council area. This will need input from people across the borough and organisations from wider areas.

4.3 To make sure that community involvement is successful we aim to engage right across the community regardless of age, gender or religious values. We will use a range of different techniques for community involvement that will take into account the different needs of the different parts of the community.

[Methods of involving the community](#)

22 Cheshire West and Chester Local Development Framework Statement of Community Involvement 2015

Committee meetings could take the form of meetings held by town/parish councils or dedicated Council panels such as the Local Plan Working Group. Stakeholder meetings can take the form of steering groups and focus groups. They have a more structured format than many methods and can be used to inform as well as consult a represented group in the community. Stakeholder meetings can be a vital source of local and topic specific information that can inform the development of planning documents. Informs Councillors as well as representative groups of the community who can disseminate information to the wider community.

[Methods of involving the community](#)

24 Cheshire West and Chester Local Development Framework Statement of Community Involvement 2015

7 Dealing with responses to consultations

7.1 Continuous community involvement in the production of planning policies is a key requirement of the planning system. Due to the ongoing nature of consultation, it is important that all responses received during a consultation are handled and recorded properly. The Council will therefore take the following steps:

Acknowledgement of responses

7.2 Anyone who submits a response at any stage in the preparation of the Local Plan will be included on the consultation database and will automatically be kept informed at all subsequent stages of the process unless they request otherwise. We will ensure that people are made aware that their responses will be made publicly available, in line with guidance.

Reporting the responses

7.3 For the Local Plan the Council will produce a statement of consultation describing the consultation that has been carried out. The statement of consultation will set out who was invited to be involved in the plan preparation and how they were invited to be involved. It will provide a summary of the main issues raised and how they have been addressed. This statement will then be published along with the Local Plan, Sustainability Appraisal and Policies Map, and other relevant supporting documents.

7.4 Copies of all relevant committee reports and minutes of meetings will be made publicly available via the Cheshire West and Chester website.

Cheshire West and Chester Council
[Helping the Borough Thrive](#)

CWAC COUNCIL PLAN 2016-2020

YOU CAN READ IT ONLINE

This document sets out the priorities and key initiatives that will guide our actions over the next four years. It reflects the issues that residents told us were most important to them and also sets out how we will demonstrate our achievements in a way that holds us to account. Throughout the plan we show that the Council will need to work much more closely and cooperatively with residents, businesses, the voluntary sector, and other public-sector agencies to meet the challenges of the future. In many ways, we see this as a shared plan where we all play a part.

YOU: Your Council listens to you and responds to your needs. You find it easy to contact the Council and services feel joined-up. You are assured that your council tax is being spent wisely. You know that the Council supports people in need to be more independent and plays an active role in your community. You have access to information about how well the Council is performing and feel confident that they are focused on delivering the best service they can.

COMMUNITIES: You feel the Council focuses on the needs of your community rather than taking a one-size-fits-all approach. Inequality and disadvantage are tackled so that all residents can experience a good quality of life. Neighbourhoods feel safe, tidy, and your local environment is protected. If you want to make a contribution you feel supported to get involved and make a difference. You are able to work closely with other local residents, community groups and your Councillors to solve local problems.

FITTING IN WITH PLANNING: The Council Plan also links with the Local Plan which guides development and planning across the borough.

The Public Law Duty to Consult

http://www.eversheds-sutherland.com/global/en/what/articles/index.page?ArticleID=en/Public-sector/The_Public_Law_Duty_to_Consult

10-07-2015

Key Principles

The public law duty to consult is one aspect of the principle that public authorities should exercise fairness in the exercise of their functions.

Where the duty to consult is imposed by statute, then the procedure to be adopted is also likely to be prescribed by the legislation. In other contexts, the issues for a public authority will usually relate to; (1) whether there is a duty to consult anyone at all; and (2) if so, what "fair consultation" entails in the circumstances.

Guidance as to how those issues should be addressed can be found in the Cabinet Office Consultation Principles (the Cabinet Office Principles) and relevant case law.

