

CABINET**6 July 2011****Attendance:**

Councillor Beckett -	<i>Leader and Portfolio Holder for Local Economy and Tourism (Chairman) (P)</i>
Councillor Cooper -	<i>Deputy Leader and Portfolio Holder for Communities, Safety and Public Health (P)</i>
Councillor Coates -	<i>Portfolio Holder for Strategic Housing and Landlord Services</i>
Councillor Godfrey -	<i>Portfolio Holder for Administration, Innovation and Improvement (P)</i>
Councillor Humby -	<i>Portfolio Holder for Planning and Enforcement (P)</i>
Councillor Stallard -	<i>Portfolio Holder for Culture, Heritage and Sport (P)</i>
Councillor Weston -	<i>Portfolio Holder for Environment and Transport (P)</i>
Councillor Wood -	<i>Portfolio Holder for Finance and Estates (P)</i>

Others in attendance who addressed the meeting:

Councillors Collin, Jackson and Tait
Mr A Rickman (TACT)

Others in attendance who did not address the meeting:

Councillors Evans, Scott and Thompson

1. MINUTES

At the invitation of the Chairman, Councillor Collin drew attention to two minor corrections to comments he had made at the previous meeting:

- Under discussion of CAB2177(LDF): He had wished to emphasise the aim of encouraging more people who *live in Winchester* to work in the city.
- Under discussion of CAB2189: He had requested that all the *operational* car parking for the surgery be situated on site.

The Corporate Director (Governance) also highlighted a correction to the Minutes item to refer to Councillors Evans and Clear as Ward Councillors for Wickham (and not Whiteley as stated).

RESOLVED:

That, subject to the above corrections, the minutes of the previous meeting held on 15 June 2011, less exempt items, be approved and adopted.

2. **PUBLIC PARTICIPATION**

Mr J Edwards and Mr C Webb spoke under Report CAB2167 and Mr M Slinn spoke regarding Report CAB2199. Their comments are summarised under the relevant agenda items below.

3. **LEADER AND PORTFOLIO HOLDER ANNOUNCEMENTS**

Councillor Stallard congratulated the Museums Service for the successful reaccreditation of the City Museum and Westgate under the national Visitor Attraction Quality Assurance Scheme. She also highlighted the recent successful "Personal Best" event which had taken place at the Winchester Sports Stadium and involved a number of local schools. She thanked the organisers, which included the University, and the many volunteers who had assisted on the day.

Councillor Weston reported that the Local Sustainable Transport Fund bid for Government funding had been successful for the six sustainable transport towns, which included Winchester and highlighted that the Winchester Town Access Plan had formed part of the successful bid.

Councillor Beckett requested that Mr Ingram (Environmental Team Protection Manager) address Cabinet in his capacity as Chairman of the Safety Advisory Group (SAG) in order to give an update on the issues arising from the recent JLS concert at Matterley Bowl. Mr Ingram outlined in detail the traffic issues that had arisen and the lessons that would be learnt for future events. A full account was set out in the minutes of the special SAG meeting held on 28 June 2011 which would be circulated to all Members and also made available to the public on request.

4. **DISPOSAL OF HOUSING REVENUE ACCOUNT (HRA) LAND AND GENERAL FUND (GF) LAND AT DEVER CLOSE, MICHELDEVER (LESS EXEMPT APPENDIX)**

(Report [CAB2197](#) refers)

At the invitation of the Chairman, Councillor Tait declared a personal and prejudicial interest in respect of this Report as he was a director of Winchester Housing Trust Limited (WHT). He addressed Cabinet (comments summarised below) and left the room immediately following the presentation by Mr A Rickman (TACT) and prior to any debate and decision.

Councillor Tait spoke in support of the Report's recommendations and emphasised that the demand in Micheldever was for shared equity housing, not only affordable rented properties. He mentioned that WHT also owned a ransom strip of land in the proposed development area and believed that the proposals corresponded with the wishes of the previous owner of the land, Lord Rank.

The Corporate Director (Governance) clarified that further investigations had found that the land was purchased at value from a local landowner (not Lord Rank) by the City Council's predecessor, with no restrictions in the deeds as to its future use for affordable housing.

