

CABINET

16 March 2011

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 (P)*
Councillor Thompson *Portfolio Holder for Communities (P)*

Others in attendance who addressed the meeting:

Councillors Beckett, Coates, Cooper, Godfrey and Pearson

Others in attendance who did not address the meeting:

Councillors Mitchell, Stallard and Tait
Mr A Rickman and Mrs B White (TACT)

1. **MINUTES**

RESOLVED:

That the minutes of the previous meeting held on 9 February 2011, less exempt items, be approved and adopted.

2. **PUBLIC PARTICIPATION**

Mr P Williams (Winchester Area Community Action) spoke in relation to CAB2141 and his comments are summarised under the relevant agenda item below.

3. **LEADER AND PORTFOLIO HOLDER ANNOUNCEMENTS**

Councillor Learney welcomed to the meeting, Mr P Smith, Chairman of Standards Committee, who was observing proceedings.

Councillor Learney reported that the Partnership for Urban South Hampshire (PUSH) had accepted the County Council's request to remain on the Partnership. PUSH had also agreed its nominated representatives on the Solent Local Enterprise Partnership Board, namely the Chairman of PUSH,

together with the Leaders of Southampton and Portsmouth City Councils, Isle of Wight Council and Hampshire County Council.

Councillor Bell congratulated the Head of Access and Infrastructure and his team on the award received for the South Winchester Park and Ride Car Park. The award had been made by the British Parking Association in recognition of the environmental components of the scheme, such as energy efficiency lighting, use of Euro 5 vehicles and various biodiversity initiatives on site.

Councillor Bell also reported that the Access and Infrastructure Team had achieved the Customer Service Excellence accreditation. In addition, the Environment Team had passed their annual monitoring to be reaccredited under the scheme. She congratulated both teams for their achievements.

Councillor Learney also congratulated the Revenues Team on their recent Customer Service Excellence re-accreditation.

4. **VOLUNTARY SECTOR ACCOMMODATION**
(Report [CAB2141](#) refers)

Under the Council's Constitution Access to Information Procedure Rules (Rule 16 – Special Urgency), this was a key decision which was not included in the Forward Plan. Under this procedure, the Chairman of Principal Scrutiny Committee had given his consent to Cabinet considering the matter.

The above Report had not been notified for inclusion on the agenda within the statutory deadline. The Chairman agreed to accept the item onto the agenda, as a matter requiring urgent consideration, due to the need to advise the organisations affected without delay.

The Chairman stated that the proposals outlined in the Report would enable the Winchester Citizens Advice Bureau (CAB) to remain at the Winchester Centre, whilst Winchester Area Community Action (WACA) and the other voluntary organisations based at the Centre would be relocated. Whilst that was unfortunate for those organisations, it would enable WACA to concentrate on its core functions, free from its responsibilities as “landlord” of the building. In addition, the proposed short-term lease of part of the Winchester Centre would allow the Council to focus on its longer-term plans for regeneration of the Casson Block.

Mr P Williams (Manager of WACA) addressed Cabinet during the public participation period. In summary, he outlined the background to reasons why WACA had to move out of the Centre (as outlined in the Report) and emphasised that the proposals could not have been achieved without the support of both the City and County Councils. He thanked both Councils for their work and stated that WACA were looking forward to moving to new accommodation within the City Offices. He emphasised that the plan was for an independent community hub within the City Offices, with its own access and drop-in spaces for voluntary organisations to utilise. He advised that the 12 voluntary organisations currently operating within the Centre had also been

supportive of the need for change and were proactive in seeking alternative accommodation.

At the invitation of the Chairman, Councillor Coates highlighted that the existing grant to WACA included a rental element and a payment towards the maintenance of the Casson Block; the Council should have regard to this when WACA move into City Offices premises. He also queried what the agreed rent level was following the 2010 rent review.

The Head of Estates advised that following the 2010 review, the rent was held at £110,000 per annum. The maintenance payments made over the years had been retained and would be used towards work on the Casson Block, as and when required. The Chief Executive confirmed that careful consideration would be given to ensure the grant to WACA was set at an appropriate level following the changes proposed.

The Assistant Director (Active Communities) advised that since the Report was published, Relate had indicated that it no longer wished to move into the City Offices, as it had located new premises which more closely fulfilled their requirements. Consequently, other voluntary sector partners were being considered for the accommodation.

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

RESOLVED:

1. That the Head of Legal Services be authorised to accept a surrender of the lease on 68, St Georges Street, Winchester from Winchester Area Community Action, subject to conditions set out at Paragraph 7 of the Report.
2. That the Head of Estates be authorised to undertake minor alterations as necessary at 68, St Georges Street, Winchester to prepare for a new lease.
3. That the principle of letting 68, St Georges Street, Winchester for office/consulting purposes be approved.
4. That the principle of letting accommodation within the City Offices described in the report be approved, on terms to be approved by the Head of Estates.
5. That the Head of Estates be authorised to undertake alterations as necessary to create a suite of accommodation suitable for voluntary sector partners within the Council's City Offices building in Colebrook Street, Winchester; and the Head of Estates be authorised to submit such applications for statutory consents as might be required to enable the works proposed to the City Offices to be undertaken.