The Cabinet Office Principles do not prescribe the requirements for a valid consultation. The message the Government has attached to the Cabinet Office Principles is that:

the governing principle is proportionality of the type and scale of consultation to the potential impacts of the proposal decision being taken, and thought should be given to achieving real engagement rather than following bureaucratic process.

Both the Cabinet Office Principles and recent case law have emphasised that consultation requirements will vary from one context to another and should be assessed on an individual basis. The burden is now therefore on public authorities to decide how, when, with whom and how widely to consult. Difficult judgments may need to be made on just what level of consultation is "proportionate" to the purpose and objectives of a consultation exercise.

In that respect the Cabinet Office Principles augment but do not displace the general principles derived from case law as to how consultations should be conducted. Those principles, known as the "Gunning principles" are:

- Consultation should occur when proposals are at a formative stage;
- Consultations should give sufficient reasons for any proposal to permit intelligent consideration;
- Consultations should allow adequate time for consideration and response;

There must be clear evidence that the decision maker has considered the consultation responses, or a summary of them, before taking its decision.

Those principles were recently re-affirmed by the court in the case of *Draper v Lincolnshire CC* (involving consultation

27/08/2017



CHESTER COMMUNITY VOICE UK
'we live here'

STUDENTIFICATION OF CHESTER

REQUEST FOR MEETING TO DISCUSS HIGHER EDUCATION IMPACT ASSESSMENT ETC

64 Cambrian View

Attention of:

Chester

CH1 4DF

Gerald Meehan

Chief Executive Officer

Cheshire West and Chester Council

21/04/2017

58 Nicholas St

Chester

CH1 2NP

Dear Mr Meehan,

As of February 18th to date, CCV UK has politely request by email, phone call and letter some eight times a meeting with you to discuss outstanding concerns we have regarding the impact of studentification on Chester; all of which have been rebuffed.

Variously with five times a rejection directly by yourself or PA to myself; and with my latest approach to you of early March (*that clarified that there has infact been no actual engagement by CWAC with us in discussion over our outstanding concerns*) not responded to. In addition to which a subsequent approach by myself to your Deputy, Mr S. Seward, has also not been responded to.

Further to your misguided advice of February 23rd (*that indicated you were of the understanding we were engaged with the LA in discussion of these matters, this not actually being true*) that we should continue to be 'engaged' with the LPWG in discussion about these matters our General Secretary wrote to the LPWG via Planning Officer Gill Smith with reference to your advice on 17th March and this approach was passed on by her to the LPWG Chair on 21st March 2017, who again has not responded to us to activate any such actual engagement.

Therefore, notwithstanding hearing anything to the contrary from you regarding any offer of the meeting we have requested and of any other real engagement to discuss this matter, and in particular with reference to the promised but never activated Higher Education Impact Assessment and the evolving adverse impact on the rates, we will now take it CWAC is not open to actually being engaged with us over this issue and has determined it will not meet with us about this matter.

As well as locally, CCV UK has been for many years now engaged with many other community groups, leading academics and others in consideration of and debate about the various adverse impacts studentification is having on so called Town and Gown conurbations in the UK and indeed Worldwide. In so doing we have gained much knowledge of the issue and we share our experience of both the positive and negative treatments this issue is variously receiving from the authorities, and we will most certainly continue to do so, as well as continuing to make preparations to make representations to the Inspector of the Local Plan Part 2 when that inquiry finally takes place.

I do not disguise our disappointment with your current treatment of us in this respect.

Yours sincerely,

Avril Coady

Chairperson

Chester Community Voice UK

CCV UK REPRESENTATION TO CWAC CABINET MEETING OF 16.03.2016

SAMPLE OF REPRESENTATIONS PERISTENTLY NOT RESPONDED TO AND DISCUSSED WITH CCV UK

STUDENTIFICATION SPD/AGENDA ITEM 9:

The attached excellent academic thesis by Chloe Kinton of Loughborough University is very much worth reading over in preparation for this meeting and consideration of the proposed Studentification SPD before the Cabinet. It has much to teach us. One key lesson it teaches us is that once you have allowed areas to become studentified they become 'perceptually stigmatised' and physically very difficult if not impossible to return to residential community use or to re-establish within them the character and distinctiveness to support so called destudentification by way of any constructive sustainable process over whatever time.

