

CABINET

8 December 2010

Attendance:

Councillor Learney - *Leader and Portfolio Holder for Transformation and Resources (Chairman) (P)*
Councillor Bell - *Portfolio Holder for High Quality Environment (P)*
Councillor Collin - *Portfolio Holder for Winchester and Surrounds (P)*
Councillor Evans - *Deputy Leader and Portfolio Holder for Rural Areas and Market Towns (P)*
Councillor Hiscock - *Portfolio Holder for Economic Prosperity*
Councillor Thompson *Portfolio Holder for Communities (P)*

Others in attendance who addressed the meeting:

Councillors Coates, Pearson and Tait

Mr A Rickman (TACT)

Others in attendance who did not address the meeting:

Councillors Godfrey and Hammerton

Mrs B White (TACT)

1. **MEMBERSHIP OF CABINET COMMITTEES ETC**

The Chairman proposed that the membership of the Cabinet (Local Development Framework) Committee be increased from three to four Cabinet Members and that Councillor Bell be appointed as the additional Member. This was agreed.

RESOLVED:

That the Cabinet membership of the Cabinet (Local Development Framework) Committee be increased to four and Councillor Bell be appointed as the additional Member.

2. **MINUTES**

RESOLVED:

That the minutes of the previous meeting held on 10 November 2010 be approved and adopted.

3. **PUBLIC PARTICIPATION**

Mr A Rickman (TACT) spoke regarding CAB2095 and his comments are summarised under the relevant agenda item below.

Mr S Appleby spoke during the general public participation period. He requested an update on the overall reduction in posts at the Council following recent reorganisation changes. He also queried which areas of service could potentially be affected by future proposed reductions in staffing.

The Chairman explained that the answers to both these questions depended to some extent upon a decision to be made by Cabinet during the exempt session of the meeting (Report PER183 below refers). The Chief Executive therefore agreed to provide a written response to Mr Appleby after the meeting.

4. **LEADER AND PORTFOLIO HOLDER ANNOUNCEMENTS**

Councillor Thompson advised that it was proposed to establish a Housing Commission to develop a clear and integrated plan to deal with housing needs in the District. This would include analysis of the Housing Market and Needs Assessment, together with results of the current LDF 'Blueprint' consultation. The Corporate Director (Governance) stated that a Report would be submitted to Cabinet on 19 January 2011 setting out the proposed terms of reference and membership of this Commission.

Councillor Learney reported on the annual "Alfies" staff award event which had taken place on 7 December 2010. The Chief Executive confirmed that the event had been well attended and he announced the names of the winners of the six awards.

Councillor Learney also welcomed the return of the old Guildhall Clock to the High Street and expressed thanks to Lloyds Bank for their restoration work.

5. **DISPOSAL OF VACANT HRA DWELLINGS (LESS EXEMPT APPENDIX)** (Report [CAB2095](#) refers)

Councillor Thompson advised that a revision to the previous administration's policy on disposing vacant HRA dwellings was proposed, as set out in the Report. She stated that the previous policy had resulted in the sale of 11 two or three bedroom family homes, which it had not always been possible to replace with general needs family housing for rent in the same area. It was therefore proposed that sales be considered on a 'case by case' basis and properties only be offered for sale if they did not contribute effectively towards meeting the Council's responsibilities for addressing housing need.

Councillor Thompson outlined the three HRA dwellings proposed for sale (as listed in Recommendation 6 of the Report) and explained the reasoning behind each sale.

Mr A Rickman (TACT) highlighted the comments from TACT outlined in Paragraph 12 of the Report and advised that, for the reasons stated, TACT could not fully support the proposals as they were opposed in principle to the sale of any HRA dwellings. In addition, TACT were concerned that the new 'case by case' approach might lead to more houses being sold and requested that an upper limit of sales be agreed.

The Head of Landlord Services advised that a Government announcement on HRA reform was expected in January 2011, for implementation from April 2012.

Whilst noting Mr Rickman's request regarding setting an upper limit, Councillor Thompson was concerned that this could also be interpreted as a target for numbers of sales. The Head of Landlord Services confirmed that the proposed policy restricted the criteria for sales and it was therefore expected to reduce the number of suitable dwellings available. He also emphasised that although a limit of 10 dwellings per annum was previously agreed, it had not been possible to sell this many, due to ongoing market conditions.

