

CABINET

10 July 2006

Attendance:

Councillor Beckett – *Leader and Portfolio Holder for Economy and Tourism* (Chairman) (P)

Councillor Allgood – *Portfolio Holder for Finance and Resources* (P)

Councillor Coates – *Portfolio Holder for Housing and Communities*

Councillor Hollingbery – *Portfolio Holder for Performance and Communications* (P)

Councillor Lipscomb – *Portfolio Holder for Planning and Transport*

Councillor Pearson – *Portfolio Holder for Environment, Health and Safety* (P)

Councillor Stallard - *Portfolio Holder for Culture, Heritage and Sport* (P)

Others in attendance who addressed the meeting:

Councillors Beveridge, Collin, Evans, Higgins, Hiscock, Pines, Rees, Sutton and Wagner

Mr A Rickman (TACT)

Others in attendance who did not address the meeting:

Councillors Busher, Clohosey, de Peyer, and Learney

1. **APOLOGIES**

Apologies were received from Councillors Coates and Lipscomb.

2. **MINUTES**

RESOLVED:

That the minutes of the previous meeting held 21 June 2006 (less exempt appendix) be approved and adopted.

3. **PUBLIC PARTICIPATION**

The Chairman of Whiteley Parish Council, Parish Councillor M Evans, spoke in reference to the Proposed School at Meadowside, Whiteley and his comments were noted under Report CAB1298 below.

Mr Hayter spoke on the Open Space Strategy and Funding System and his comments were noted under Report CAB1276 below.

Mr Geddes (a Pro-Vice Chancellor of Winchester University) and Ms McCallum (Winchester and District Athletic Club) spoke in support of the proposed outdoor sports centre at Bar End, Winchester. Their comments are noted under Report CAB1247 below.

4. **LEADER AND PORTFOLIO HOLDER ANNOUNCEMENTS**

No announcements were made.

5. **PROPOSED SCHOOL AT MEADOWSIDE, WHITELEY**
(Report CAB1298 refers)

Councillor Allgood declared a personal and prejudicial interest in this item through his role as the County Division Member for Whiteley following advice from the City Secretary and Solicitor. Councillor Allgood left the room during the consideration of this item and did not speak or vote thereon.

Councillor Hollingbery declared a personal (but not prejudicial) interest in this item as he had commented on the proposed school on a website. Councillor Hollingbery spoke and voted thereon.

At the invitation of the Chairman, Parish Councillor M Evans (as Chairman of Whiteley Parish Council) spoke against the proposal. Local residents wanted a new school but the majority responding to the consultation were against the Meadowside site. In summary he stated that the County Council should investigate alternative sites for the school and that one such site (North Whiteley) was more acceptable to the local community as it represented a better long term solution. He also requested that the City Council undertake an independent Environmental Impact Assessment.

The Parish Council had asked the National Playing Fields Association to prepare a report on the suitability of the relocated pitches at Meadowside and there was concern about proximity to adjacent houses.

Parish Councillor M Evans indicated that more than 350 residents had submitted a petition to the Parish Council against the use of the Meadowside site for a school and he proposed to present this to the next City Council meeting.

At the invitation of the Chairman, Mr M Miles (Hampshire Playing Fields Association) spoke against the proposal. The existing facility was an extremely attractive recreational space and there was already a shortfall of 16 acres for recreational use at Whiteley. Mr Miles distributed to Members a map which set out the likely effect that the completed school would have on the Meadowside Leisure Centre's playing fields. From this he highlighted that the pitches, which were already well used, would be moved to an area of wetland and would be too close to neighbouring residential properties. He concluded that if the school was approved in the location set out in the Report, it was likely to have a severe effect on the sports clubs that used these leisure facilities, in particular its younger members and volunteer coaches. Temporary loss of the facilities during the relocation period could affect Club membership.

At the invitation of the Chairman, Councillor Evans spoke regarding this item. Whilst she was supportive of the case for the new school, she was against its proposed location for a number of reasons which included the possibility that the proposal could constrain the Meadowside Leisure Centre's options for expansion. She added that the proposed location of the school had provoked considerable opposition from the local community and that the petitions received earlier in the year, as well as representations received in the current consultation process, should be taken into account. However, if Cabinet were minded to recommend the release of the site, she advised that the area of mitigation land from the County Council would need careful consideration. Councillor Evans also stated that her views would not prejudice her

participation to determine any planning application should it come to a future meeting of Planning Development Control Committee on which she served as a member.

The Chairman noted the comments made and whilst sympathising with the request to undertake an Environmental Impact Assessment, he explained that this was not possible in advance of a planning application because of a September funding deadline which affected the County.