Following five years of campaign work Chester Community Voice UK does not want to end our representations to CWAC on a totally negative note in response to the Studentification SPD you now have before you for final consideration and approval at your Cabinet meeting of 16 March 2016.

We do recognise positive content in the proposed CWAC Studentification SPD that your Officers and members have produced and that we trust will, if robustly implemented, deliver some degree of control over this expansion of Higher Education in Chester; albeit this being we note a policy described as toothless by certain members at the last LPWG meeting due to the proposal to remove from it the so called 'needs assessment' intended to make sound the assessment of student

accommodation demand as part of the wider planning consideration of delivering required housing supply and of impact on the working city and its community.

We would urge members to consider very carefully the potential adverse consequences of removing this 'needs assessment (4.13)' from the policy; in particular, the extent to which such removal is liable to undermine the key need to secure balanced communities for the City in the medium to long term.

CCV UK also asks you to consider making just a few other required adjustments to the wording of the SPD to make it acceptable to the City community as well as to CWAC itself in the interests of achieving balanced, stable, sustainable and harmonious community into the future.

The CWAC Officer report before you pays little attention to policy statement 3B; a key concern for us in the City. Our view remains this statement is too restrictive and unsound and needs to be removed given, as stated in the last LPWG meeting by some members, other sections of the policy cover this matter without need for such an unreasonably restrictive caveat. Please take out **3B: Development will be restricted to locations within the existing built-up urban area and the use of previously developed land or buildings will be supported**. The NPPF and even your own SLP Part 1 does not actually demand you retain this statement in the policy for this SPD to be sound given other wording included in it in relation to managing location of new build PBSA student accommodation and management of HMOs. If kept it conflicts with the primary aim of securing balanced community going forward being counter-productive of this key long term objective depending on meeting any expanding demand in comparison to meeting other agreed needs set out in the SLP Part 1 (catering for a growing elderly population in the City for example).

We have to take issue with policy statement C. Idealistically it may be acceptable to some parties but practically it is not; location of accommodation depending on where such can be provided going forward as the University grows in relation to dealing with adverse impact in maintaining balanced urban community and the character and distinctiveness of all aspects of the City. Other conurbations do not employ such a restrictive policy in terms of the distance students are expected to travel in relation to other practical considerations and students in these other places do not consider this a hardship (York/Heslington East for example). The policy lacks balance and indeed is counter-productive in hindering achieving/ensuring balance. Please reword this statement accordingly: *'The provision of specialised student accommodation in appropriate, accessible locations will be supported. To promote sustainable means of travel and minimise private car use, the Council will encourage new purpose-built student accommodation to be located within reasonable walking distance (approximately 1.6 km depending on the route) of the main university or college campuses where safe and convenient pedestrian access routes are available or are to be provided as part of the proposals.* **C. Development must be within reasonable walking distance of university/college campuses or in other locations with good accessibility by cycle routes or public transport.**

CCV UK takes issue with the statement on controlling sandwiching that only applies itself to terraced houses hence being unacceptable to us. Why not semis etc? For example, in the middle of Handbridge the semis are packed closely enough together for sandwiching to have an adverse effect concerning any future student occupation of them. Members would know that if they lived there?

4.11 asserts rejection of our request for an independent review of this policy before it is approved but not with reference to our reasoning that the policy has not been subject of adequate scrutiny for those reasons already represented to you (just for example such as no impact assessment of the university on the city having been done, no count of student accommodation demand made in the overall housing demand assessment in the SLP Part 1, and the refusal of the Inspector at the Local

Plan Inquiry Part 1 Matter 3 to allow a debate on the impact of demand for student housing on the City etc).

We also consider references in the proposed policy to the NPPF are too limited, failing to acknowledge development of such as student accommodation at least in potentially exceptional circumstances as might foreseeably emerge (example York Heslington East) are a viable option for consideration in the Planning process.

