

CABINET

6 July 2015

Attendance:

Councillor Godfrey -	<i>Leader (Chairman) (P)</i>
Councillor Weston -	<i>Deputy Leader and Portfolio Holder for Service Delivery (P)</i>
Councillor Read -	<i>Portfolio Holder for Built Environment (P)</i>
Councillor Byrnes -	<i>Portfolio Holder for Local Economy (P)</i>
Councillor Horrill -	<i>Portfolio Holder for Housing Services (P)</i>
Councillor Miller -	<i>Portfolio Holder for Estates (P)</i>
Councillor Pearson -	<i>Portfolio Holder for Environment, Health & Wellbeing (P)</i>

Others in attendance who addressed the meeting:

Councillors Hutchison, Power and Thompson
Mr D Chafe (TACT)

Others in attendance who did not address the meeting:

Councillors Achwal, Green and Scott

1. DISCLOSURE OF INTERESTS

Councillor Godfrey declared a disclosable pecuniary interest in respect of agenda items due to his role as a County Council employee. However, as there was no material conflict of interest, he remained in the room, spoke and voted under the dispensation granted on behalf of the Standards Committee to participate and vote in all matters which might have a County Council involvement.

2. MEMBERSHIP OF CABINET COMMITTEES ETC

It was noted that a number of appointments were deferred from the previous Cabinet meeting on 21 May 2015 (Report CAB2690 and relevant minute refers).

Nominations received from the Liberal Democrat and Conservative Groups were reported verbally at the meeting.

The Chairman thanked former Councillor John Higgins for his work as a representative on the Winchester Welfare Charities over the previous years.

RESOLVED:

1. That Councillors Pearson and Warwick (Deputies: Southgate and Achwal) be appointed as the Council's representatives on the Southampton International Airport Consultative Committee for the remainder of the 2015/16 Municipal Year.

2. That Councillor Tait be appointed as a Council representative on Winchester Welfare Charities until May 2020 (the second Council representative is former Councillor Allan Mitchell, appointed until June 2016).

3. **MINUTES**

RESOLVED:

That the minutes of the previous meeting held on 21 May 2015, less exempt minute, be approved and adopted.

4. **PUBLIC PARTICIPATION**

David Ashe (Winchester 2020), Chris Higgins (City of Winchester Trust), Imogen Dawson and Steve Harbourne (Station Area Neighbourhood Group) spoke regarding Report CAB2702 and their comments are summarised under the relevant minute below.

James Cretney (Chamber of Commerce) and Chris Turner (Winchester BID) also spoke regarding the item on Station Approach, but were unable to remain for that section of the meeting so, with the Chairman's permission, spoke during the general public participation period and their comments are summarised below.

James Cretney stated that the Winchester Area Committee of the Hampshire Chamber of Commerce were supportive of the Station Approach and Carfax development. It was important for Winchester to have high quality office space to enable businesses to expand (with the benefits that brought for the Winchester economy generally) without having to leave Winchester. The Committee considered that the development of Barton Farm and growth in the use of the Station offered an ideal opportunity for a "gateway" development indicating a key route into the city and a chance to grow the retail offering in the area.

Chris Turner stated that he represented 873 businesses in the centre of Winchester and supported the comments made by Mr Cretney above. He emphasised the requirement for high quality (including technical specifications) office space to ensure Winchester retained existing businesses together with attracting new companies. There had been a 5% increase in the number of "micro-businesses" in the city and it was an acknowledged centre of excellence for law, financial services and digital design, amongst other

businesses. BID were concerned business would be lost unless new, higher quality office accommodation was developed.

The Chairman thanked Mr Cretney and Mr Turner for their comments.

5. **LEADER AND PORTFOLIO HOLDER ANNOUNCEMENTS**

There were no announcements.