6. That the Head of Estates be authorised to seek separate rating assessments for the new accommodation to be created in the City Offices and at 68 St Georges Street, Winchester to enable charitable rate relief to be applied for by the appropriate occupiers.

7. That where the criteria for discretionary rate relief are met, it be granted to WACA, CAB and other charitable organisations occupying space within the City Offices and at 68 St Georges St, Winchester.

8. That the Head of Estates be authorised to enter into contracts for the provision of services to the occupiers of 68 St Georges Street, Winchester such as cleaning, lift, fire extinguisher and alarm maintenance, to be paid for by the occupiers via a service charge.

9. That the Chief Executive be authorised to use his delegated emergency powers (as a matter of urgency) to provide authority to incur capital expenditure (within budget) necessary to adapt the ground floor accommodation in the City Offices referred to in the Report for independent use.

10. That the appropriate gross revenue budgets for operation of the new accommodation within City Offices and at 68 St Georges Street, Winchester to facilitate appropriate service charge accounting be agreed between the Portfolio Holder, and the Heads of Estates and Finance (with a net nil effect on the Council's total Budget Requirement).

11. That approval be given for the Assistant Director (Active Communities) in consultation with the Portfolio Holder for Transformation and Resources and the Head of Finance to agree the terms of a loan to be made to WACA.

5. **CAR PARKS MAJOR WORKS PROGRAMME**
(Report [CAB2137](#) refers)

In response to questions, the Head of Access and Infrastructure advised that there was no funding currently in place to enable the installation of recharging points for electric cars. However, it was anticipated that future bids could be made to the Winchester Access Plan and Local Sustainable Transport Plan to possibly enable this.

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

RESOLVED:

1. That approval be given to carry forward budget of £61,500 from the 2010/11 car parks capital programme to provide budget for the proposed programme in 2011/12.

2. That the Car Parks Major Works Programme for 2011/12 as outlined in Appendix 1 of the Report, be approved in accordance with Financial Procedure Rule 6.4 (authority to incur capital expenditure) and that the indicative programme for 2012/13 be noted as a basis for planning and preparing future works.

3. That the Head of Access and Infrastructure be given delegated authority to make minor adjustments to the programme, in order to meet maintenance and operational needs of the District's car parks throughout the year as required, in consultation with the Head of Finance and the Portfolio Holder for High Quality Environment.

4. That delegated authority be given to the Head of Access and Infrastructure (in consultation with the Head of Finance and the Portfolio Holder for High Quality Environment) to:-

- a) seek tenders for the replacement of the pay on foot payments system equipment for The Brooks and Middle Brook Street car parks;
- b) determine the details of an evaluation model for the evaluation of such tenders, based on 60% quality: 40% price;
- c) Appoint a contractor using the evaluation model and enter into a formal contract with the successful tenderer for the works.

5. That a report on the programme be submitted on an annual basis setting out progress and recommending future priorities.

6. **DEVELOPMENT FUNDED LOCAL TRANSPORT SCHEMES**
(Report [CAB2142](#) refers)

At the invitation of the Chairman, Councillor Pearson queried the current status of the proposal for the provision of a footway from Cobbets Close to the junction with Chapel Road, Swanmore. He emphasised that this footway was urgently required to address safety concerns of the residents of the Cobbets Close exception site, which was completed in 2009.

The Head of Access and Infrastructure advised that there were some viability issues regarding this particular scheme. He agreed to arrange a meeting on site with Councillor Pearson and the Parish Council to discuss the matter further. The Chairman welcomed this suggestion.

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

RESOLVED:

1. That the current draft list of Development Funded Local Transport Schemes at Appendix 1 of the Report be approved.

2. That the Head of Access and Infrastructure be authorised, in consultation with the Portfolio Holder for High Quality Environment, to

continue to maintain the programme of Local Transport Schemes with the County Council and to add any suitable schemes that come forward in the future.

3. That an annual report be brought to the Cabinet (Traffic and Parking Committee) to review the list of Local Transport Schemes and the operation of the system.

7. **CAR PARKING CHARGES**
(Report [CAB2146](#) refers)

Under the Council's Constitution Access to Information Procedure Rules (Rule 15.1 – General Exception), this was a key decision which was not included in the Forward Plan because it arose due to amendments agreed at Council on 24 February 2011. Under this procedure, the Chairman of Principal Scrutiny Committee has been informed.

Councillor Collin declared a personal (but not prejudicial) interest as a County Councillor, as the County Council had previously commented on the proposal for free half hour parking in Winchester.

