

CABINET

14 January 2009

Attendance:

Councillor Beckett - *Leader and Portfolio Holder for Economy and Tourism (Chairman) (P)*
Councillor Allgood – *Portfolio Holder for Finance and Efficiency (P)*
Councillor Coates – *Portfolio Holder for Housing (P)*
Councillor Cooper – *Portfolio Holder for Communities and Safety (P)*
Councillor Godfrey – *Portfolio Holder for Performance and Organisational Development (P)*
Councillor Pearson – *Portfolio Holder for Environment (P)*
Councillor Stallard - *Portfolio Holder for Heritage, Culture and Sport (P)*
Councillor Wood – *Portfolio Holder for Planning and Access (P)*

Others in attendance who addressed the meeting:

Councillors Barratt, Busher, Collin, Learney and Nelmes

Mr J Bond (TACT)

Others in attendance who did not address the meeting:

Councillor Achwal, Humby and Thompson

1. **MINUTES**

RESOLVED:

That the minutes of the previous meeting held on 10 December 2008, less exempt items, be approved and adopted.

2. **PUBLIC PARTICIPATION**

Mrs M Wilks addressed the meeting regarding the proposed sale of land adjacent to Simonds Court and Hillier Way, Abbots Barton (Report CAB1755 refers). Her comments are summarised under the relevant agenda item below.

3. **LEADER AND PORTFOLIO HOLDER ANNOUNCEMENTS**

Councillor Stallard reminded Cabinet that Winchester City Councillors, together with Hampshire County Councillors had been invited to attend an event at the Winchester Sports Stadium Bar End on 29 January 2009 at 7.00pm.

Councillor Godfrey advised that the Audit Commission were currently undertaking interviews with Councillors regarding the new assessment process. The Chief Executive stated that a presentation for Councillors had been arranged for 19 January 2009 at 6.00pm.

4. **DISPOSAL OF HOUSING REVENUE ACCOUNT (HRA) PROPERTY AND LAND: LAND ADJACENT TO SIMONDS COURT AND HILLIER WAY, ABBOTS BARTON, WINCHESTER AND 11 HOE ROAD, BISHOPS WALTHAM (LESS EXEMPT APPENDIX)**
(Report [CAB1755](#) refers)

The Head of Strategic Housing advised that the planning application for Hoe Road, Bishops Waltham had been submitted, but not yet been considered by the Planning Development Control Committee. A planning application regarding the land in Abbots Barton had not yet been submitted.

Mrs M Wilks (a resident of Simonds Court) spoke during the public participation period and her comments are summarised below. She expressed concern that the proposed development would significantly impact upon properties in Simonds Court in terms of overlooking and loss of views if the proposed development went ahead. In addition, she stated that the land was regularly used by members of the public and the trees had special significance as they had been planted in memory of local residents. Finally, she advised that residents had been informed that a decision would not be taken until further consultation had been undertaken regarding the amended plans. This consultation with residents had not taken place.

The Chairman thanked Mrs Wilks for her comments and advised that those relating to planning matters would be directed to the Planning Management Division.

At the invitation of the Chairman, Mr J Bond (TACT) together with Councillors Nelmes and Learney addressed the meeting and their comments are summarised below.

Mr Bond advised that TACT had no further comments to those stated in the Report. The Head of Strategic Housing confirmed that the TACT Chairmen had been consulted on the proposals outlined in the Report.

Councillor Nelmes spoke regarding land adjacent to Simonds Court and Hillier Way as a Ward Councillor. She queried whether the land was designated as amenity space? She also emphasised the significance of the trees on this land to local residents.

Councillor Learney expressed support for both schemes outlined in the Report and highlighted that there was a significant amount of alternative open space in the vicinity of the proposed Simonds Court scheme. With regard to the proposals in Hoe Road, she expressed some concern at the possibility of land to the rear of the proposed development area also being developed. She requested that the Council seek to minimise this risk.

In response to comments outlined above, the Head of Legal Services confirmed that the land adjacent to Simonds Court fell outside the Local Plan development limits and was not designated as recreational space. With regard to Councillor Learney's concerns about the Hoe Road proposals, he confirmed that he would investigate suitable measures necessary to seek to retain control by the Council of the use of the land for the purpose of gaining access to other adjacent land. Cabinet requested that this matter be considered further.