6. **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**
(Report CAB2695 refers)

The Neighbourhood Services Officer-Anti Social Behaviour responded to a number of detailed questions of the Report, and in summary, the following points were noted:

- A period of consultation was required before a Public Space Protection Order (PSPO) could be introduced, including with appropriate public bodies and local councillors.
- PSPO was an adaptable tool which could be used to address a variety of anti-social behaviours, including for example the control of consumption of alcohol in an area, or to tackle dog fouling.
- A PSPO can be in place for up to three years, once in place it will be reviewed periodically. At any point prior to the expiry date a PSPO can be extended.
- The new powers of closure provisions replaced powers already in existence and could be utilised to tackle high levels of anti-social behaviour in a private dwelling or licensed premises.
- A Partnership approach will always be taken to address anti social behaviour with enforcement action only being taken when appropriate. This will ensure that the most effective tools are used to address the anti social behaviour.
- A Hampshire wide approach had been adopted to the Community Trigger mechanisms and notifications would be submitted via the Police.

At the invitation of the Chairman, David Chafe (TACT) queried what publicity on the new provisions would be made available to Council tenants and residents in general.

Councillor Horrill confirmed that she would ensure the Housing Team advised tenants through the various forms of communication available. The Corporate Director agreed to ensure that the Council publicised the new measures more generally.

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

RESOLVED:

1. That the new changes introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 (Appendix 1 of the Report) be noted.

2. That changes to Part 3 Section 6 of the Council's Constitution (Scheme of Delegation to Officers) be approved to authorise the Assistant Director (Environment) to make, vary or discharge Public Space Protection Orders under Sections 59-61 of the Anti-Social Behaviour, Crime and Policing Act 2014 (Appendix 1) in consultation with the Portfolio Holder for Environment, Health & Wellbeing.

7. **STATION APPROACH, WINCHESTER**
(Report CAB2702 refers)

The Chairman acknowledged the comments made during the public participation period and summarised above. He stated that the Report considered the future use of an area of land which was primarily in the Council's ownership, to the east of the Station, through Carfax to include the Cattle Market car park. The area was not currently being utilised effectively for local businesses or housing. Extensive consultation had been carried out over the past months and information gathered was being used to decide what was best for the area. The Report referred to proposals for a "business hub" with mixed use including car parking, offices, possibly housing and significant improvements to the public realm to enhance this important gateway area.

The Chairman continued that the Report proposed a Design Competition for the area, with an initial short period of consultation with stakeholders on the Design Brief. The Design Competition would be judged by a jury of nine people including architects, Councillors, Officers and interested parties. The final design would be subject to the planning process.

The Head of Estates reminded Members of the background to the proposals, starting with the Vision for Winchester, Local Plan Part 1 and Tibbalds reports. Considerable work and consultation had been undertaken since these documents were produced which had resulted in the conclusion that the area could form a business hub and offer improved linkage to/from the Station and the town centre. Of key importance was the requirement for additional high quality office space to enable current businesses to grow, in addition to attracting new businesses to the area.

With regard to the consultation undertaken, the Head of Estates advised that this had included workshops with local residents and businesses, on-line surveys, a BID coordinated business event and a meeting with Peter Symond's College. A group of local residents had formed the Station Area Neighbourhood Group and it was proposed that representatives from this Group be invited to participate in the proposed Stakeholder Reference Group

(to be renamed the Station Approach Panel). The suggested membership was set out in Paragraph 13.2 of the Report.

With regard to the Design Competition, the Head of Estates advised that external legal advice was being sought on the process regarding EU procurement. It was intended to invite submissions through an EU Procurement exercise in order to produce a shortlist of five to seven firms. Subject to legal advice there would be a public exhibition of proposals and selection of the successful team by a jury. The public comments would be fed through to the jury in a way which was compatible with the requirements of the procurement process.

The Assistant Director (Policy and Planning) advised that transport and parking were important elements of any scheme and a new parking survey had recently been undertaken, the results of which would be available soon. A key component would be to seek to minimise the impact on the current Carfax junction. The Council had submitted an outline business case to the Local Enterprise Partnership for a bid for £5 million of Local Growth Funding towards public realm and accessibility improvements.