At the invitation of the Chairman, Councillor Beckett drew attention to Paragraph 2 of the Report, which explained that the Council could use a notification process to reduce the car parking charges in line with the Council resolution, which would take less time than the statutory consultation period proposed. He emphasised that the proposal to remove car parking charges on Sundays was introduced to assist the local economy and the Council decision should be implemented without delay. He also believed that the risk of challenge from the public on proposals to reduce prices and/or offer free parking was minimal. Councillor Beckett also expressed concern that Recommendation 3 implied that the Council's decision could be disregarded when Cabinet considered the budget implications.

The Chief Executive confirmed that there was no intention to not implement the Council's decision, subject to the outcome of the statutory consultation, but the Report wished to draw Cabinet's attention to the budget implications.

The Corporate Director (Operations) explained that the Council amendments went further than adjusting charges, as they included the permanent removal of the Sunday charges, the re-instatement of the free half-hour parking in Winchester, in addition to introducing a new free one-hour parking in rural towns. Therefore, it was the Officers' view that the notification process was not appropriate in the circumstances.

Cabinet noted that the Council amendment indicated an estimated cost of £95,000 in 2011/12, whereas the current estimate for a full year was a cost of £155,000. The Head of Access and Infrastructure advised that this discrepancy was because of the proposed free one-hour parking in rural towns having a larger impact, as it was estimated that most visitors parked for less than an hour.

The Head of Finance advised that the amount of uncommitted LABGI funds was just over £200,000, prior to any commitment to meet the costs of this proposal. She confirmed that Cabinet would be provided with an update on the financial implications of the proposals at the time the results of the statutory consultation were known.

During debate, Cabinet Members expressed concern about the Council's amendments and the potential budget impact. The Chairman stated that the previous changes were proposed to cover the impact of the VAT increases. It was highlighted that consultation had been undertaken on the car parking charges as recently implemented and it was, therefore, considered important that further consultation took place on the new proposals. One Member stated that local businesses had expressed some concern to her about the introduction of one-hour free parking spaces in rural towns, as it was believed this could reduce the free circulation of people parking to visit local businesses.

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

RESOLVED:

1. That the Head of Legal Services be authorised to give public notice of the necessary orders under the Road Traffic Regulation Act 1984 (as amended) required to give effect to the budget changes approved by Council on 24 February 2011.
2. That responses to the proposals received within the statutory consultation period be reported to Cabinet in May 2011 and that the changes agreed be implemented as soon as practicable thereafter.
3. That the budget implications of the changes be considered by Cabinet in the light of the responses received.

8. PARK AND RIDE OPERATION REVIEW

(Report [CAB2130](#) refers)

The Head of Access and Infrastructure confirmed that the current route along the Romsey Road for buses serving the South Park and Ride site was working well.

Councillor Collin declared a personal and prejudicial interest as a County Councillor and left the room prior to any discussion of the County Council's temporary car park adjacent to the recycling centre on Bar End Road.

The Head of Access and Infrastructure advised that he considered that there was sufficient capacity to accommodate County Council staff within the three existing Park and Ride sites, should the County Council staff car park close.

The additional peak time bus would also not be required. The situation would be monitored.

The Chairman congratulated all staff involved in the successful operation of the Park and Ride scheme.

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

RESOLVED:

1. That the success of the new Park and Ride operation in delivering a key part of the Council's parking strategy be noted.
2. That there be no increase in the level of charges for the Park and Ride service for the financial year 2011-12.
3. That officers liaise with both Hampshire County Council and Stagecoach with a view to creating a new Park and Ride bus stop at the Kings Road/Romsey Road junction subject to the inclusion and promotion of the service as part of a travel plan for the site.
4. That the free parking availability after 4pm and the 3 hour ticket on Saturdays, for the price of £1.50 for the east car parks (St Catherine's and Barfield) be retained.
5. That the income from parking charges be reviewed in September 2011 to determine whether any surplus over income target could cover the costs of extra pre-Christmas Park and Ride services.
6. That a further report be brought to Cabinet in 2012 on the first two years operation of the service.

9. **REVIEW OF THE RESIDENTS' PARKING SCHEME – PRELIMINARY RESULTS FROM PUBLIC CONSULTATION**

(Report [CAB2139](#) refers)

Councillor Bell emphasised that the Report contained preliminary recommendations, as a result of the consultation undertaken, but further work would continue on other elements of the scheme review and a report on the results would be brought back to Cabinet.

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

RESOLVED:

1. That the preliminary results of the public consultation in relation to visitor permits be noted.

2. That in view of the significant concern expressed regarding the 'Key Proposals', relating to changes to visitor permit arrangements, this be not progressed.

3. That further analysis be carried out on the 'further proposals' and comments received as part of the consultation exercise and a further report be brought to Cabinet in due course.