In response to comments made by Mrs Wilks, the Head of Strategic Housing confirmed that a public exhibition had been held in September 2008 at Simonds Court and the Rugby Club, Abbots Barton. In addition, letters had been sent to local residents. Comments from these consultations had been taken into account by the applicant in the formation of amended plans. Discussions were still ongoing between the applicant and the Council and a planning application had not yet been submitted.

Cabinet requested that further consultation be undertaken with residents, including an exhibition of amended plans, before a planning application was submitted. The Head of Strategic Housing agreed to arrange this.

The Head of Strategic Housing confirmed that discussions had been held with Swaythling Housing Society (SHS) regarding the significance to local residents of the trees and SHS had agreed to make arrangements to attempt to transplant the trees. Cabinet requested that the importance of achieving the safe transfer of trees be emphasised.

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 the Principal Scrutiny Committee:

1. The disposal of land adjacent to Simonds Court, Abbots Barton, Winchester and No. 11 Hoe Road, Bishops Waltham to Radian Group (or a registered social landlord within that group) be approved, subject to:

- (a) terms and conditions to be agreed by the Head of Estates;
- (b) 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;
- (c) a planning consent being granted on each site;
- (d) nomination rights to each home being granted to the Council.

2. Approval be given for the removal of the restrictive covenants on 12 Hoe Road to enable development of the site for the purpose outlined in the report, subject to the imposition of new restrictive covenants that require the freeholder to only use the site for the purpose of providing affordable housing, as outlined in the report.

3. £36,000 (representing the capitalised value of the loss of rent of 11 Hoe Road) be transferred from funds derived from previous sales under the vacant properties programme held for the provision of affordable housing, and reinvested through the Housing Investment element of the Capital programme to fund improvements and enhancements to existing stock.

4. Delegated authority be granted to the Head of Strategic Housing, in consultation with the Portfolio Holder for Housing, to agree any minor amendments to each project that may be required to ensure their viability.

5. **LOCAL LETTINGS PLANS AND CHARGING AGREEMENT FOR CHOICE BASED LETTINGS**

(Report [CAB1774](#) refers)

At the invitation of the Chairman, Mr J Bond (TACT) confirmed that TACT supported the proposals in the Report.

Councillor Coates confirmed that a review of the operation of the Choice Based Lettings scheme would be reported to Cabinet one year after its introduction.

The Head of Strategic Housing agreed to confirm with East Hampshire District Council and Havant Borough Council that their Local Lettings Plans had been formally agreed and report back to Cabinet Members outside of the meeting.

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

RESOLVED:

1. That the introduction of Local Lettings Policies in accordance with the three criteria set out in paragraph 2.1 of the report be approved, and the Head of Strategic Housing (in consultation with the Portfolio Holder for Housing) be given delegated authority to determine the details of such policies and the areas where they are to be introduced.

2. That the Head of Strategic Housing (in consultation with the Portfolio Holder for Housing and Head of Finance) be given delegated authority to enter into a charging agreement for Registered Social landlords using the CBL system.

6. **GENERAL FUND BUDGET**
(Report [CAB1776](#) refers)

Councillor Allgood advised that at its meeting on 13 January 2009, Winchester Town Forum had agreed to award a grant of £20,000 per annum to the Theatre Royal from the Winchester Town Account.

Councillor Allgood confirmed that the suggestion from some Scrutiny Panels about the possibility of increasing revenue from advertising in Council publications had been considered, but was believed to be difficult to achieve in the current economic climate.

With regard to the options currently under consideration (Section 3 of the Report), Councillor Allgood advised that further work was being undertaken into the appropriate level of car parking charges for Sunday parking. At its meeting on 13 January 2009, the Winchester Town Forum had agreed to make a contribution to the maintenance of public conveniences from the Winchester Town Account. Responses were still awaited from parish councils on this point.

In summary, Councillor Allgood advised that the current projected budget deficit for 2009/10 was approximately £200,000 and further work was being undertaken to address this, prior to the budget setting Council meeting on 19 February 2009.

Councillor Beckett thanked the Portfolio Holder and senior Council officers for their work on the future year's budget.

Cabinet requested that in future years, matters affecting the Winchester Town Forum and parish councils be consulted on earlier, in particular to assist with the parish precept setting process. This was agreed.