*CCV UK regrets no Neighbourhood Plan was developed and established for the City or for its fringe community areas during the time over which this SPD has evolved. CCV UK has been able to make representations on the matter but we have not able to adequately engage in debate in full partnership about what our Strategic Local Plan should do for us in terms of delivered policy affecting our lives or in giving us adequate levels of influence over what is to be done and not done with our City, and from the outset what was and now is and is not to be delivered as policy in the Strategic Local Plan Part 1. This has sadly caused tension between those in our community we have been associated with and represented and LA regarding this issue.

Yours sincerely

Chester Community Voice UK

'In community interest'

*Against a background of no Town, Community or Parish councils for Chester's city and urban fringe wards.

This is CCV UK's response to Cllr Brian Clarke's answers to our questions lodged with the Chester Chronicle; and forwarded to them for further consideration:

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1. "I hope you don't mind me writing to you in response to your enquiry to Sam about some of the decisions that were made at Monday's meeting of the local plan working group. I was there as a visiting councillor and portfolio holder, just to observe and not take part".

The current CWAC Leader unlike the previous incumbent never answers our representations to her. Make of that what you will.

2. Firstly the working group is an all party group whose remit is to review the policies before them in order to give a member input before recommending them to Cabinet for inclusion as policies in the local plan. They are open to all councillors to attend, however the Leader and Cabinet members do not usually attend as it could be perceived, by members of the public, that the group is being directed. For this reason the leader and the chairman did not attend Monday's meeting, even though their wards were subject to some of the policies under discussion.

Does that mean that Cllr Rudd who has so often raised concerns about the impact on his GQ Ward did not attend as he might have been perceived to be directing the Panel? On the night the Panel was split on Part Political lines. I am apolitical but in the debate such as it was the Conservatives recognised certain of our issues and Labour members ignored those concerns saying next to nothing on the matters of concern to us before approving the Policy. I also note Cllrs Rudd and Dixon have attended Planning meetings to make 'prejudicial and supportive comments in favour of local community objections to proposed student accommodation developments. Does this mean they were guilty of trying to 'direct' the Planning Committee.

3. At Monday's meeting the Supplementary Planning Document (SPD) on HMOs was on the agenda for the group to discuss and ask questions, before making a recommendation to Cabinet on their findings. Members of both parties asked questions and some made comments before making the recommendation.

I have responded to this in my comments on 2.

4. Mr Barritt was there but did not speak under public speaking. I was a bit surprised to find that he prefers to raise his concerns with yourself rather than at the meeting when he would have had a response.

Ann Charlton and Avril Coady spoke for CCV UK on this occasion. Comment I had submitted for CCV UK was recorded in the documents attached to the agenda and this made all the requests my subsequent press release draws attention to. If Sam Dixon and Bob Rudd are judged not to have been required to attend why should I be judged to have had to speak on this basis. I was in attendance and if there had been any outstanding questions from the committee concerning what I had submitted for CCV UK I was sitting there and available to be consulted. The committee at its discretion did not do so. We raised our concerns and requests and in the main they were not dealt with.

5. As far as the SPD being a toothless document, nothing could be further from the truth, the wording in paragraphs 3A to 3G of the document actually gives support to policy SOC3 in the adopted Local Plan Part One. This is a requirement of the National Planning Policy Framework. (NPPF).

In suggesting the policy has been rendered 'toothless' we are only quoting what a member of the serving committee said in response to the decision to remove the needs assessment. These were not our words although we see the validity in the claim given the fact that the needs assessment that the committee itself had originally included was now removed. We have made no reference to policy statements 3A and 3G and have not taken issue with these. Our reference in light of these and other sound acceptable and flexible inclusions was and is that 3B is not only not needed to direct delivery of student accommodation appropriately but is infact contrary to the aims of these other policy statements and counter-productive in the long term of ensuring balanced communities are delivered in the residential and working city. You will note four speakers being cllrs who addressed the CWAC Cabinet on the 16th of March all gave evidence quoting from the NPPF that its wording and other wording they put forward in the SLP indicated this needs test was not infact new policy. We do not stand alone in making that claim. See the video of the meeting on the CWAC website.