In response to questions, the Head of Estates advised that new parking facilities would have to be provided on the Carfax site before the Cattle Market site could be developed. He stated that he had received business interest for approximately 140,000 square feet of office accommodation. Cabinet requested that an indication of this level of requirement be included within the Design Brief. In general, Cabinet Members considered further detail on requirements should be included within the Design Brief.

The Head of Estates advised that the Carfax site had been subject to archaeological investigations previously, but further investigation would be required. It was likely that new archaeological excavations would be required for the Cattle Market site.

Four people spoke during the public participation period on this item and their comments are summarised below.

David Ashe (Winchester 2020) welcomed consideration of redevelopment of the area and the focus on the importance of the public realm and not overdevelopment. He believed the Design Competition could be a good way forward but had some concerns regarding the lack of clarity of the Design Brief and what competitors were being asked to provide. He doubted that many firms of architects would be attracted to submit proposals, without some guarantee of reward. He also highlighted that submissions would not include the expertise of traffic engineers which was vital to the success of the scheme.

The Head of Estates advised that the Council would itself produce a full transport assessment and that traffic information would be made available to the shortlisted participants in the competition.

Chris Higgins (City of Winchester Trust) stated that in his previous employment, he had experience of selecting architects and design competitions and offered to help Officers through the process. The Trust welcomed the concept of a Design Competition but had concerns that the Design Brief should be clear. In addition, it was vital that the competition process was transparent and set out clear criteria for proposals to be judged against. The Council should ensure sufficient time was allowed for competitors entries and some sort of reward should be offered. For example, an honorarium for each entry or the guarantee that the winner would be able to deliver the site.

The Chairman and Head of Estates thanked Mr Higgins for his offer of assistance. The Head of Estates clarified that the winner would be offered the opportunity to produce a design for the site, for which they would be paid.

Imogen Dawson (a local resident drew) Cabinet's attention to Paragraph 2.6 of the Report and welcomed the strategic aspirations for the area but had concerns regarding the specific options proposed for development. She believed that the creation of a business hub was not appropriate for an area adjacent to the Hyde Conservation Area and could worsen the traffic situation and quality of life for residents. The area should instead be utilised for a mix of uses, including affordable housing and affordable office space. She disputed the assertion that office workers remained in Winchester and contributed to the economy outside of work hours and suggested that the Council could instead focus on attracting students to venues in the early evenings.

Steve Harbourne (Station Area Neighbourhood Group) stated that the Group aimed to provide a voice for residents in the general station area and was pleased to be involved in future discussions through the Stakeholder Forum referred to above. He appreciated that some previous concerns had been addressed by the latest proposals but the Group still considered that large scale commercial development would have a negative impact on both Winchester residents and visitors. He emphasised the traffic issues in the area already which would be exacerbated by the Barton Farm development. In addition, he disputed the requirement for new office space as there was already empty office accommodation within the area. The lease on Cromwell House, Andover Road was due to expire in three years time which could potentially offer additional office space. The Group were opposed to the proposal for a landmark building at the Carfax junction as they believed this would dominate over nearby homes. Finally, he highlighted the benefits of the existing Cattle Market car park for parking, as an open space and for its other uses.

With regard to the points raised about parking and traffic, the Assistant Director (Policy and Planning) reiterated that a full traffic assessment would be undertaken, including the impacts of Barton Farm as part of the planning process. Initial studies would be publically available prior to the Design Brief being issued. It is a very sustainable location and it was not anticipated that significant additional parking would be required but this would have to be

assessed, also the opportunity would be taken to locate parking spaces in the best locations in terms of need and traffic movements. The requirement for some parking to remain on the Cattle Market site was recognised.

