

**CABINET****14 March 2012****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 (P)</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 Jeffs, Scott and Tait

**Others in attendance who did not address the meeting:**

Councillors Collin, Hutchison and Learney

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**1. MINUTES****RESOLVED:**

That the minutes of the previous meeting held on 8 February 2012 less exempt items, be approved and adopted.

**2. PUBLIC PARTICIPATION**

Reverend M Gardner spoke regarding Report CAB2305 and his comments are summarised under the relevant agenda item below. Seven members of the public and Alresford Town Councillors spoke regarding Report CAB2309 and their comments are summarised under the relevant agenda item below.

At the invitation of the Chairman, Councillor Tait drew attention to the current repair work being undertaken by a statutory undertaker in the recently refurbished Winchester High Street area and sought assurances adequate restoration works would be carried out.

The Chairman stated that the current works were due to an emergency situation relating to the sewer and he had been assured the High Street would

be reinstated appropriately. On a connected matter, he reported that he was in discussions with the County Council Leader regarding contributing to the costs for refurbishing an additional length of The Square around to Little Minster Street.

### 3. **LEADER AND PORTFOLIO HOLDER ANNOUNCEMENTS**

The Chairman reported that the Silver Hill Compulsory Purchase Order (CPO) Public Inquiry was due to take place towards the end of June 2012 and the exact date would be publicised as soon as available.

### 4. **DISPOSAL OF HOUSING REVENUE ACCOUNT (HRA) LAND: 110 & 112 CROMWELL ROAD, STANMORE AND LAND TO THE REAR OF 96-112 CROMWELL ROAD, STANMORE (LESS EXEMPT APPENDIX)** (Report [CAB2305](#) refers)

The Chairman reminded Cabinet that it was not responsible for considering planning matters and that it should focus on the proposals for the land disposal only. Having regard to the issues raised in the Report and the various concerns expressed by some local residents during consultation on the Report, Cabinet proposed that Cabinet's decisions upon the report be referred to full Council to enable debate by all Members.

In addition, it was proposed that Council consider the wider issues of promoting the development of new homes on Council-owned land in order to seek agreement to the strategic approach to possible future schemes. The recommendations in the report were amended accordingly.

It was also proposed that Recommendation 1(d) in the report be amended as follows (additional wording shown in italics):

*“the nomination rights to seven of the homes being granted to the Council, ensuring that applicants with a local connection to Stanmore be afforded appropriate priority, with the remainder to be allocated through the HCA Zone Agents.”*

In response to questions, the Head of Strategic Housing advised that the previous planning application had been refused at Planning Development Control Committee due to various design and layout concerns, but there had been no objection to the principle of developing the site.

During the public participation period, Reverend M Gardner addressed Cabinet and his comments are summarised below. As vicar for the Parish of St Luke, he emphasised the shortage of affordable rented housing in Stanmore and the demand for local people to remain in the Stanmore area to be close to their family ties. As Chairman of Stanmore Combined, he highlighted that existing allotment plots within Stanmore were not fully utilised and attempts to bring back a different abandoned allotment plot had not received local support. In conclusion, he supported the proposals in the Report.

The Corporate Director (Governance) advised that, following publication of the Report, correspondence had been received from a local resident in opposition to the proposals who was unable to attend the meeting. The correspondence drew attention to the petition of 160 signatures which was appended to the Report and queried why this had not been submitted for full Council debate. The correspondent underlined the importance of the allotments being retained and requested that the allotments be nominated as 'assets of community value' under the Localism Act 2011.

The Corporate Director (Governance) advised that the petition fell below the number of signatures required for full Council consideration (300 signatures for a three member ward). In addition, the relevant provisions of the Localism Act relating to assets of community value had not yet come into force.

At the invitation of the Chairman, Councillors Scott (a Ward Member for St Luke) and Tait (a Ward Member for St Michael) addressed Cabinet and their comments are summarised below.

Councillor Scott concurred with comments made by Reverend Gardner relating to the need for additional housing and the lack of use of current allotment sites. In addition, he believed that some objections had arisen due to misinformation and rumours being spread, but he thought that the community consultation undertaken had, to a large extent, assisted with addressing these concerns.

Councillor Tait acknowledged the concerns of some nearby residents of St Michael Ward, but believed that, on the whole, most local people were in favour of the proposals. He also believed that the concerns were, in part, due to misunderstandings. In conclusion, he supported the Report's recommendations and welcomed the opportunity for a full Council debate of the wider issues it raised.