6.Planning policies and associated guidance have the potential to impact on all aspects of equality and diversity.

Nothing to say in response.

7. Relevant policies in the Local Plan (part one) and strategic policies have already been tested through a sustainability appraisal. The Local Plan part 1 has been screened and found not to require a strategic environmental assessment. What this means is that it carries material weight when considering planning applications for HMOs. The removal of 3b from the SPD would leave the council in a position where the part two of the plan would be unable to meet the requirements of the NPPF in terms of providing a policy that allows accommodation for students within walking distance of a university or college.

This is not a logical assessment of the importance of keeping 3B in or leaving it out of the policy given, as members of the committee stated on the night, other statements in the SPD covered this need fully and appropriately while 3B as stated in my response to 5 undermines the long term aim to meet the need and to deliver balanced communities. To suggest its removal would mean the policy would fail to meet the test of the NPPF is wrong. I can only once more point out that reasonable travelling distance from a student accommodation to a campus is overly restrictively represented in this Plan and by this response. I point you to what is considered reasonable travelling distance in dozens and dozens of other Town and Gown conurbations, and that is not as unreasonably limiting as this rebuttal from Mr Clarke's suggests. Mr Clarke is telling us come what may all student accommodation must be delivered in the residential and working City and that infact makes this Plan not tenable / not sound. It fails to ensure areas will not be taken over tipping points irrespective of anything else the plan suggests is to be done to manage this ongoing expansion of HE in Chester. We have indicated on many occasions to the committee that due to the lack of inclusion of student housing demand in the overall housing assessment demand and for related reasons we do not accept the issue has been subject of an acceptable level of scrutiny that might cause us to be convinced by CWAC's and Mr Clarke's arguments in this context (see attached doc that was submitted to this committee in support of this contention).

8. The point about pressure being exerted on officers over a needs test is not true. When the report was first published it was in the public domain and clearly recommended that we take the needs test out of the SPD, it was the members of the group that decided to keep it in until the results of the consultations were known.

Not unanimous but a Labour majority made that decision as we saw the decision taken? As regards what he calls the results of the conclusions I assume he is making reference to the final decision taken at Cabinet that followed? I note that Cabinet comprises all Labour members and as far as I read the agenda of that meeting the Barrister's comments representing the rental agents (see attached) were not published for the cabinet meeting AND that in his conclusion when Mr Clarke there noted they had to take note of the Barrister's opinion that the needs assessment might be deemed illegal and open to challenge if retained I am left confused as to whether or not CWAC was acting on this Barrister's advice or that of its own Barrister. It would be odd indeed for a council to act on the advice of a legal opinion that had not been put before it by its own legal team but rather

of one representing vested commercial interest? You may need to clear that one up by asking questions of CWAC about this confusion.

9. The officers recommended, after the consultation, to leave the needs test out of the SPD as it would be seen by an inspector to be a policy making document which is clearly not the case. The SPD is a supplementary planning document in support of the local development plan part one and nothing more.

And that is why members of the Committee in light of what else is and is not in this policy called it toothless without the needs assessment in it. Was what the Officers recommended based on CWAC's own Barrister's response in detail/full to the opinion of the one representing the letting agents....and if so where is that opinion. I would as I am sure you would like to see the full text of it.

10. We have been in Office since May last year and this plan has been ongoing for 5 years. Within this time the council has been under pressure to produce land use policies on housing and any further delays, however small, leaves us open to developers plans and other challenge.

No excuse to deliver unsound and weak policy though is it? Policy set to damage the long term sustainable future of our City's residential community and the character and distinctiveness of the city as we now know it and as the overall content of the new SLP Part I desires it to evolve in delivering various other aims and objectives that this HE expansion here as it is happening and will now continue to be allowed to happen is in serious conflict with.

11. Hope this helps.

Hope this helps too.

12. Brian.

Reg.