10. **TRAVEL PLAN – WINCHESTER CITY COUNCIL**
(Report [CAB2140](#) refers)

Cabinet noted that the Head of Access and Infrastructure had worked closely with the Assistant Director (High Quality Environment) to produce the Travel Plan, as it would contribute towards the Climate Change Programme. The Travel Plan was considered to be a starting point which could be utilised to develop proposals further.

At the invitation of the Chairman, Councillor Godfrey welcomed the proposed adoption of a Travel Plan. However, he raised a number of detailed points:

- Although travel by train was to be encouraged, he did not wish the use of rail warrants to continue, as he considered that they were often more expensive than travel on the day;
- He queried the financial benefits to staff of the staff cycle salary sacrifice scheme;
- Consider the possibility of loans for rail season tickets;
- Consider joining the County Council's car share scheme;
- Re-examination of the existing staff lease car scheme;
- Suggestion that the Report be submitted to a future Personnel Committee for its consideration.

Cabinet welcomed the suggestion that the Report be considered by Personnel Committee. The Chief Executive confirmed that the car lease scheme for staff has been subject to a number of changes in rates and allowances, and a further review was currently ongoing which would be reported back to Members in due course.

The Head of Finance advised that work was also ongoing regarding possible alternatives to rail warrants.

A number of comments were made regarding the benefits of the bike purchase salary sacrifice scheme.

The Head of Access and Infrastructure confirmed that the County Council would be contacted regarding the possibility of joining their car share scheme. It was proposed that there would be an annual review of the Travel Plan and staff would be involved in its development.

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

RESOLVED:

1. That the Travel Plan be agreed and implemented.
2. That a Report be brought back to Cabinet after 12 months to consider taking further action to achieve targets.
3. That both the Report and the annual review be submitted to Personnel Committee for its consideration.

11. **COMMUNITY GRANTS – REVENUE AND CAPITAL AWARDS 2011/12**
(Report [CAB2144](#) refers)

Councillor Hiscock declared a personal and prejudicial interest due to his role as a Council representative on Trinity, Winchester. He left the room during consideration of this Report.

Councillors Collin and Thompson both declared personal (but not prejudicial) interests due to their involvement with Stanmore Combined. However, as the Report was not specifically considering a grant for this organisation, they remained in the room, spoke and voted thereon.

The above Report had not been notified for inclusion on the agenda within the statutory deadline due to the need to consider amendments agreed at Council on 24 February 2011. The Chairman agreed to accept the item onto the agenda, as a matter requiring urgent consideration, due to the need to advise the organisations affected without delay.

Councillor Thompson outlined the background to the Report, explaining that work had been progressed on the introduction of the commissioning process and the plans for this transitional year. However, the decision of Council on 24 February 2011 Council had resulted in the requirement for a further application process, with recommendations to be brought back to Cabinet in May 2011.

The Corporate Director (Governance) drew Members' attention to an email received from Mr Robin Atkins in his position as Treasurer of Friends of Alresford Citizens Advice Bureau (CAB) Outreach (FACABO). Mr Atkins requested that the £5,000 proposed to be ring-fenced for the CAB outreach service at Alresford be paid directly to FACABO, rather to Winchester CAB as proposed in the Report.

The Chief Executive acknowledged that FACABO was a worthy organisation which had been established to support a local facility. However, the organisation did not comply with a number of criteria set out by the Council for organisations to receive direct grants. In addition, the Report's recommendations followed the Council's decision.

At the invitation of the Chairman, Councillor Cooper addressed Cabinet and raised a number of concerns regarding the Report's proposals, as summarised below:

- Concern regarding the early removal of the Council's designated Grants Officer post;
- Confusion resulting from the combining of the commissioning and grants processes;
- Concern about the delay in re-introducing the community chest grant scheme, following the Council decision;
- General concern about the delays in implementing the decision of Council and the impact on the organisations concerned. Councillor Cooper suggested that a review of existing Service Level Agreements should be sufficient to enable the grants to be awarded without a further application process.

The Chairman responded that the Council decision had proposed the award of grants to a number of additional organisations. However, in the interests of fairness, it was considered appropriate for all organisations to be given the opportunity to apply before grants were awarded. In addition, the Assistant Director (Active Communities) emphasised that it was important to ensure that all the organisations listed required the grants suggested and could comply with the Council's requirements before grants were awarded. The Chief Executive confirmed that the decisions on additional grants would be made at Cabinet in May 2011.

One Member expressed concern about the impact on the Theatre Royal and Hat Fair arising from the Council decision to reduce their funding by a greater amount than had been expected. The Assistant Director (Economic Prosperity) explained that both organisations would be taking various measures to address this shortfall. The Chief Executive highlighted that funding for key clients was never guaranteed and those organisations should have been aware of the possibility of a reduction, having regard to the national situation.

The Head of Finance confirmed that the Winchester Town Forum would also be considering grants at their next meeting on 23 March 2011.