The Head of Estates acknowledged that there was empty office accommodation in the area, but that was mostly in small suites which were not of sufficient high quality to attract businesses. He emphasised that a landmark building did not have to be tall and dominating over the area and it was hoped that the Design Competition would generate proposals which were compatible with the surroundings.

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

Councillor Thompson welcomed the opportunity for discussion of future proposals for the area and the recognition of the importance of the public realm and walking and cycling strategies. She queried whether the proposals were dependent upon a successful bid for LEP funds. In addition, she asked that the Design Brief include the option to retain some of the existing buildings in the area to encourage a sense of place. Finally, she queried how the Stakeholder Forum and the Steering Group would operate.

The Chairman confirmed that a meeting of the Station Approach Panel would be arranged in the next few weeks to allow consideration of the Design Brief before it was finalised.

The Assistant Director (Policy and Planning) confirmed that the LEP funding was important to the project but that there may be other sources of funding which could be explored.

Councillor Hutchison acknowledged the requirement for the Station Approach area to be improved but emphasised the importance of ensuring the proper processes were in place, including a considered Design Brief. She stated that her detailed comments would be submitted as a member of the new proposed Stakeholder Panel. However she welcomed the focus on public realm and considered that a first step would be to develop a framework for the area and then to work on design. The framework should include a properly costed action plan.

The Chairman thanked all those who had contributed to the discussion as summarised above. He emphasised that the next stage would be further discussion with relevant stakeholders on the Design Brief. However, throughout the process, there would be full opportunity for further public engagement.

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

RESOLVED:

1. That the principles of development as set out in the draft brief for a Design Contest for the whole of Station Approach (including both the sites known as “The Carfax Site” and “The Cattlemarket”) as appended to this report be agreed and following this meeting a period for comments from key groups and stakeholders on the brief be allowed.
2. That the Head of Estates be authorised to finalise the Design Brief in consultation with the Leader and the Portfolio Holder for Estates, having regard to comments received.
3. That after completion of the Carfax Site land purchase the Head of Estates, in consultation with the Leader and the Portfolio Holder for Estates, be authorised to conduct a Design Contest in accordance with The Public Contracts Regulations 2015 (“the PCR”) for the design of the proposed development and to use such procedure as he may deem appropriate in the light of legal advice to be obtained.
4. That the Head of Estates, in consultation with the Leader and the Portfolio Holder for Estates, be authorised to determine the evaluation matrix for the Design Contest, any prior requests to participate, any minimum thresholds required and the minimum (not less than five) (and if required the maximum) number of candidates invited to tender, and all other elements of the procurement process, in accordance with the PCR, before any Contest is commenced.
5. That the Head of Estates, in consultation with the Leader and the Portfolio Holder for Estates, be authorised to determine:-
 - (i) whether the Design Contest be divided into Lots;
 - (ii) the composition of the Design Jury as set out in paragraph 11.3 of the report;
 - (iii) the terms of governance of the Design Jury;
 - (iv) whether the commission extends to planning stage only, or includes detailed post-planning design and completion of construction.
6. That the Head of Estates be authorised to approve a long list of suitably qualified Design Practices who shall be invited to tender for the design work.
7. That the submissions for the Design Contest be displayed in the Guildhall for a week prior to the consideration of the tenders by the Jury, with comments being invited from members of the public.

8. That the Head of Estates be authorised to appoint commercial agents and cost consultants to advise on the commercial viability of the development proposals.

9. That a further report will be brought back to Cabinet to consider the recommendations of the Jury and to decide whether to appoint a practice to proceed with design development.

8. **CAPITAL EXPENDITURE OUTTURN 2014/15**
(Report CAB2697 refers)

The Chairman drew Cabinet's attention to the number of projects that had been successfully completed in 2014/15, including the re-letting of Avalon House and Abbey Mill, and the new North Walls skate park. In addition, he supported the list of carry forwards recommended for Council approval in Appendix A of the Report.