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

**RECOMMENDED:**

**1. THAT THE DECISION OF CABINET TO DISPOSE OF 110 AND 112 CROMWELL ROAD AND LAND TO THE REAR OF 96 – 112 CROMWELL ROAD, STANMORE FOR AFFORDABLE HOUSING DEVELOPMENT PURPOSES (AS SET OUT IN THE RESOLUTIONS 3-9) BELOW BE SUPPORTED.**

**2. THAT CONSIDERATION BE GIVEN TO A REPORT TO BE SUBMITTED TO COUNCIL AT ITS MEETING ON 18 APRIL 2012 INVITING MEMBERS TO REVIEW THE WIDER ISSUES OF PROMOTING THE DEVELOPMENT OF NEW HOMES ON COUNCIL-OWNED LAND.**

## RESOLVED:

That, subject to the matter not being called in by The Overview and Scrutiny Committee and no objections being raised by Council:

3. The disposal to Radian Housing Association, for affordable housing development purposes, of 110 and 112 Cromwell Road, Stanmore and land to the rear of 96 – 112 Cromwell Road Stanmore, as outlined on the plan in Appendix 1 to the Report, be approved, subject to:

- (a) terms and conditions to be determined by the Head of Estates;
- (b) the consent of the Secretary of State (either by complying with the relevant requirements of General Consent A (Disposal of Land to Registered Providers of Social Housing) 2010 under Section 25 of the Local Government Act 1988 or a special consent if required);
- (c) planning consent being granted for the development;
- (d) nomination rights to seven of the homes being granted to the Council, ensuring that applicants with a local connection to Stanmore be afforded appropriate priority, with the remainder to be allocated through the HCA Zone Agents.

4. The Head of Landlord Services be authorised to take appropriate action to terminate the tenancies of the two dwellings affected by the scheme.

5. Approval being given for the restrictive covenants on any of the properties or other land adjacent to the development site to be removed as necessary to enable the development of the site for the purpose outlined in the report.

6. Delegated authority be granted to the Head of Landlord Services, in consultation with the Portfolio Holder for Strategic Housing and Landlord Services, to:-

- (a) agree any minor amendments to the project that may be required to ensure its viability;
- (b) agree an alternative Registered Provider to whom the disposal in 1) above can be made, should Radian be unable to proceed within a reasonable timescale.

7. That the disposal price set out in the Exempt Appendix to the report be approved.

8. That the capital receipt from the disposal be applied fully to the Housing Revenue Account – Re-investment in Stock Condition, for affordable housing and that this sum be therefore treated as being within the Council's capital allowance under Regulation 16(1)(c) of the Local Authorities (Capital Finance and Accounting)(England) Regulations 2003 (as amended).

9. That £63,000 be reallocated within the Capital Programme from Affordable Housing/Regeneration to HRA Re-investment in Stock Condition to ensure the HRA Business Plan is properly compensated for lost income resulting from the disposal.

5. **ARLEBURY PARK – RELEASE OF OPEN SPACE FUNDING TO NEW ALRESFORD TOWN COUNCIL (LESS EXEMPT APPENDIX)**  
(Report [CAB2309](#) 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 inform New Alresford Town Council (NATC) of the decision as soon as possible, and also having regard to the number of public who had attended the meeting to hear the discussion.

Seven members of the public and/or NATC Councillors addressed Cabinet and their comments are summarised below.

Mrs J Field (Chair of the Alresford Society) stated that although the local community supported the principle of additional recreational space, the information contained in the Report relating to this particular proposal was incorrect and insufficient and any decision to release open space funding was therefore at risk. She also raised a number of concerns relating to the proposed planning application, access arrangements, impact on adjacent residents and the lack of consultation undertaken by NATC.

Mr V Prior, Mrs C Prior and Mrs C Aked all spoke as residents of Arlebury Park Barns. They stated that the Report was incorrect because the 1.78 acres of land referred to did not have public access, being only accessible by a private drive owned by Arlebury Park Barns residents. They also reiterated a number of concerns relating to the planning application, impact on their properties and the perceived lack of transparency on the part of NATC.

Mr C Bazlinton spoke as a resident of The Avenue and reiterated the point about lack of public access to the 1.78 acres. He believed NATC should have consulted the public about their proposals prior to making the application referred to in the Report.