Cabinet expressed concern about the impact of the Council decision on the transitional arrangements for grants. It also highlighted that the commissioning process proposed that voluntary organisations be supported by the Council through a range of alternative means, not just grants. Additional funding was available through the commissioning process provided the Council's priorities would be met.

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

RESOLVED:

1. That revenue grant awards exclusively from the General Fund be approved as follows:

(i)	Bishops Waltham and Meon Valley CAB	£ 45,000
(ii)	Winchester and District CAB (with £5,000 ring-fenced for the CAB outreach service at Alresford)	£135,000
(iii)	Hat Fair	£ 28,000
(iv)	Winchester Area Community Action	£101,800
(v)	Trinity Winchester	£ 95,000
(vi)	Theatre Royal	£ 171,000

2. That the following capital grant be approved:

(i)	Winchester Dramatic Society	£ 30,000
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3. That, in respect of Winchester and District, and Bishops Waltham, Citizens' Advice Bureaux, the Head of Finance, in consultation with the Leader, be authorised to agree detailed changes to the existing guarantee agreements for the City Council to accept primary liability to the Pension Fund (in place of the Trustees) if a valuation of the Pension Fund is required (as described in Section 6 of the Report) and to enter into arrangements with the Pension Fund as part of any incorporation arrangements to subsume liability for any deficit on the Fund at the time of incorporation (rather than paying a capital deficit contribution to the Fund).

12. **WINCHESTER MUSEUMS: OPPORTUNITIES FOR PARTNERSHIP WORKING**

(Report [CAB2129](#) refers)

At the invitation of the Chairman, Councillor Godfrey welcomed the proposals to support partnership working. However, he had some concerns about what controls the Council would retain over its own premises and assets if it entered into such a partnership. He also mentioned that the former Museums Service Informal Scrutiny Group had promoted the idea of a new major museums attraction in Winchester, such as for the English Project, and queried whether the partnership would support such ideas.

The Assistant Director (Economic Prosperity) confirmed that the further investigations proposed would give consideration to the types of issues, such as control over assets, raised by Councillor Godfrey. It was likely that all the councils would want to retain control over key assets. She also advised that work was ongoing with the English Project regarding the possibility of a new visitor attraction within the proposed Silver Hill development.

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

RESOLVED:

1. That the Assistant Director (Economic Prosperity) be authorised to pursue investigations with Southampton City Council and Hampshire County Council into the desirability of a merger of the three museums services, with a view to receiving a further Report for decision in early Autumn 2011.
2. That the Portfolio Holder for Economic Prosperity be given delegated authority to approve, through the Portfolio Holder Decision Making Scheme, a joint submission to the Arts Council in due course to secure Core Museum Status.
3. That a progress report be made to Cabinet and Principal Scrutiny Committee (or its replacement under the new Member structures) in July 2011.

13. **PUBLIC CONVENIENCES CLEANING CONTRACT**
(Report [CAB2131](#) refers)

The Assistant Director (High Quality Environment) advised that the Report had been considered by Environment Scrutiny Panel, at its meeting on 14 March 2011, which had discussed the possibility that further emphasis be placed on cleansing standards within the evaluation framework, balanced against the staff resources deployed. He would consider if this could be achieved.

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

RESOLVED:

1. That the discussion at the Environment Scrutiny Panel in relation to the letting of the Public Conveniences Cleaning Contract be noted.
2. That the procurement of the Public Convenience Cleaning Contract jointly with East Hampshire District Council be agreed, with a contract period of four years and an option to extend for a further four years from 1 October 2011.
3. That the draft tender evaluation framework for the letting of the Public Conveniences Cleaning Contract be approved in principle, as outlined in Section 4 of the Report and based on 60% price: 40% quality.
4. That the Assistant Director (High Quality Environment) be authorised, (in consultation with the Portfolio Holder for High Quality

Environment) to select the list of tenderers who are to be invited to submit tenders for the services.

5. That authority be delegated to the Joint Environmental Services Committee to a) agree the content of the final contract specification; b) agree the detailed tender evaluation framework; c) award the contract to the most economically advantageous bidder, provided that the bid is within the approved budget and that all bids have been evaluated in accordance with agreed evaluation criteria.

6. That in the event of future changes to current provision of public conveniences, which will impact upon the cleaning contract costs, including transfer or closure, a further report be brought back to Cabinet to confirm the detailed proposals and any budget implications.

14. **LEADERSHIP ARRANGEMENTS – CONSTITUTIONAL CHANGES**

(Report [CAB2133](#) refers)

The Corporate Director (Governance) explained that the Localism Bill was likely to allow for either the changes to the decision making structures as outlined in the Report to proceed, or for the Council to revert back to the traditional Committee system or current Leader with Cabinet system. The Elected Mayor with Cabinet option would also be available. Any such change would require a public consultation exercise and the changes implemented would need to remain in place for at least five years. There was no discretion in the Bill to not implement the changes outlined in the Report.