In response to questions, the Chief Finance Officer advised provision had been made in the 2014/15 Programme for a contribution towards a new Hampshire Community Bank. Some external financial due diligence work had been undertaken with positive feedback and further work was ongoing regarding refining the detail. A decision was expected within the next few months.

Cabinet noted that Councillor Achwal had wished to ask a question regarding the start date for the Meadowside Car Park lighting but had been unable to remain at the meeting until this item was considered. The Chairman requested that the Head of Estates be asked to respond directly to Councillor Achwal outside of the meeting.

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

RECOMMENDED:

**THAT THE CARRY FORWARD OF CAPITAL BUDGET
TOTALLING £6.717M FROM 2014/15 (AS DETAILED IN
APPENDIX A OF THE REPORT) BE APPROVED, IN
ACCORDANCE WITH FINANCIAL PROCEDURE RULE 7.9.**

RESOLVED:

That the capital expenditure and financing for 2014/15 and the implications on the future capital programme be noted.

9. **GENERAL FUND REVENUE OUTTURN 2014/15**

(Report CAB2698 refers)

The Chairman thanked the Chief Finance Officer and Team for their work in closing the 2014/15 accounts over a particularly busy period for the Council. In addition, he commended the Chief Executive and management generally for achieving savings in the staffing budgets. He highlighted that the General Fund Cost of Services had an underspend of £2.7 million at the end of 2014/15.

In response to questions, the Chief Finance Officer explained that the Council had set aside £1 million in Business Rate Reserve. The 2014/15 outturn had identified a likely call on this reserve in 2016/17 due to higher possibility of successful appeals against business rate levels than previously anticipated. This was due to a class of possible appeals regarding health centres being identified by a recent settlement and the rise in the number of additional appeals due to changes in the scheme from April 2015.

In response to questions, the Chairman stated that the broader business support activities relating to the Flood Business Support Schemes had yet to be identified but further information would be submitted to Members at the appropriate time (Appendix B, page 2 of the Report refers).

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

RECOMMENDED:

THAT THE REQUESTS FOR GENERAL FUND CARRY FORWARD OF ONE-OFF EXPENDITURE BUDGET TO 2015/16 BE APPROVED FOR THE PURPOSES SPECIFIED IN APPENDIX B OF THE REPORT, AND CONFIRM THE AMOUNTS TO BE SUPPORTED FOR CARRY FORWARD BE APPROVED IN ACCORDANCE WITH FINANCIAL PROCEDURE RULE 7.9 (NOTING THAT THESE ARE IN ADDITION TO THE HOUSING REVENUE ACCOUNT CARRY FORWARD REQUESTS DETAILED IN CAB2696(HSG), 30 JUNE 2015).

RESOLVED:

1. That the General Fund Revenue outturn position as set out in the Report be noted.
2. That the transfers to/from the Major Investment Reserve and other earmarked reserves be noted and the reserves and closing balances at 31 March 2015 be approved (as set out in Appendix D of the Report).

10. **RISK MANAGEMENT POLICY 2015**

(Report AUD118 refers)

EXTRACT FROM MINUTES OF THE AUDIT COMMITTEE HELD 22 JUNE 2015

(Report CAB2704 refers)

Cabinet noted that the Report had been discussed at Audit Committee on 22 June 2015 and the relevant minute was contained within CAB2704. The Report was also due to be considered at The Overview and Scrutiny Committee on 7 July 2015.

The Chairman drew Cabinet's attention to Appendix 2 on Page 28 of the Report which summarised the Council's proposed attitude towards risk.

During discussion, Members emphasised the importance of a good understanding of risk for all Councillors and officers. The Head of Policy and Projects advised that further training was planned for officers and some training had been undertaken for Councillors, with further sessions proposed. The Chief Finance Officer stated that the level of training provided for Members would depend on their role in the Council, for example with Audit Committee, Cabinet and The Overview and Scrutiny Committee expected to have a greater level of understanding.