Mr Rickman (TACT) requested that the land be retained until the potential benefits of self-financing were apparent, including the possibility of new council housing being built. TACT also had concerns about the proposed mix of tenures, which could reduce the number of affordable rented properties available.

The Chairman emphasised that there was an urgent requirement for additional affordable housing and it was not therefore appropriate to wait for the Government's intentions on self-financing to be formalised, as it might take a number of years before the Council had a surplus to enable it to undertake development itself.

The Head of Strategic Housing confirmed that Recommendation 3 of the Report, gave the flexibility, in consultation with the Portfolio Holder, to alter the types of tenure offered in order to make the scheme viable and this could include shared ownership. He emphasised that unless the scheme was viable, it would not proceed and no affordable housing of any type would be provided.

In response to questions, the Head of Strategic Housing confirmed that the contract of sale to WHT would include a restriction for the housing to be built within a designated timescale.

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 Overview and Scrutiny Committee:

1. The disposal of the land at Dever Close, Micheldever, as outlined on the attached plan in Appendix 1 of the Report, to Winchester Housing Trust Limited, be approved, subject to:
 - (a) terms and conditions to be agreed by the Head of Estates;
 - (b) the matters in the recommendation in the Exempt Appendix 2;
 - (c) the obtaining of a special consent from the Secretary of State under Section 25 of the Local Government Act 1988 and Section 32 of the Housing Act 1985, and (if the terms of the disposal are outside the conditions of the General Disposal Consent (England) 2003) Section 123 of the Local Government Act 1972;

(d) nomination rights to the properties being granted to the Council or the Council's appointed agent in respect of all the units.

2. The Head of Landlord Services be authorised to take appropriate action to terminate any tenancies of garages affected by the scheme.

3. The Head of Strategic Housing, in consultation with the Portfolio Holder for Strategic Housing and Landlord Services, be authorised to agree any minor amendments to the project that may be required to ensure its viability and to comply with funding regulations from either the Homes and Communities Agency or the Council.

5. **NATIONAL CYCLE ROUTE NETWORK ROUTE 23 AND THE HOCKLEY VIADUCT**

(Report [CAB2167](#) refers)

Councillor Godfrey declared a personal (but not prejudicial) interest in this item as a County Council employee. Councillor Beckett also declared a personal (but not prejudicial) interest as a current member and former Chairman of Compton and Shawford Parish Council. Both Councillors remained in the room, spoke and voted thereon.

The Head of Access and Infrastructure reported that there were a number of outstanding issues regarding the completion of Route 23, including around Junction 9 at Winnall. He confirmed that the Council was in discussion with the County Council regarding the use of Section 106 highways contributions.

The Chairman noted this comment and the overall aim of the completion of Route 23, but emphasised that this was not within the Council's control. The opportunity to connect the South of Winchester Park and Ride to the City along the Viaduct as a route for cyclists and pedestrians should be considered as an option to be progressed separately, if completion of the full Stage 2 of the Route could not be achieved.

Mr J Edwards and Mr C Webb addressed Cabinet during the public participation period and their comments are summarised below.

Mr Edwards welcomed the Report and also highlighted the opportunities that completion of Route 23 would offer for the promotion of cycling tourism in Winchester District.

The Assistant Director (Economic Prosperity) confirmed that this idea had been explored over recent years and would be assisted further if access to and from the South Downs Way from the town could be improved. This was being considered by the National Park Authority.

Mr Webb (Friends of Hockley Viaduct) also supported the Report and stated that the Friends group would attempt to secure additional funds from various sources towards the repair of the Viaduct.

At the invitation of the Chairman, Councillor Jackson (the Council's Cycling Champion) supported the Report's proposals and also emphasised the desirability of completing Route 23. She acknowledged that there were issues surrounding Junction 9, Winnall and also to enable safe crossing of Bridge Street. In addition, she highlighted the difficulties and potential danger for cyclists of crossing the roundabout from the South of Winchester Park and Ride to gain access to the Viaduct.

A Member asked what would happen if ownership of the Viaduct was transferred and Sustrans ceased to exist at some stage. The Corporate Director (Governance) indicated that as the Viaduct was a liability rather than an asset, it was likely that a public body would be the only organisation interested in assuming responsibility. Such issues would have to be considered as a part of the further discussions with Sustrans.