The Corporate Director advised that Principal Scrutiny Committee had broadly supported the Report's proposals, at its meeting on 7 March 2011. Members had raised some concerns about the requirement for a strengthened Leader model to have adequate balancing measures, but considered that the existing powers of "call-in", Notices of Motion and Members' agenda items were adequate to ensure this.

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

RECOMMENDED:

THAT THE FOLLOWING CHANGES TO THE CONSTITUTION BE MADE FOR THE INTRODUCTION OF THE NEW EXECUTIVE ARRANGEMENTS ON 18 MAY 2011:

1. THAT THE CHANGES TO THE ARTICLES OF THE CONSTITUTION IN APPENDIX 1 OF REPORT CAB2133 BE APPROVED.

2. THAT THE CHANGES TO THE COUNCIL PROCEDURE RULES IN APPENDIX 2 OF REPORT CAB2133 BE APPROVED.

3. THAT THE CHANGES TO THE CABINET PROCEDURE RULES IN APPENDIX 3 OF REPORT CAB2133 BE APPROVED.

4. THAT THE CHANGES TO THE ACCESS TO INFORMATION PROCEDURE RULES IN APPENDIX 4 OF REPORT CAB2133 BE APPROVED.

5. THAT NO CHANGES BE MADE TO THE ALLOCATION OF FUNCTIONS BETWEEN COUNCIL AND THE EXECUTIVE IN THE LOCAL CHOICE SCHEME IN PART 3 (SECTION 1) OF THE CONSTITUTION. HOWEVER, WHERE THE FUNCTIONS HAVE BEEN ASSIGNED TO CABINET AS THE EXECUTIVE, THE LEADER SHOULD ALSO BE ADDED TO THE TEXT TO REFLECT THE FACT THAT THE LEADER WILL IN FUTURE DETERMINE THE SCHEME OF DELEGATION TO CABINET.

6. THAT THE CHIEF EXECUTIVE BE GIVEN DELEGATED AUTHORITY FOR DECISION MAKING DURING THE TRANSITIONAL PERIOD BETWEEN 5 MAY 2011 AND 18 MAY 2011 – BY USING THE EMERGENCY POWERS PROCEDURE IN PART 3 OF THE CONSTITUTION.

7. THAT THE CORPORATE DIRECTOR (GOVERNANCE) BE GIVEN DELEGATED AUTHORITY TO MAKE SUBSEQUENT MINOR CONSEQUENTIAL CHANGES TO THE CONSTITUTION AND OTHER APPROVED DOCUMENTS TO GIVE EFFECT TO THE ABOVE.

15. **REVIEW OF CONSTITUTION – CHANGES TO OVERVIEW AND SCRUTINY ARRANGEMENTS AND IMPACT ON OTHER COMMITTEES**
(Report [CAB2132](#) refers)

The Chairman stated that it was hoped that the proposed new Cabinet (Housing) Committee would, in time, develop into a Housing Board which would assist in the Council dealing with proposed changes in housing finance.

She confirmed that she would organise a meeting with the Leader of the Principal Opposition Group and the Chairman of Principal Scrutiny Committee to discuss issues raised at Principal Scrutiny Committee (at its meeting on 7 March 2011) prior to Council on 6 April 2011. Any additional recommendations would be brought in a report direct to Council.

The Corporate Director (Governance) advised that at its meeting on 7 March 2011, Principal Scrutiny Committee had, pending the discussions outlined above: supported the creation of an Audit Committee and an Overview and Scrutiny Committee; highlighted the importance of training for Members on the new arrangements; requested that any agreed changes be reviewed after twelve months; and requested that a diagram showing proposed new bodies, in addition to those it was proposed to retain, be provided for Council.

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

RECOMMENDED:

1. THAT THE PROPOSED CHANGES TO THE COUNCIL'S OVERVIEW AND SCRUTINY AND OTHER MEMBER LEVEL DECISION-MAKING ARRANGEMENTS AS OUTLINED IN REPORT CAB2107 BE APPROVED FOR IMPLEMENTATION FROM THE ANNUAL MEETING OF THE COUNCIL ON 18 MAY 2011 WITH THE FOLLOWING PRINCIPAL ELEMENTS:

(A) THAT THE PRINCIPAL SCRUTINY COMMITTEE AND FOUR SCRUTINY PANELS BE REPLACED BY THE OVERVIEW AND SCRUTINY COMMITTEE APPOINTED IN ACCORDANCE WITH POLITICAL BALANCE REQUIREMENTS (EXCLUDING CABINET MEMBERS).