At the invitation of the Chairman, Councillors Coates and Tait addressed Cabinet and their comments are summarised below.

Councillor Coates did not accept that the previous policy led to a loss of family homes. He stated that the capital receipts from sales had enabled the provision of additional affordable housing through joint working by the Council with housing associations. He also stated that under the previous policy, decisions to sell were not only based on the estimated costs of repair, and suitable properties had been retained even where repair costs were significantly greater than the £8,000 guideline set in the original policy. He expressed concern that the proposed limit of £50,000 stated in Recommendation 1b) of the Report was not based on any financial logic.

Councillor Tait spoke as a Ward Member for St Michael's and queried what was the definition of an "estate based family home" and, in particular, whether HRA properties in, for example, Colebrook Street or Canon Street could be offered for sale under the proposed policy. He emphasised that there were not many HRA dwellings in St Michael's Ward, one of which was Barnes House which was being considered for sale and he therefore requested an assurance that any sale proceeds would be used within the Ward.

Councillor Thompson advised that proceeds from any sale of Barnes House would not be restricted to St Michael's Ward, but would be split 50:50 between affordable housing/regeneration schemes and funding the Housing Repairs Programme. She confirmed that the other examples of properties given by Councillor Tait were not "estate based family homes", but would only be considered for sale if a current tenant left and the property met the criteria of the proposed policy.

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

RECOMMENDED TO COUNCIL ON 24 FEBRUARY 2011 (SUBJECT TO CONSIDERATION BY PRINCIPAL SCRUTINY COMMITTEE):

1. THAT FUTURE DISPOSALS OF VACANT HRA DWELLINGS BE CONSIDERED AGAINST THE FOLLOWING CRITERIA:-

- A) HIGH VALUE PROPERTIES OF NON-STANDARD STOCK WHICH HAVE A HIGH ASSET VALUE COMPARED TO A RELATIVELY LOW INCOME STREAM WHICH NO LONGER MAKE A SIGNIFICANT POSITIVE CONTRIBUTION TO THE COUNCIL'S HOUSING STRATEGY AIMS OR COMMUNITY DEVELOPMENT PRIORITIES, REVIEWED ON A CASE BY CASE BASIS.**
- B) OTHER HRA DWELLINGS WITH EXCEPTIONAL MAINTENANCE LIABILITIES INCLUDING CASES WHERE COSTS EXCEED £50,000 (THE ESTIMATED COST OF GRANT NEEDED TO SUPPORT THE BUILDING OF A NEW DWELLING) OR WHERE THE VERY RARE EVENT OF THE COUNCIL NOT BEING ABLE TO GET A PROPERTY UP TO THE DECENT HOMES STANDARD OCCURS.**

2. THAT 50% OF THE RECEIPTS GENERATED FROM THE VACANT DWELLING DISPOSALS BE REINVESTED IN THE HOUSING REPAIRS PROGRAMME WITH THE OTHER 50% BEING ALLOCATED TO DEVELOPING NEW AFFORDABLE HOUSING AND/OR REGENERATION.

3. THAT THE DISPOSAL OF "NON DWELLING HRA ASSETS" AND THE USE OF RECEIPTS GENERATED FROM THOSE DISPOSALS CONTINUE TO BE REVIEWED ON A CASE BY CASE BASIS.

4. THAT THE COUNCIL'S CAPITAL STRATEGY, HOUSING STRATEGY AND HOUSING REVENUE ACCOUNT BUSINESS PLAN ALL BE AMENDED TO REFLECT THIS APPROACH.

5. THAT THE EXISTING DELEGATION 5 TO THE PORTFOLIO HOLDER FOR COMMUNITIES BE AMENDED AS FOLLOWS:

"TO AUTHORISE DISPOSALS OF VACANT DWELLINGS IN ACCORDANCE WITH APPROVED POLICY AND THE COUNCIL'S HOUSING STRATEGY."

RESOLVED:

6. That, subject to the approval of the policy set out in the above recommendations, the following be approved:

That Barnes House, St Cross; 84-86 Sussex Street; and 41a St Catherines Road be offered for sale on the open market in line with the above proposals.