Mrs N Carpenter (member of the Planning Committee on NATC) raised concerns about the late availability of the Report, the lack of discussions of proposals at NATC and the need for further consultation by NATC. She also

stated that the proposal would use all the Open Space funds available to New Alresford and therefore required particularly careful consideration. Mr R Gentry (Chairman of NATC Finance Committee, but speaking in a personal capacity), highlighted the urgency for open space funds to be allocated or risk having to be returned to the developers. He believed that the proposals could proceed without the 1.78 acres if the access matters were at issue. Although objections had been raised above, he considered that the proposals would generally be supported by residents of New Alresford. He emphasised that NATC would undertake more public consultation if the decision in principle to release open space monies was approved.

At the invitation of the Chairman, Councillor Jeffs (a Ward Member) supported in principle the proposals for additional rugby pitches, but highlighted the concerns expressed above regarding the need for public consultation to be undertaken.

Following the comments made, the Chairman emphasised that the decision to release open space funds would be subject to planning permission being obtained, and Recommendation 2 of the Report was amended to clarify this point.

The Chairman highlighted that concerns raised about the lack of consultation by NATC were a matter for the Town Council itself to address.

The Head of Landscape and Open Spaces advised that he had only recently been made aware of the potential access issues and would need to explore this further with NATC.

The Corporate Director (Governance) advised that Members should be satisfied that the proposed land to be acquired by NATC could be used for the required purpose, before releasing the open space funding. The recommendations contained conditions to ensure that confirmation would be obtained before monies were released. However, with regard to the potential access issues in connection with the 1.78 acres of land, Recommendation 3 could be amended to specify that this issue should be resolved or NATC confirm the 1.78 acres were not required, before funds were released. Cabinet agreed to this approach.

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

**RESOLVED:**

1. That the release of £186,451 (being the current uncommitted balance of the Open Space Fund held for New Alresford, less amounts committed elsewhere) to New Alresford Town Council for land acquisition at Arlebury Park, New Alresford (as detailed in the Report) be approved, such release to be effective only on completion of the land transfer to the Town Council.

2. That, subject to planning permission being obtained, delegated authority be given to the Head of Legal Services to enter into appropriate arrangements with the Town Council to ensure that such monies are released and used for the intended purpose.

3. That delegated authority be given to the Head of Landscape and Open Spaces to release further monies from the Open Space Fund held for New Alresford from time to time (as and when Funds become available from Section 106 Open Space Contributions) towards the remaining costs of the project. No monies to be released in respect of the 1.78 acres (outlined in the Appendix to the Report) until either the access issues were resolved or the Town Council confirmed the land was not required for the scheme.

4. That the project be taken into account for any further funding through the Community Infrastructure Levy in future decisions.

6. **RIVER PARK LEISURE CENTRE – OPTIONS FOR CAPITAL EXPENDITURE**

(Report [CAB2306](#) refers)

In response to questions, the Corporate Director (Operations) confirmed that the proposed future report to Cabinet would set out the scope of the work to be carried out, which could include identifying possible future partners.

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

RESOLVED:

That a report is considered at the next meeting of Cabinet outlining the full scope of work needed to evaluate options for capital expenditure on the River Park Leisure Centre or on alternative long term provision.

7. **QUEEN ELIZABETH II COMMEMORATIVE FIELDS**

(Report [CAB2303](#) refers)

Cabinet noted that the Report would also be considered by the Winchester Town Forum at its meeting on 21 March 2012.

The Head of Landscape and Open Spaces advised Cabinet that all the parish councils in the District had been advised about the Queen Elizabeth II Commemorative Fields initiative. He confirmed that parish councils were encouraged to contact Fields in Trust directly if they wanted to pursue nominations in their areas.

The Head of Landscape and Open Spaces advised that since the Report was published, the Hampshire Wildlife Trust had requested that neither St Faith's Meadow nor Winnall Moors Nature Reserve be nominated as it was

concerned their designation as QEII Fields could cause confusion among the public as to their primary purpose, special status and character.

Cabinet noted these points, but agreed that such concerns could best be dealt with during the consultation following the publication of the public notice.

The Corporate Director (Governance) advised that, whilst buildings used for recreation purposes could be permitted on designated areas in certain circumstances, experience with the King George V Fields elsewhere had been that the trustees sometimes adopted a very restrictive approach. It was therefore proposed that only those areas of the Town which were thought suitable and where there was no prospect of any buildings should be included.