(B) THAT TACT CO-OPTED MEMBERS BE NOT APPOINTED TO THE OVERVIEW AND SCRUTINY COMMITTEE, BECAUSE OF ITS WIDE TERMS OF REFERENCE, BUT TWO TACT REPRESENTATIVES BE INVITED TO ATTEND AND ADDRESS THE COMMITTEE ON SPECIFIC HOUSING REVENUE ACCOUNT MATTERS.

(C) THAT INFORMAL SCRUTINY GROUPS BE USED ON A TASK AND FINISH BASIS TO INFORM THE WORK OF THE OVERVIEW AND SCRUTINY COMMITTEE, APPOINTED BY IT FROM NON-CABINET MEMBERS FROM ACROSS THE COUNCIL.

(D) THAT THE AUDIT FUNCTIONS OF THE EXISTING PRINCIPAL SCRUTINY COMMITTEE AND THE ROLE OF THE STATEMENT OF ACCOUNTS COMMITTEE BE UNDERTAKEN BY A NEW AUDIT COMMITTEE.

(E) THAT FOR THE 2011/12 MUNICIPAL YEAR THE OVERVIEW AND SCRUTINY COMMITTEE HAVE 11 MEMBERS AND THE AUDIT COMMITTEE 9 MEMBERS.

(F) THAT CABINET'S PROPOSALS SET OUT BELOW BE SUPPORTED:

(I) TO ESTABLISH A CABINET (HOUSING) COMMITTEE WITH A STANDING LIST OF OTHER MEMBERS AND TACT REPRESENTATIVES TO ATTEND; AND

(II) TO USE INFORMAL POLICY GROUPS APPOINTED BY CABINET FROM ACROSS THE MEMBERSHIP OF THE COUNCIL TO ASSIST WITH POLICY DEVELOPMENT WORK.

2. THAT THE CHAIRMAN OF THE AUDIT COMMITTEE BE APPOINTED FROM A GROUP OTHER THAN THAT OF THE LEADER OF THE COUNCIL AND THAT THE COMMITTEE BE APPOINTED BY COUNCIL ON A PARTY POLITICAL BALANCE BASIS, EXCLUDING CABINET MEMBERS.

3. THAT THE CONSEQUENTIAL CHANGES TO THE OVERVIEW AND SCRUTINY PROCEDURE RULES, INCLUDING THE TERMS OF REFERENCE OF THE OVERVIEW AND SCRUTINY COMMITTEE, SET OUT IN APPENDIX 4 OF REPORT CAB2132 BE APPROVED.

4. THAT THE TERMS OF REFERENCE OF THE AUDIT COMMITTEE, SET OUT IN APPENDIX 5 OF REPORT CAB2132 BE APPROVED.

5. THAT THE CONSEQUENTIAL CHANGES TO THE FINANCIAL PROCEDURE RULES, SET OUT IN APPENDIX 6 OF CAB2132 BE APPROVED.

6. THAT IT BE NOTED THAT NO CONSEQUENTIAL CHANGES TO THE BUDGET AND POLICY FRAMEWORK PROCEDURE RULES ARE REQUIRED.

7. THAT THE CHANGES TO THE CONSTITUTION TAKE EFFECT ON 18 MAY 2011 AND THE CORPORATE DIRECTOR (GOVERNANCE) BE AUTHORISED TO MAKE ANY ADDITIONAL MINOR CONSEQUENTIAL CHANGES TO THE CONSTITUTION OR OTHER APPROVED DOCUMENTS TO GIVE EFFECT TO THE CHANGES OUTLINED ABOVE.

RESOLVED:

1. That a further report be made to Cabinet in May 2011 regarding the appointment and terms of reference of the Cabinet (Housing) Committee and Informal Policy Panels.

2. That TACT representatives attending the Cabinet (Housing) Committee be normally provided with exempt items and asked to address the Committee on these items.

3. That TACT representatives continue to be invited to address Cabinet on Housing related issues, as at present, in addition to the procedures to be adopted at the Cabinet (Housing) Committee.

4. That a revised Committee timetable be considered at the April meeting of Cabinet.

16. **RISK MANAGEMENT UPDATE**

(Report [PS437](#) refers)

EXTRACT FROM MINUTES OF PRINCIPAL SCRUTINY COMMITTEE HELD 14 FEBRUARY 2011

(Report [CAB2145](#) refers)

The Chairman requested that the Risk Register be amended in the future to also indicate the direction of travel. This was agreed.

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

RESOLVED:

That the Risk Management Policy 2011 and its replacement of the Risk Strategy be approved, taking account of the comments raised above and by Principal Scrutiny Committee at its meeting on 14 February 2011.

17. **MINUTES OF THE SOCIAL ISSUES SCRUTINY PANEL HELD 1 FEBRUARY 2011**

(Report [PS443](#) refers)

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

RESOLVED:

That the minutes of the Social Issues Scrutiny Panel held 1 February 2011 be received.