6. **INSTALLING SOLAR PHOTO VOLTAIC (PV) PANELS ONTO COUNCIL OWNED HOMES AND CORPORATE BUILDINGS**
TACT COMMENT ON REPORT

(Report [CAB2096](#) and [Addendum](#) refer)

Councillor Thompson summarised the potential benefits of the proposals in terms of savings to Council tenants and thanked TACT for their support.

The Head of Landlord Services emphasised that the opportunity was time-limited due to the Government's "feed in tariff" (which would fund investment) only being guaranteed until April 2012, and the scheme possibly being closed even earlier if take-up exceeded expectations .

At the invitation of the Chairman, Councillor Pearson addressed Cabinet and his comments are summarised below. He generally supported the proposals, but raised a number of specific queries regarding the estimated pricing and output from the panels. He asked whether storage heaters would be installed to take advantage of free electricity during daylight hours offered from the PV cells. He also queried what protection was offered to the Council in case of damage of the cells or associated equipment by tenants and the situation regarding roofs of adjacent properties in private/Council ownership.

The Head of Landlord Services advised that the figures quoted in the Report were average figures and the proposed feasibility study would provide more accurate data and inform the tender process. It was considered that unless already installed, storage heaters did not offer the most efficient form of heating, although the feasibility study would examine this. The Head of Landlord Services emphasised that a change in tenant behaviour would be encouraged to take advantage of the daylight electricity (for example, by setting high-energy appliances to operate during the day). The tenancy conditions made tenants responsible for costs if they caused damage to equipment installed in properties.

The Head of Landlord Services advised that, because of the potential limits on time and funding, it was proposed to first concentrate on Council-owned properties. However, opportunities regarding properties in adjacent ownership would also be examined if possible in the future. The contractor could make similar arrangements direct with the private owner.

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

RESOLVED:

1. That tenders be sought in accordance with the Open Procedure of the Public Contracts Regulations 2006 for the rights to place Solar PV cells on relevant properties in the Council's housing stock and corporate buildings, such tenders to be evaluated on the basis of the most economically advantageous tender.

2. That the tender be sufficiently flexible to test best value and allow, but not commit to, the inclusion of Solar PV provision in the Council's corporate stock.

3. That the opportunity be advertised in the OJEU, the Council's website, and other publications as determined by the Head of Landlord Services and Head of Estates.

4. That delegated authority be given to the Head of Landlord Services, in consultation with the Head of Estates and Portfolio Holders for Communities and Transformation & Resources, to approve the specification, evaluation model and other contract terms based on the approach set out in this report.

5. That a further report be made to Cabinet recommending Contract Award, full details of final lots and the approach to be adopted in conservation areas.

7. **TREASURY MANAGEMENT MID-YEAR REVIEW 2010-11**
(Report [CAB2079](#) refers)

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

RESOLVED:

That the Treasury Management Monitoring Report for 2010/11 and the Prudential Indicators be noted.

8. **PROPOSALS FOR A COMMISSIONING APPROACH**
(Report [CAB2098](#) refers)

The Chairman commented that the Report set out the formalisation of an approach which had been utilised by the Council for a number of years. The Assistant Director (Communities) confirmed that transitional arrangements would be put in place for those organisations which the Council funded to a greater extent.

One Member queried how charities and other "not for profit" organisations would be made aware of services that the Council were potentially seeking to commission. The Assistant Director advised that such organisations had already been involved in agreeing outcomes and the Council would then invite suggestions as to how these desired outcomes could be achieved.

It was also suggested that appropriate “branding” recognition should be used to acknowledge the financial support given by the Council.

The Chairman asked that Members offer any additional comments to officers on ideas to refine the process outside the meeting.

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

RESOLVED:

That the principle of rolling out a commissioning approach as described in the Report, be approved, as from April 2011.

9. **COUNCIL TAX BASE 2011/12**
(Report [CAB2087](#) refers)

In response to questions, the Head of Revenues clarified that the blacked out section of the table, contained as Appendix A to the Report, represented columns with no data rather than ‘redacted’ information.