At the invitation of the Chairman, Councillor Learney spoke on behalf of Littleton and Harestock Parish Council. She expressed concerns about practical difficulties facing parish councils regarding the City Council's proposal to pay the precepts to parishes in two instalments. She also had reservations that the City Council was effectively redistributing charges for some elements of its work to parish councils. On a more general point, Councillor Learney also queried whether the proposals in Section 3 were only options at this stage. She questioned whether staff had been consulted regarding the proposal to review the 3.5 per cent pay inflation assumption, as this implied a withdrawal from the national pay agreement.

In response, Councillor Beckett stated that other local authorities paid their precepts in two instalments and emphasised the benefits to the Council as it received its funding receipts staged throughout the financial year. There were therefore financial implications to the Council of prepaying parish precepts, whereas he did not consider the implications to parish councils to be overly onerous, particularly having regard to the low levels of interest rates at the

current time. He welcomed the proposal to make parish councils responsible for some charges affecting their local area as it increased local accountability.

Councillor Beckett requested that any parish council contact himself or Councillor Cooper if they would encounter particular difficulties regarding the payment of parish precepts in two instalments. The Head of Finance agreed to advise parish councils in writing of this.

Councillor Beckett confirmed that the proposals in Section 3 of the Report were only options at this stage. There was no proposal to withdraw from the national pay agreement. The review related to the budget assumption for pay increases and other local authorities set this at a lower level than 3.5 per cent. The Chief Executive confirmed that staff and Trade Union representatives had been consulted on the budget proposals in general.

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

RESOLVED:

That the results of the consultations and the further developments be noted, as part of the deliberation of the budget.

7. CAPITAL PROGRAMME 2008/09 TO 2013/14
(Report [CAB1775](#) refers)

Councillor Allgood stated that Appendix D of the Report highlighted the challenges facing the Council in financing its Capital Programme in future years. Consequently, a cautious approach would be adopted towards approval of growth bids for 2009/10. Of the bids outlined in Appendix B, Councillor Allgood proposed that the following items be included in the budget for consideration by Council on 19 February 2009:

- i) Footpath improvement scheme
- ii) Parchment Street Enhancement
- iii) Magdalen Hill Cemetery – Extension
- iv) Tourist Information Centre Electrical Works
- v) Bridge Maintenance

With regard to the final two items, Councillor Allgood clarified that if agreed, these would be financed from the Property Repair fund. The electrical works would be undertaken at the same time as the planned closure of the Tourist Information Centre for refurbishment. Councillor Allgood explained that £100,000 was requested for maintenance of 17 bridges. Surveys had been carried out which indicated that this maintenance work was urgent and should be undertaken within 12 months, in order to ensure that the various structures could remain fit for purpose and comply with health and safety regulations.

Councillor Allgood advised that the remaining growth bids listed would be deferred for further consideration in July 2009, at the same time as the annual capital programme review.

Cabinet noted that the savings under Capital Grants heading for forthcoming years was now £15,000, rather than the £10,000 stated in the Report.

At the invitation of the Chairman, Councillors Busher and Collin addressed the meeting and their comments are summarised below.

Councillor Busher queried whether any further proposed capital items of expenditure would be deferred? With regard to proposals for Knowle Community Building, she emphasised the urgency of ensuring a facility was provided.

In response, Councillor Allgood clarified that funding for Knowle Community Building was included in the Capital Programme for 2009/10 and 2010/11, subject to appropriate Cabinet approval, as with other projects. It was not anticipated that any other projects would be deferred. The Head of Finance explained that the column entitled "Committed 2008/09" in Appendix A outlined when funding was either statutorily required, or had been previously committed by Cabinet.

Councillor Collin queried why the City Council was proposing to allocate funding towards the costs of refurbishment of Winchester High Street as he considered this should be solely funded by the County Council. He advised that he had researched the matter and not found any indication that the City Council had contributed to the previous refurbishment and therefore believed that negotiations with the County Council on this point should be reopened.

In response, Councillor Beckett advised that as the relevant highways authority, the County Council had responsibility to maintain the High Street to an appropriate standard. However, the City Council's additional contribution was proposed to ensure a higher standard of refurbishment was achieved. He believed this would be of benefit to residents and businesses in the Town.

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

RESOLVED:

1. That the revised Capital Programme for 2008/09 to 2013/14 be approved, noting that individual schemes within the Programme each require appropriate approval by Cabinet or under the Portfolio Holder scheme of delegation in accordance with Financial Procedure Rules, before any funds are committed.