Cabinet noted the minutes of its previous discussion on this issue from 31 May 2006 and following debate, agreed that the requirements of recommendation 3 (which referred to land offered by the County in mitigation) had not been met.

In response to questions, the Director of Development confirmed that the County Council had offered mitigation land in the form of additional open space at Leafy Lane Whiteley totalling 0.85 hectares. In addition it had offered to transfer at no cost the land which formed the proposed neighbourhood green allocated in the Whiteley Local Plan which had an area of approximately 1 hectare. The Director of Development explained that he believed that this was the best offer that the County Council would be able to make whilst also retaining a developable site at Leafy Lane. The weakness of the proposal was that Leafy Lane was on the periphery of the Whiteley development and was less accessible than the Meadowside recreation ground which had been designed as a focal point. It was therefore unlikely to serve the community as well as the area of open space at Meadowside. In answer to a question he explained that the Leafy Lane site was allocated for residential development and that some part of the neighbourhood green would, in any case, be required to be transferred as open space.

In response to additional questions, the City Secretary and Solicitor explained that the amount of public consultation undertaken by the Council had exceeded that which was required by law. The results of this consultation were noted by Cabinet and the Chairman updated the Report in that, subsequent to its publication, a total of 36 representations (31 households) had registered their support to the proposals and 119 representations (104 households) had objected.

Having regard to all the responses received, Cabinet agreed that whilst there was a clear need for a school in Whiteley, the local community would be best served by delaying its implementation so as to consider alternative sites and to retain the existing and well-used leisure facilities.

Cabinet agreed to the following for the reasons set out above and outlined in the Report.

RECOMMENDED:

THAT, HAVING GIVEN CAREFUL CONSIDERATION TO:

- A) THE REPRESENTATIONS RECEIVED DURING THE PUBLIC CONSULTATION PROCESS AND**
- B) CONCERNS ABOUT THE SUITABILITY OF THE OPEN SPACE MITIGATION LAND OFFERED AT LEAFY LANE, WHITELEY,**

THE PROPOSED APPROPRIATION AND SUBSEQUENT DISPOSAL OF THE LAND AT MEADOWSIDE BE NOT PROCEEDED WITH.

6. **REVIEW OF OPEN SPACE STRATEGY AND FUNDING SYSTEM**
(Report CAB1276 refers)

Councillor Allgood declared a personal (but not prejudicial) interest in this item as a County Councillor and spoke and voted thereon.

At the invitation of the Chairman, Mr J Hayter addressed the meeting. In summary, he requested that PPG17 and the Local Plan's provisions for general space and biodiversity be taken into account in the next Open Space Fund Review and that the exemption for fewer than 15 dwellings be reconsidered in the Local Development Framework. In response, the Director of Development agreed that these would be considered as part of a comprehensive review that would further revise the Strategy.

Mr Hayter suggested that there was a financial risk associated with the Strategy in that developers may be able to claim back their contributions if, for example, their funds were spent on children's play facilities not within easy walking distance of their development. The Director agreed to respond to this complex issue outside the meeting in consultation with the Portfolio Holder for Culture, Heritage and Sport.

At the invitation of the Chairman, Councillor Rees (as Chairman of the Winchester Town Forum) suggested that Open Space Funds should be looked at by the Town Forum and that the facilities provided across the whole District should be accessible to everyone, regardless of ability.

Councillors Beveridge and Hiscock welcomed the proposed additional officer support as set out in the Report and Cabinet noted that Councillor Beveridge's request for information regarding Open Space Funding near Sparkford Road would be dealt with by officers outside the meeting.

In response to a Member's suggestion, the Director of Development agreed to report back to the Environment Scrutiny Panel indicating Cabinet's thanks for its work on the review and to highlight where their recommendations had been incorporated into the Review and proposed future action.

Cabinet agreed to the following for the reasons set out above and outlined in the Report.

RESOLVED:

1 That the Winchester District Open Space Strategy 2006-2007 (Appendix 4 to this report) be adopted as the relevant background paper to the Winchester District Local Plan, the Winchester District Local Plan Review, and the Open Space Funding System, for the period from 1 July 2006 to 31 March 2007, and thereafter subject to annual review.

2 That the Open Space Funding System continues to operate throughout the District, using the procedures approved by the City Council on 16 November 1994, and subsequently amended on 26 March 1998.

3 That the updated contribution scales set out in paragraph 5.4 of this Report be approved for use with the System for applications determined between 1 July 2006 and 31 March 2007.