18. **MINUTES OF THE LOCAL ECONOMY SCRUTINY PANEL HELD 3 FEBRUARY 2011**

(Report [PS444](#) refers)

Cabinet noted that the established of the Planning and the Rural Economy Informal Scrutiny Group (ISG) had been approved by Principal Scrutiny Committee at its meeting on 7 March 2011. The ISG had met once already and Councillor Power had been appointed as the Chairman.

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

RESOLVED:

That the minutes of the Local Economy Scrutiny Panel held 3 February 2011 be received.

19. **MINUTES OF THE ENVIRONMENT SCRUTINY PANEL HELD 8 FEBRUARY 2011**

(Report [PS445](#) refers)

Cabinet noted the concerns raised by the Panel in relation to the Planning Management Team failing to achieve their targets.

Councillor Bell confirmed that she regularly monitored the performance information and advised that, although targets for regular planning applications were not being met, this was usually only by a few days. However, time taken to deal with major applications was skewing the performance figures and she was taking steps to address the presentation of information to highlight this.

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 8 February 2011 be received.

2. That the concerns relating to the performance of the Planning Management Team continue to be monitored by the Portfolio Holder for High Quality Environment.

20. **MINUTES OF THE RESOURCES SCRUTINY PANEL HELD 10 FEBRUARY 2011**

(Report [PS446](#) refers)

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

RESOLVED:

That the minutes of the Resources Scrutiny Panel held 10 February 2011 be received.

21. **MINUTES OF CABINET (LOCAL DEVELOPMENT FRAMEWORK) COMMITTEE HELD 23 FEBRUARY 2011**

(Report [CAB2143](#) refers)

Cabinet received the minutes of the Cabinet (Local Development Framework) Committee held 23 February 2011 (attached as Appendix A to these minutes).

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

RESOLVED:

That the minutes of the Cabinet (Local Development Framework) Committee held 23 February 2011 be received.

22. **RIVER PARK LEISURE CENTRE – ESSENTIAL WORKS PROPOSALS
(LESS EXEMPT APPENDIX)**
(Report [CAB2134](#) refers)

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

RESOLVED:

1. That the indicative Essential Works Programme as set out in Appendix B and the Essential Works & Cost Plan as set out in Exempt Appendix D of the Report be approved, in addition to the capital expenditure, in accordance with Financial Procedure Rule 6.4 (authority to incur capital expenditure).

2. That approach adopted by the Council's Project Team towards procurement of individual work packages be endorsed, and where appropriate and as indicated in Exempt Appendix D, makes a direction under Contracts Procedure Rule 3.3 for the reasons set out in Exempt Appendix D of the Report.

3. That the proposed remodelling and refurbishment of the Kinetica Gym and changing rooms as proposed by DC Leisure be noted, as shown in Appendix C of this report, that are proposed to be carried out in conjunction with the Council's essential works proposals.

23. **FUTURE ITEMS FOR CONSIDERATION**

RESOLVED:

That the list of future items, as set out in the Forward Plan for March 2011, be noted.

24. **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.

25. **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 the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)
##	RPLC – Essential Works Proposals (exempt appendices))
##	Tender Report – Housing Maintenance Contract)
##	Exempt minutes of previous meeting) 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)
##	Winchester City Council Organisational Development (Phase 3))
##	Winchester City Council Organisational Development (Phase 3)) 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)
##	Tender Report – Housing Maintenance Contract) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (Para 5 Schedule 12A refers)

26. **EXEMPT MINUTES OF THE PREVIOUS MEETINGS**

RESOLVED:

That the exempt minutes of the previous meeting held on 9 February 2011 be approved and adopted.

27. **RIVER PARK LEISURE CENTRE – ESSENTIAL WORKS PROPOSALS (EXEMPT APPENDIX)**

(Report CAB2134 refers)

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

RESOLVED:

That the contents of the Exempt Appendix to the Report be noted.

28. **TENDER REPORT – HOUSING MAINTENANCE CONTRACT**

(Report CAB2135 refers)

Cabinet considered the above report which contained proposals regarding the tendering process of the Housing Maintenance contract (detail in exempt minute).

Cabinet noted that Mr Rickman (TACT) had wished to speak on this item, but had been required to leave before the Report was considered. The Chairman highlighted that TACT's comments were contained in Paragraph 15 of the Report.

29. **WINCHESTER CITY COUNCIL ORGANISATIONAL DEVELOPMENT (PHASE 3)**

(Report PER187 refers)

Under the Council's Constitution Access to Information Procedure Rules (Rule 15.1 – General Exception), this was a key decision which was not included in the Forward Plan in error. Under this procedure, the Chairman of Principal Scrutiny Committee has been informed. The report needed to be considered at this meeting in order for implementation to take place in time to achieve the identified budget savings.

Cabinet considered the above report which set out proposals regarding Phase 3 of the Council's Organisational Development (detail in exempt minute).

The meeting commenced at 9.30am and concluded at 1.00pm

Chairman