With regard to Recommendation 6, the Assistant Director (Economic Prosperity) confirmed that the report sought authority for the release of £50,000 from the existing £500,000 allocation in the Capital Programme – recommendation 8 referred. The remaining funds could not be released without further Cabinet approval of the detail of the project.

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

RESOLVED:

1. That the Council's commitment to retaining the Hockley Viaduct as a feature of local heritage interest, rather than demolishing it, be affirmed.
2. That the completion of National Cycle Route Network Route 23 be supported in principle, as an integral part of the South of Winchester Park and Ride project and an important link to the South Downs Way.
3. That the progress being made towards the completion of Route 23 be noted, and a further report be submitted to Cabinet in January 2012 setting out findings of the Stage 2 surveys, preliminary costings and fundraising options.
4. That support in principle for the transfer of the freehold ownership and operational responsibility of the Viaduct to Sustrans be confirmed, subject to the conditions set out in section 2.10 of the Report, and the Heads of Estates and Legal Services be authorised to progress discussions with Sustrans towards this end.
5. That the Head of Access and Infrastructure be authorised to progress discussions with Sustrans and Hampshire County Council regarding a Creation Order for Stage 2 of the Route.

6. That the deployment of the £500,000 allocation in the Capital Programme in a way which supports not only the repair of the Viaduct but completion of Route 23 be approved;

7. That efforts to seek external funding, using the current allocation in the capital programme as match funding for external grants where available be endorsed;

8. That the Assistant Director (Economic Prosperity) be authorised, under Financial Procedure Rule 6.4, to incur capital expenditure of up to £50,000 for undertaking any preliminary work needed that cannot be funded from other sources.

6. **WINCHESTER TOWN ACCESS PLAN**
(Report [CAB2199](#) refers)

Councillor Godfrey declared a personal (but not prejudicial) interest in this item due to being a County Council employee. He remained in the room, spoke and voted thereon.

Councillor Weston emphasised that the Winchester Town Access Plan (WTAP) was a living document that would continue to change and develop over time. For example, as a result of the Traffic Management Study Stage 2 which was due to be concluded by the end of the year.

The Head of Access and Infrastructure advised that the Plan aimed to address various competing objectives, including environmental and economic considerations, and had helped the Council to secure additional Government funding under the Local Sustainable Travel Fund. That money would help with the implementation of the Access Plan.

Mr M Slinn (WinACC) spoke during the public participation period and his comments are summarised below.

WinACC considered that the revised WTAP was premature, as a number of key connected plans and studies were not yet completed (for example, Plans for Places and the Stage 2 Traffic Management Study). WinACC requested that the WTAP should include an aim of reducing carbon emissions from transport, in line with Government policy and the Community Strategy. Finally, WinACC considered that their comments made during the consultation exercise had not all been addressed satisfactorily and requested a further consultation exercise.

The Chairman thanked WinACC for their work in contributing towards the revised WTAP. However, he highlighted that carbon reduction was one of the four key aims and emphasised the statements made above, that the Plan was a living document which could change as work on the Local Development Framework process progressed and other studies became available.

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

Councillor Collin spoke in support of the Report as Chairman of the Winchester Town Forum and a County Councillor. He believed that the introduction of a 20mph speed limit within the Town, as proposed by the Forum, would assist in a number of aims of the Plan, including carbon reduction and improved safety. He advised that he was seeking an update from the County Council regarding potential improvements to Junction 9 and Easton Lane.

The Head of Access and Infrastructure confirmed that the Council was working with the County Council regarding the possible introduction of 20mph speed limits, starting with a pilot scheme in roads around The Square. He confirmed that the Council had examined other nearby Councils experiences regarding the introduction of similar schemes.

As the Council's Cycling Champion, Councillor Jackson welcomed the Report in general and, in particular, reference to the Cycling Strategy, but expressed concern that cycling issues were not in the forefront of plans and could sometimes be seen as an afterthought.

The Head of Access and Infrastructure confirmed that cycling issues would be considered wherever possible, although in some cases it might be a matter of balancing competing priorities.

One Member raised concern that the WTAP Action Plan did not appear to fully address the requirements of people with physical disabilities. Cabinet agreed that this matter should be considered further as the Plan developed.