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

**RESOLVED:**

1. That (subject to any comments of Winchester Town Forum) the proposal to nominate the following sites as Queen Elizabeth II Fields be approved:

- a) Oram's Arbour
- b) St Giles' Hill
- c) Winnall Moors Nature Reserve (southern section)
- d) St Faith's Meadow

2. That public notice of the proposed dedication be given pursuant to Section 123(2A) of the Local Government Act 1972 (as amended).

3. That a further Report be brought back to a future meeting for authority to enter into the deed of dedication, and that the Report should confirm that the proposed dedication falls within the terms of the General Disposal Consent 2003, advise on the undervalue, and give details of any representations made in response to the public notice of the proposed disposal.

8. **LOCALISM ACT 2011**  
(Report [CAB2302](#) refers)

Cabinet noted that the Report would also be considered by The Overview and Scrutiny Committee at its meeting on 19 March 2012.

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



RESOLVED:

That the areas of main relevance to local authorities in the Localism Act 2011 be noted, as set out in Paragraph 2 of the Report.

9. **MINUTES OF THE CABINET (TRAFFIC AND PARKING) COMMITTEE HELD 21 FEBRUARY 2012**  
(Report [CAB2307](#) refers)

Councillor Stallard declared a personal (but not prejudicial) interest in respect of this item as she was a County Councillor. She remained in the room, spoke and voted thereon.

Cabinet considered the minutes of the Cabinet (Traffic and Parking) Committee held 21 February 2012 (as attached as Appendix A to the minutes).

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

RESOLVED:

That the minutes of the Cabinet (Traffic and Parking) Committee held 21 February 2012 be received.

10. **FUTURE ITEMS FOR CONSIDERATION**

RESOLVED:

That the list of future items, as set out in the Forward Plan for March 2012, be noted.

11. **EXEMPT BUSINESS**

RESOLVED:

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

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

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Exempt Minutes of the Previous meeting	) Information relating to any individual. (Para 1 Schedule 12A refers) ) ) ) ) Information which is likely to reveal the identity of an individual. (Para 2 Schedule 12A refers) ) ) ) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority. (Para 4 Schedule 12A refers)
##	Disposal of HRA Land – Cromwell Road, Stanmore	) Information relating to the financial or business affairs of any particular person
##	Arlebury Park – Release of Open Space Funding (Exempt Appendix)	) (including the authority holding that information). (Para 3 Schedule 12A refers)

12. **EXEMPT MINUTE OF THE PREVIOUS MEETING**

RESOLVED:

That the exempt minute of the previous meeting held on 8 February 2012 be approved and adopted.

13. **DISPOSAL OF HOUSING REVENUE ACCOUNT (HRA) LAND: 110 & 112 CROMWELL ROAD, STANMORE AND LAND TO THE REAR OF 96-111 CROMWELL ROAD, STANMORE (EXEMPT APPENDIX)**

(Report CAB2305 refers)

Cabinet considered the exempt appendix to the above Report which considered the financial issues arising from the disposal of the site and included proposals for compensating the Council's Housing Revenue Account (HRA) for the loss of income arising from the proposal. The

recommendations from the exempt appendix are as set out in Resolutions 7 to 9 above.

One Member queried whether some of the information contained within the exempt appendix could be made open to the public and this be amended when the Report was considered by Council. In particular, he drew attention to the discussion of pooling requirements.

The Corporate Director (Governance) acknowledged these points and agreed that whilst the exact amount of under-value should remain exempt, the fact the proposal was to sell land for "less than best" could be made public. Cabinet agreed that the exempt appendix to the report would be amended accordingly and re-published before its consideration by The Overview and Scrutiny Committee and Council.

14. **ARLEBURY PARK – RELEASE OF OPEN SPACE FUNDING TO NEW ALRESFORD TOWN COUNCIL (EXEMPT APPENDIX)**  
(Report CAB2309 refers)

Cabinet considered the contents of the exempt appendix to the Report which outlined the financial details of the proposed transfer. The Head of Legal Services confirmed that the Head of Estates had reviewed the valuation referred to in the report.

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

RESOLVED

That the information contained within the exempt appendix of the Report be noted.

The meeting commenced at 10.00am and concluded at 12.15pm

Chairman