4 That, subject to a successful planning application and compliance with the requirements for use of funds, up to £1,000,000 of

contributions received into the Open Space Fund for Winchester be utilised to assist with the development of a new major community sports facility at Bar End (Report CAB 1247 elsewhere in these minutes refers).

5 a) That approval be given to a virement of £40,000 from the Open Spaces Fund to assist with the increasing workload arising in the Communities and Development Directorate.

b) That Personnel Committee be recommended to approve an increase in the establishment of 1 F.T.E

7. **OUTDOOR SPORTS CENTRE – BAR END (LESS EXEMPT APPENDIX)**
(Report CAB1247 refers)

Councillor Allgood declared a personal (but not prejudicial) interest in this item as a County Councillor and he spoke and voted thereon.

Councillor Hollingbery declared a personal (but not prejudicial) interest in this item as his daughters were members of a local athletics club. He spoke and voted thereon.

At the invitation of the Chairman, Mr T Geddes (Pro Vice Chancellor, Winchester University) spoke in support of the running track and all weather pitch set out in the Report. In summary, he suggested that the joint project between the University, the County Council and the City Council would enhance the University's role in the local community and would help attract a better calibre of future students to the University. He added that local people's use of the proposed facilities would be encouraged.

Student use occurred mainly on Wednesday and Sunday afternoons for 30 weeks of the year. On this basis the facility would be available for public use at other times. The University would be responsible for the revenue expenditure on the facility. The University had also recently invested in improvements to the changing facilities.

Ms McCallum (Winchester and District Athletics Club) explained that there was an existing and increasing demand from the community for the proposed facilities. She added that the track would be of great benefit to the area's talented young athletes and that, in addition to hosting inter-school competitions, an 8 lane track could make Winchester eligible as a holding camp for one of the national teams at the 2012 London Olympics.

Councillor Wagner spoke in support of the all-weather, 8 lane track.

Councillor Rees also spoke in support of the proposal in principle, but raised concerns regarding the allocation of the whole of the Winchester Town sports element of the Open Space Fund to the project and that this might affect other future bids on the Fund and the maintenance of other Open Spaces. As Chairman, he requested that the issue be considered by the Town Forum.

Councillor Pines echoed the comments raised by Councillor Rees and suggested, as a District wide facility, that the project should also be partially funded by Parish Councils' Open Space Funds. As a Ward Member, he added that the traffic implications of the project should be carefully considered.

Councillor Higgins, as a Ward Member, also welcomed the proposal and suggested that as a planning gain, the surrounding area be considered as a Home Zone scheme with a 20mph speed limit.

In welcoming the proposal in principle, Councillor Hiscock also suggested that District wide funding be sought and that a broader public consultation exercise was needed to determine the need for the track. Additionally, he raised concerns about the future maintenance costs of the facilities.

Councillor Sutton spoke on behalf of Councillor Evans, who was unable to attend this part of the meeting. Councillor Evans supported the scheme as it benefited sport, the local economy and tourism but raised concerns regarding the depletion of the Town's Open Space Fund.

In response to the comments made, the Chairman explained that an agreed five-year programme of playground refurbishments in the town would be unaffected by the proposal. He also agreed to investigate the possibility of attracting Open Space Funds from Parish Councils, although this was likely to be limited because the money had to be mainly spent locally.

With regard to the effect on the Winchester Town element of the Open Space Fund, the Chairman proposed that should there be a shortfall in the fund in the monies required then the balance should be loaned from the General Fund and repaid as new Open Space Funding became available. He noted that the on-going revenue costs of the facility would be met by the University. In agreeing this proposal, Cabinet noted that large developments such as the possible redevelopment of the Police Headquarters site and Silverhill were likely to speed these repayments. However, it was agreed that the Director of Finance investigate recharging the lost interest from the General Fund to the Open Space Fund. A member suggested that an alternative approach could be to consider that the interest element could be a District cost and a contribution towards the Scheme by the General Fund.

In response to questions, the Director of Development confirmed that there were currently no other applications pending for funding from the sport element of the Town's Open Space Fund.

The Chairman indicated that if other small scale sports schemes emerged during the repayment period, then it might be possible to adjust the repayment period to allow such schemes to proceed if appropriate.

In supporting the scheme, the Portfolio Holder for Culture, Heritage and Sport explained that the details of the scheme had yet to be agreed, but it was likely that parking could be provided at the nearby Park and Ride sites (with a safe route provided across Bar End Road to the track) and the possibility of parking at the Garrisons' Ground would be investigated. A Traffic Impact Assessment would be submitted with the planning application.