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

RESOLVED:

1. That the Winchester Town Access Plan (WTAP) be agreed as a basis for local transport policy and to support the evidence base for negotiating developer's contributions and other sources of funding towards transportation and accessibility improvements.

2. That the Head of Access and Infrastructure, in consultation with the Portfolio Holder for Environment and Transport, be authorised to agree any minor alterations to the plan with Hampshire County Council.

CAPITAL EXPENDITURE OUTTURN 2010/11

(Report [CAB2174](#) refers)

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

RECOMMENDED:

**THAT THE CARRY FORWARD OF CAPITAL BUDGET
TOTALLING £1.789M FROM 2010/11 (AS DETAILED IN APPENDIX
A OF REPORT CAB2174) BE APPROVED, IN ACCORDANCE WITH
FINANCIAL PROCEDURE RULE 7.9.**

RESOLVED:

That the capital expenditure and financing for 2010/11 and the implications on the future capital programme be noted.

8. REVENUE OUTTURN 2010/11

(Report [CAB2175](#) refers)

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 consider matters relating to the budget. Cabinet also noted that the Report would be considered by The Overview and Scrutiny Committee at its meeting on 11 July 2011.

Members queried whether all the items listed in Appendix B Section 1 for carry forward were committed for a specified purpose or whether the funds could be retained within the General Fund for other purposes. The Head of Finance advised that there was a possibility that some of the items listed might not be fully committed and Cabinet could, therefore, have the option as to whether or not to agree those carry forwards.

Cabinet approved carry forwards of £149,115 for Appendix B Section 2 and £123,092 for Appendix B Section 3. It also approved the principle of carry forward of £94,633 for Appendix B Section 1, but agreed that Recommendation 3 be amended to give delegated authority to the Head of Finance, in consultation with the Portfolio Holder for Finance and Estates, to review each proposal and make the final determination in each case.

At the invitation of the Chairman, Councillor Collin queried why the Report had not been submitted to the Audit Committee.

The Corporate Director (Governance) acknowledged this point, but advised that he had considered that the Report was concerned with continued managing of the budget, which was an executive function, with monitoring by The Overview and Scrutiny Committee. It had been decided that the Audit Committee dealt with the Statement of Accounts and reports from the external

and internal auditors. However, this approach could be reviewed if Members requested it.

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

RESOLVED:

1. That the Revenue outturn position be noted, as set out in the Report.

2. That the transfers to/from the Major Investment Reserve and other earmarked reserves be noted and the closing balances at 31 March 2011 be approved (as set out in Appendix F of the Report).

3. That the requests for General Fund carry forward of one-off expenditure budget to 2011/12 for the purposes specified in Appendix B Section 2 amounting to £149,115 and for Appendix B Section 3 amounting to £123,092, be approved in accordance with Financial Procedure Rule 7.9

4. That approval in principle be given to the requests for General Fund carry forward of one-off expenditure budget to 2011/12 for the purposes specified in Appendix B Section 1, in accordance with Financial Procedure Rule 7.9 amounting up to £94,633, subject to the Head of Finance being given delegated authority, in consultation with the Portfolio Holder for Finance and Estates to review each proposal and make the final determination in each case.

5. That the General Fund requests for carry forward to be not approved at this stage be confirmed, amounting to £188,200, as set out in Appendix C of the Report.

9. **FINANCIAL STRATEGY 2012/13 TO 2014/15**

(Report [CAB2202](#) refers)

Councillor Wood reported that there was a predicted budget shortfall for the current year of £653,000, but that officers had put forward various ideas which would enable a balanced budget to be achieved. The Coalition Government's approach to Affordable Homes Bonus and localisation of Planning Fees still presented a budget risk until its final approach was determined. He highlighted that work would shortly begin to enable the more accurate prediction of car parking income.

The Chief Executive advised that the current budget situation was much improved over the position at the same time last year, due to the various difficult cost-cutting steps that the Council had taken in the previous year.

At the invitation of the Chairman, Councillor Collin spoke as Chairman of Winchester Town Forum and reported that he was working with the Head of Finance to ensure the Forum achieved a balanced budget.