2. That the following capital growth bids be included within the budget for consideration by Council in February:

- i) Footpath improvement scheme
- ii) Parchment Street Enhancement
- iii) Magdalen Hill Cemetery – Extension
- iv) Tourist Information Centre Electrical Works
- v) Bridge Maintenance

8. **MINUTES OF THE WINCHESTER TOWN FORUM HELD 26 NOVEMBER 2008**

(Report [CAB1777](#) refers)

With regard to the comments of the Forum on the General Fund Budget 2009/10, Cabinet noted that at its meeting on 13 January 2009 the Forum had agreed to award a grant of £20,000 per annum to the Theatre Royal from the Winchester Town Account.

The Forum had also requested that Cabinet discuss the potential basis of the Town Account receiving revenue benefit from the Town's Car Parks and from other facilities. It was agreed that an informal meeting between appropriate Cabinet Members and the Chairman of Winchester Town Forum be arranged to enable this.

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

RESOLVED:

1. That the comments regarding consultation on the General Fund Budget and Capital Programme be taken into account in further preparations for the General Fund Budget 2009/10.

2. That an informal meeting be arranged between the Chairman of Winchester Town Forum and appropriate Cabinet Members to discuss further the potential basis of the Town Account receiving revenue benefit from the Town's Car Parks and from other facilities.

3. That the minutes of the Winchester Town Forum held 26 November 2008 be received.

9. **MINUTES OF THE CABINET (LOCAL DEVELOPMENT FRAMEWORK) COMMITTEE HELD 16 DECEMBER 2008**
(Report [CAB1778](#) refers)

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

RESOLVED:

That the minutes of the Cabinet (Local Development Framework) Committee held 16 December 2008 be received (as attached as Appendix A to these minutes).

10. **FUTURE ITEMS FOR CONSIDERATION**

At the invitation of the Chairman, Councillor Barratt queried progress regarding Developers Contributions toward Children's Services Facilities which had been included in the Forward Plan as a Report to this meeting.

The Corporate Director (Operations) stated that the Report had been deferred as he was awaiting the appropriate information from the County Council. He clarified that the proposals would only relate to education contributions, rather than developers' contributions in general. Councillor Cooper agreed to contact the County Council to try and progress this matter further.

RESOLVED:

That the list of future items, as set out in the Forward Plan for January 2009, be noted.

11. **DECISIONS TAKEN BY PORTFOLIO HOLDERS UNDER THEIR DELEGATED POWERS**

RESOLVED:

That the decisions taken by Portfolio Holders under their delegated powers since the last Cabinet meeting, as set out on the agenda sheet, be noted.

12. **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) Information relating to any individual. (Para 1 Schedule 12A refers)))) Information which is likely to reveal the identity of an individual. (Para 2 Schedule 12A refers))) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority. (Para 4 Schedule 12A refers)
##	Disposal of HRA Property and Land – Exempt Appendix) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)
##	Term Contract for Building Cleaning Services)
##	Purchase of Oracle Licence – Use of Chief Executive's Emergency Powers)
	Purchase of Oracle Licence – Use of Chief Executive's Emergency Powers) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (Para 5 Schedule 12A refers)

13. **EXEMPT MINUTES**

RESOLVED:

That the exempt minutes of the previous meeting, held on 10 December 2008, be approved and adopted.

14. **DISPOSAL OF HOUSING REVENUE ACCOUNT (HRA) PROPERTY AND LAND: LAND ADJACENT TO SIMONDS COURT AND HILLIER WAY, ABBOTS BARTON, WINCHESTER AND 11 HOE ROAD, BISHOPS WALTHAM - EXEMPT APPENDIX**

(Report CAB1755 refers)

Cabinet considered the above Exempt Appendix which contained financial details regarding the proposal (detail in exempt minute).

15. **TENDER REPORT – TERM CONTRACT FOR BUILDING CLEANING SERVICES**

(Report CAB1781 refers)

Under the Council's Constitution, Access to Information Procedure Rules (Rule 15.1 General Exception), this was a Key Decision, which had not been included in the Forward Plan. Under this procedure, the Chairman of Principal Scrutiny Committee had been informed.

Cabinet considered the above Report which set out proposals regarding the Council's term contract for building cleaning services (detail in exempt minute).

16. **PURCHASE OF ORACLE LICENCE – USE OF CHIEF EXECUTIVE'S EMERGENCY POWERS**

(Report CAB1782 refers)

Cabinet considered the above Report which reported action on the purchase of Oracle Licence under the Chief Executive's emergency powers (detail in exempt minute).

The meeting commenced at 10.00am and concluded at 12.15pm