At the conclusion of debate, Cabinet agreed with the recommendations in the Report and requested that the Portfolio Holder for Culture, Heritage and Sport report to a future meeting, having first sought the views of the Winchester Town Forum on detailed proposals for the progression of the project.

Cabinet agreed to the following for the reasons set out above and outlined in the Report.

RECOMMENDED:

1. THAT, SUBJECT TO THE SUPPLEMENTARY CAPITAL ESTIMATE NOT BEING CALLED IN BY PRINCIPAL SCRUTINY COMMITTEE:-

A) THE PRINCIPLE OF PROVIDING A NEW MULTI-SPORTS FACILITY INCLUDING AN ATHLETICS TRACK, AN ARTIFICIAL TURF PITCH AND OTHER FACILITIES AT BAR END, WINCHESTER BE APPROVED, AND THAT OPTION B BE CONFIRMED AS THE PREFERRED OPTION;

B) SUBJECT TO SPORT ENGLAND COMMUNITY INVESTMENT FUND AND SITA TRUST (LANDFILL TAX CREDIT SCHEME) ENHANCING COMMUNITIES PROGRAMME PROVIDING GRANT AID TOWARDS THE PROJECT, A SUPPLEMENTARY CAPITAL ESTIMATE OF £1,000,000 IN 2007/08 BE APPROVED;

C) THE TOTAL UNCOMMITTED SPORT ELEMENT OF THE OPEN SPACE FUND FOR WINCHESTER TOWN BE USED TO FUND PART OF THE £1M CONTRIBUTION AND THAT AS OTHER SUCH FUNDS BECOME AVAILABLE THEY BE USED TO REPAY THE AMOUNT FUNDED DIRECTLY BY THE GENERAL FUND WITHOUT BEING COMMITTED ELSEWHERE.

RESOLVED:

That subject to Council approval of 1 above:

2. That the Director of Communities be authorised to advise the University of Winchester to proceed with the detailed design and implementation of the project subject to the necessary permissions.

3. That the expenditure of £10,000 from the Open Space Fund in 2006/07 be approved as a contribution towards the fees necessary to develop funding bids.

4. That, subject to the carrying out of the statutory advertisement procedure under Section 123(2a) of the Local Government Act 1972 for the proposed disposal of open space land, compliance with the Local Government Act 1972 General Disposal (England) Consent 2003 and any necessary consents of the National Playing Fields Association and the Charity Commission, the Director of Communities, City Secretary and Solicitor, Director of Finance and Chief Estates Officer, in consultation with the Portfolio Holder for Culture, Heritage and Sport and the Leader of the Council, be authorised to enter into appropriate arrangements for the funding, construction, management of the project, the leasing of the land owned by the City Council which is required for the project, and public access arrangements to the facilities.

5. That the Portfolio Holder for Culture, Heritage and Sport report to a future meeting of Cabinet on the detailed proposals for progression of the project, having worked with Winchester Town Forum.

6. That the Director of Finance be asked to report upon whether it is appropriate to consider the options for recharging any lost interest from the General Fund to the Open Space Fund.

8. **CCTV DEVELOPMENT AND CONTROL ROOM RELOCATION – PROJECT SCOPE AND APPOINTMENT OF EXTERNAL CONSULTANTS**
(Report CAB1300 refers)

At the invitation of the Chairman, Councillor Collin indicated support for the proposals but questioned whether the brief for the consultants was adequate. He considered that it was necessary to produce the Project Implementation Document as soon as possible so that resources were allocated to clearly defined objectives.

At the invitation of the Chairman, Councillor Higgins requested that Water Lane in his Ward be considered in any proposals for the expansion of the CCTV scheme.

The Chairman indicated that decisions were not being taken on the location of additional sites at this stage.

Cabinet agreed to the following for the reasons set out above and outlined in the report.

RESOLVED:

1. That the scope for the CCTV project as set out in the Report be endorsed.

2. That Cabinet approves a supplementary estimate of up to £20,000 for the appointment of external consultants as detailed in the Report.

9. **TENURE OF AFFORDABLE DWELLINGS ON HOUSING REVENUE ACCOUNT (HRA) LAND BEING DISPOSED OF TO THE REAR OF 4-10 GREAT FIELD ROAD, WEEKE (LESS EXEMPT APPENDIX)**

At the invitation of the Chairman, Mr Rickman (TACT) elaborated on TACT's comments, as set out in the Report. TACT did not object to the current proposal processing. However, he advised that recent changes to housing finance regulations warranted an immediate review of the approach to any future proposals for the disposal of HRA land as the capital receipts of the sale of land could be reinvested in the existing housing stock.