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

RESOLVED:

1. That the approach to managing the General Fund Revenue Budget pressures be approved, with a further Report to be brought to Cabinet in September to finalise the Revised Budget.
2. That the Financial Strategy 2011 be approved, including the key principles to be applied to the General Fund, and Housing Revenue Account revenue budgets for 2012/13.

10. **REVISED LOCAL DEVELOPMENT SCHEME 2011**
(Report [CAB2204](#) 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. Under this procedure, the Chairman of The Overview and Scrutiny Committee had been informed.

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

RESOLVED:

That the revised Winchester District Local Development Scheme (LDS) 2011, attached as Appendix A to [Report CAB2178\(LDF\)](#) have effect from 6 July 2011.

11. **FINAL REPORT OF THE LOW CARBON ECONOMY INFORMAL SCRUTINY GROUP – RECOMMENDATIONS FOR CABINET**
(Report [CAB2203](#) refers)

The Chairman proposed a number of changes to the recommendations of the Informal Scrutiny Group which were agreed by Cabinet (as outlined under resolution below – amendments shown in italics/strike through).

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

RESOLVED:

1. That the following recommendations of The Overview and Scrutiny Committee be implemented:
 - (a) that officers carry out further investigations into the potential for a Community Bank, including identification of potential co-investors, to support low carbon investment, with a view to reporting back to Cabinet in the autumn 2011.

(b) that a further report is brought to Cabinet in the autumn 2011 which enables the Council to consider a formal commitment to the Hampshire Broadband project.

(c) that *in progressing the Core Strategy*, the Council *takes into account how ensures that* emerging planning policy *can* actively encourages low carbon business development.

(d) that officers work with the *most appropriate organisations, which may include the Sustainable Business Partnership and Winchester Action on Climate Change*, to develop an action plan to increase business commitment to low carbon practices, including a workable approach to disseminating the latest data and best practice guidance.

(e) that officers continue to identify and investigate with partners the skills required to support the low carbon economy

2. That Cabinet respond to the Committee as to how it intends to implement the recommendations of the ISG.

12. **MINUTES OF THE WINCHESTER TOWN FORUM HELD 8 JUNE 2011**
(Report [CAB2201](#) refers)

Cabinet received the minutes of the Winchester Town Forum held 8 June 2011.

It was noted that a further Report would be submitted to Cabinet in the autumn regarding the review of the Winchester Residents' Parking Scheme. Cabinet therefore noted the suggestions of the Forum relating to Report WTF158 with the comment that any change must be self-financing.

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

RESOLVED:

That the minutes of the Winchester Town Forum held 8 June 2011 be received.

13. **MINUTES OF CABINET (TRAFFIC AND PARKING) COMMITTEE HELD 10 JUNE 2011**
(Report [CAB2198](#) refers)

Cabinet received the minutes of the Cabinet (Traffic and Parking) Committee held 10 June 2011(attached as Appendix A to these minutes).

With regard to the recommendation to agree the Council's contribution towards the cost of refurbishment of The Square and Great Minster Street, the Chief Executive confirmed that the Council would have an input into detailed decisions on elements of the scheme such as street furniture etc.

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

RESOLVED:

That the minutes of the Cabinet (Traffic and Parking) Committee held 10 June 2011 be received and the recommendation contained therein be agreed.

14. **FUTURE ITEMS FOR CONSIDERATION**

RESOLVED:

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

15. **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)
##	Disposal of HRA & GF Land at Dever Close, Micheldever – exempt appendix) Information relating to any individual. (Para 1 Schedule 12A refers)
##	Exempt minutes of the previous meeting) 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)
-)
-) Information in respect of
-) which a claim to legal
-) professional privilege could
-) be maintained in legal
-) proceedings. (Para 5
-) Schedule 12A refers)

16. **EXEMPT MINUTES OF THE PREVIOUS MEETING**

RESOLVED:

That the exempt minutes of the previous meeting held on 15 June 2011 be approved and adopted.

17. **DISPOSAL OF HOUSING REVENUE ACCOUNT (HRA) LAND AND GENERAL FUND (GF) LAND AT DEVER CLOSE, MICHELDEVER (EXEMPT APPENDIX)**

(Report CAB2197 refers)

Cabinet considered the exempt appendix which gave the financial details of the proposed disposal of the land (detail in exempt minute).

The meeting commenced at 10.00am and concluded at 12.45pm

Chairman