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

RECOMMENDED:

1. THAT THE CALCULATIONS CONTAINED IN THE ABOVE REPORT FOR THE COUNCIL TAX BASE FOR 2011/2012 BE APPROVED.

2. THAT IN ACCORDANCE WITH THE LOCAL AUTHORITIES (CALCULATION OF TAX BASE) REGULATIONS 1992, THE AMOUNT CALCULATED BY WINCHESTER CITY COUNCIL FOR THE YEAR 2011/2012 BE 47,980.46 PROPERTIES AT BAND D EQUIVALENT.

3. THAT THE AMOUNT CALCULATED AS THE COUNCIL TAX BASE FOR EACH PARISH WITHIN THE AREA OF WINCHESTER CITY COUNCIL AND FOR WINCHESTER TOWN BE AS STATED IN APPENDIX C OF THE ABOVE REPORT.

10. **NON-DOMESTIC RATES – RURAL SETTLEMENT LIST 2011/12**
(Report [CAB2088](#) refers)

One Member queried why Olivers Battery was not included in the list of rural settlements. The Head of Revenues advised that maps issued by the former Department of Transport, Local Government and the Regions designated rural areas, and Olivers Battery fell outside this designation.

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

RESOLVED:

That the list of Rural Settlements shown in Appendix A of the Report be approved for the financial year 2011/12.

11. **LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009 – ELECTRONIC PETITIONS**
(Report [CAB2084](#) refers)

The Corporate Director (Governance) explained that the Act specifically excluded the use of the e-petition facility for such purposes as planning and licensing. However, it was considered that the public might welcome this additional means of commenting on such applications and it was therefore proposed that the means of enabling this be investigated further. Cabinet welcomed this suggestion.

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

RECOMMENDED:

1. THAT THE COUNCIL'S ADOPTED PETITIONS SCHEME BE UPDATED TO INCLUDE REFERENCE TO PROCEDURES RELATED TO AN E-PETITIONS FACILITY, AS SET OUT AS APPENDIX 1 TO THE REPORT.

2. THAT THE CORPORATE DIRECTOR (GOVERNANCE) BE AUTHORISED TO ENABLE THE E-PETITION FACILITY TO BE ALSO USED FOR PETITIONS EXCLUDED UNDER THE 2009 ACT (E.G. PLANNING AND LICENSING) AS SOON AS REASONABLY PRACTICABLE AND TO MAKE ANY CONSEQUENTIAL CHANGES TO THE COUNCIL'S PUBLISHED PROCEDURES.

RESOLVED:

That the revised Petitions Scheme (taking account of the decisions in Recommendation 1 above) be used in the interim until Council approval, so that the start date of 15 December 2010 for the implementation of an e-petitions facility would be met.

12. **MINUTES OF THE SOCIAL ISSUES SCRUTINY PANEL HELD 11 NOVEMBER 2010**
(Report [CAB2101](#) refers)

Cabinet requested that the Panel's comments on the General Fund Budget be included within the next Budget Report to be considered by Cabinet at its meeting on 19 January 2011.

Cabinet noted the concerns of the Panel regarding the potential negative impact of the proposed changes to the Revenue Grant system on voluntary organisations and the community, which would be considered as part of the Budget process.

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

RESOLVED:

That the minutes of the Social Issues Scrutiny Panel held 11 November 2010 be received and the recommendations contained therein be noted.

13. **MINUTES OF THE LOCAL ECONOMY SCRUTINY PANEL HELD 16 NOVEMBER 2010**

(Report [CAB2102](#) refers)

Cabinet requested that the Panel's comments on Capital Programme Budget Options be included within the next Budget Report to be considered by Cabinet at its meeting on 19 January 2011.

With regard to the proposal to establish an Informal Scrutiny Group to examine how the Low Carbon Economy could be evolved, Cabinet noted that the Group would include joint membership from both the Local Economy and Environment Scrutiny Panels.

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

RESOLVED:

1. That the minutes of the Local Economy Scrutiny Panel held 16 November 2010 be received and the proposal to establish a Low Carbon Economy Informal Scrutiny Group be approved.

2. That the remaining recommendations contained therein be noted.

14. **MINUTES OF THE ENVIRONMENT SCRUTINY PANEL HELD 17 NOVEMBER 2010**

(Report [CAB2103](#) refers)

Cabinet requested that the Panel's comments on the Capital Programme Budget Options and the General Fund Budget be included within the next Budget Reports to be considered by Cabinet at its meeting on 19 January 2011.