During debate, Cabinet noted that the Portfolio Holder for Housing (who was unable to attend the meeting) supported the recommendations set out in the Report.

Cabinet agreed to the following for the reasons set out above and outlined in the Report.

RESOLVED:

That, subject to the matter not being called in by Principal Scrutiny Committee:

(a) the potential change in tenure of 4 of the 6 affordable dwellings being provided by Atlantic Housing Limited in the area of the land to the rear of 4-10 Great Field Road, Weeke from affordable rented to shared ownership be approved, with the Director of Communities in consultation with the Portfolio Holder for Housing and Communities being authorised to make the final decision once the outcome of the further application for Housing Corporation funding is known.

(b) the disposal of the freehold interest at a nominal consideration be progressed subject to terms and conditions to be agreed by the Chief Estates Officer, including the provision for 4 of the 6 dwellings to be used on a shared ownership basis if the further application for Housing Corporation funding is unsuccessful, taking account of the requirements of General Consent A (Disposal of Land to Registered Social Landlords) 2005 under Section 25 of the Local Government Act 1988.

10. **ALIGNMENT BETWEEN PORTFOLIO HOLDERS AND SCRUTINY PANELS**
(Report CAB1299 refers)

Cabinet agreed to the following for the reasons outlined in the Report.

RECOMMENDED:

1. THAT ALIGNMENTS BETWEEN PORTFOLIO HOLDERS AND SCRUTINY PANELS BE ON THE BASIS OF APPENDIX 1 TO THE REPORT.

2. THAT THE CITY SECRETARY AND SOLICITOR BRING FORWARD A REPORT TO A FUTURE MEETING TO MAKE THE NECESSARY CONSEQUENTIAL CHANGES TO THE CONSTITUTION.

11. **EXTRACT FROM MINUTES OF PRINCIPAL SCRUTINY COMMITTEE HELD 5 JUNE 2006**
(Report CAB1295 refers)

Cabinet considered the extract of the minutes from Principal Scrutiny Committee held 5 June 2006 and noted that it had been requested to appoint a Portfolio Holder to have responsibility for the overview of the Depot Services Contract. It was agreed that Councillor Allgood be appointed.

Cabinet agreed to the following for the reasons set out above and outlined in the report.

RESOLVED:

That Councillor Allgood be appointed as Portfolio Holder with responsibility for an overview of the Depot Services Contract.

12. **WINCHESTER TOWN FORUM**
(Report CAB1293 refers)

RESOLVED:

That the minutes of the Winchester Town Forum held 7 June 2006 be received.

13. **FUTURE ITEMS FOR CONSIDERATION**

Councillor Allgood indicated that he had asked that the format of the Forward Plan be reviewed and this was currently being investigated. Any changes would be introduced in the autumn.

RESOLVED:

That the list of future items, as set out in the Forward Plan for July 2006, be noted.

14. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Exempt Minutes of the previous meeting, held 21 June 2006:	Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)
##	-Office Accommodation – Options	
	-New Offices – Feasibility Report Update	
	Outdoor Sports Centre, Bar End – Exempt Appendix	
	Tenure of Affordable Dwellings on Housing Revenue Account (HRA)	
	Land being disposed of to the rear of 4-10 Great Field Road, Weeke – Exempt Appendix	

))
 Preferred Agency Contract)
 for Use of Temporary Staff)

15. **EXEMPT MINUTES**
 (Report CAB1247 refers)

RESOLVED:

That the exempt minutes of the previous meeting held on 21 June 2006 be approved and adopted.

16. **OUTSIDE SPORTS CENTRE – BAR END – EXEMPT APPENDIX**
 (Report CAB1247 refers)

RESOLVED:

That the information contained within the exempt appendix be noted.

17. **TENURE OF AFFORDABLE DWELLINGS ON HOUSING REVENUE ACCOUNT (HRA) LAND BEING DISPOSED OF TO THE REAR OF 4-10 GREAT FIELD ROAD, WEEKE - EXEMPT APPENDIX**
 (Report CAB1289 refers)

RESOLVED:

That the information contained within the exempt appendix be noted.

18. **PREFERRED AGENCY CONTRACT FOR USE OF TEMPORARY STAFF**
 (Report CAB1274 refers)

Councillor Allgood declared a personal (but not prejudicial) interest as a member of the County Council. He spoke and voted thereon.

Cabinet considered a report which sought to make savings when employing temporary agency staff and Cabinet welcomed the initiative which involved partnership working with the County Council. (Detail in exempt minute below).

The meeting commenced at 10.00am and concluded at 12.40pm