With regard to the Panel's recommendations on the final report of the Energy Efficiency and the Planning Process Informal Scrutiny Group (Report EN104 refers), Cabinet agreed that those be dealt with by the Portfolio Holder for High Quality Environment, through the Portfolio Holder Decision Making process.

Cabinet noted the comments raised by the Panel in relation to the Planning Management Team and Councillor Bell confirmed she was regularly monitoring the situation.

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

RESOLVED:

1. That the minutes of the Environment Scrutiny Panel held 17 November 2010 be received.
2. That the recommendations resulting from the final report of the Energy Efficiency and the Planning Process Informal Scrutiny Group (Report EN104 refers) be referred to the Portfolio Holder for High Quality Environment through the Portfolio Holder Decision Making process.
3. That the remaining recommendations contained therein be noted.

15. **MINUTES OF THE RESOURCES SCRUTINY PANEL HELD 22 NOVEMBER 2010**
(Report [CAB2104](#) refers)

Cabinet requested that the Panel's comments on Capital Programme Budget Options be included within the next Budget Report to be considered by Cabinet at its meeting on 19 January 2011. A report on the future of the cash office would also be considered as a part of the Budget process.

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

RESOLVED:

- That the minutes of the Resources Scrutiny Panel held 22 November 2010 be received and the recommendations contained therein be noted.

16. **MINUTES OF THE WINCHESTER TOWN FORUM HELD 24 NOVEMBER 2010**

(Report [CAB2105](#) refers)

Cabinet requested that the Forum's comments on the Winchester Town Account Budget be included within the next Budget Report to be considered by Cabinet at its meeting on 19 January 2011.

Members supported the Forum's request that Cabinet investigate and progress a suggested licensing of Housing in Multiple Occupation throughout the City (Report WTF151 refers). It was noted that a further report would be submitted to Cabinet in due course.

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

RESOLVED:

1. That the minutes of the Winchester Town Forum held 24 November 2010 be received.
2. That the Forum's request that Cabinet investigate and progress a suggested licensing of Housing in Multiple Occupation throughout the City (Report WTF151 refers) be supported and a further report be submitted to Cabinet in due course.
3. That the remaining recommendations contained therein be noted.

17. **FUTURE ITEMS FOR CONSIDERATION**

The Chairman reported that the item on 'Housing Responsive Repairs and Voids Service – Contract Award' listed to be considered at this Cabinet meeting, would be submitted to a Special Cabinet to be held on 22 December 2010 at 2.00pm.

RESOLVED:

That the list of future items, as set out in the Forward Plan for December 2010, be noted.

18. **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.

19. **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>
##	Disposal of Vacant Council Dwellings (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)
##	Winchester City Council Organisational Development (Phase 2)) 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)

20. **DISPOSAL OF VACANT HRA DWELLINGS - EXEMPT APPENDIX**
(Report CAB2095 refers)

Cabinet considered the information contained in the Exempt Appendix to the Report which referred to proposed valuations of the dwellings (detail in exempt minute).

21. **WINCHESTER CITY COUNCIL ORGANISATIONAL DEVELOPMENT**
(PHASE 2)
(Report PER183 refers)

Cabinet noted that the Recommendations to Personnel Committee had all been approved at its meeting on 23 November 2010, subject to a minor procedural amendment in Recommendation 1. Members also noted that the supplementary estimate recommendation would be included within the General Fund Budget Report to Council on 24 February 2011.

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

RESOLVED:

That the General Fund Budget Report 2011/12 (which would be recommended for approval at Council on 24 February 2011) include a supplementary estimate of up to £120,000 in respect of one-off costs to be charged to 2010/11 and a release from the Major Investment Reserve to fund these costs. This was to cover the increased costs which would be incurred in meeting the redundancy costs in line with the agreed redundancy procedure and compensation payments to the Superannuation Authority, as illustrated in Appendix 1 of the Report and which would produce recurring revenue savings in 2011/12 and subsequent years.

The meeting commenced at 9.30am and concluded at 11.20am

Chairman