Cabinet requested that the Policy be amended to reflect the requirement for future training and/or awareness on Risk Management issues to be undertaken on a regular basis for Councillors.

Cabinet also requested that the suggestion of an end of year report on risk to include information on items of significance over the year, as raised at Audit Committee, be endorsed and included within the Policy.

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

RESOLVED:

1. That the Risk Management Policy 2015 and Corporate Register be approved, as amended above.

2. That the contents of the minute extract from the Audit Committee held 22 June 2015 be noted.

11. **DEVOLUTION: DEVELOPING PROPOSALS FOR DEVOLVED POWERS AND RESPONSIBILITIES**

(Report CAB2703 refers)

The Chairman highlighted that although discussions had begun across local authorities within Hampshire, Southampton, Portsmouth and the Isle of Wight, no decisions had yet been taken and unless there was any benefit for the Winchester District directly, he would not wish to proceed.

The Head of Policy and Projects advised that Hampshire County Council had also committed to further consider “double devolution” (i.e. devolving some of its responsibilities to district council level). The proposals also offered opportunities for further collaborative working between authorities.

One Member drew attention to Paragraph 1.7 of the Report which emphasised that the Government would have certain minimum expectations if there was to be a meaningful devolution of powers and funding and it would be for the Council to decide whether the potential benefits for the Council made this worthwhile. He queried how the Council would decide on what it would be prepared to accept? The Chairman stated that the combined authorities would draw up an agreement and emphasised again that it must be demonstrated to be of benefit to Winchester before any decision to enter into agreement was taken.

Members expressed concern about the uncertainties currently involved, including how the process would work in the event of disagreement with other authorities. It was noted that the two Local Economic Partnerships within Hampshire, together with the two National Park Authorities would also be involved in future discussions.

At the invitation of the Chairman, Councillor Power addressed Cabinet and in summary, whilst she recognised the potential benefits of a combined authority, she also expressed concern about its development and the need for adequate safeguards. She was concerned that it might be difficult for Winchester to withdraw from any joint agreement once it had passed a certain stage in discussions. She also highlighted the importance of all Member involvement prior to any decision being taken.

The Chairman stated that the letter from Hampshire and Isle of Wight Local Government Association (HIOWA) Leaders to the Secretary of State for Communities and Local Government (as contained as Appendix 2 to the Report) set out areas of interest, but did not result in any firm commitment. He also highlighted that the Report would be considered by The Overview and Scrutiny Committee on 7 July 2015 and Full Council on 15 July 2015.

Some Members expressed concern that the wording of Recommendation 2 be strengthened to highlight the involvement of the Leader, rather than the matter being for decision by the Chief Executive. Following discussion, revised wording was agreed as set out below.

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

RECOMMENDED:

1. THAT THE APPROACH OF CABINET IN ITS DISCUSSIONS ON THE DEVOLUTION OF POWERS AND RESPONSIBILITIES FROM WHITEHALL BE SUPPORTED.
2. THAT A FURTHER REPORT BE BROUGHT TO CABINET AND COUNCIL ONCE DETAILED PROPOSALS HAVE BEEN DISCUSSED WITH GOVERNMENT.

RESOLVED:

1. That the local discussions on the devolution of powers and responsibilities from Whitehall be noted and the Leader and Chief Executive work alongside colleagues in Hampshire and the Isle of Wight to develop a model for devolution which meets local needs.
2. That the Chief Executive be authorised, in consultation with the Leader of the Council and following discussions with other Group Leaders, to approve the initial proposal for submission to Government.
3. That a further report be brought to Cabinet and Council once detailed proposals have been discussed with Government.

12. CABINET (LOCAL PLAN) COMMITTEE – AMENDMENT TO DELEGATION

Cabinet noted that it was suggested that Cabinet (Local Plan) Committee be authorised to recommend directly to Council approval of Local Plan Part 2, rather than making recommendations via Cabinet. This approach was agreed.

RESOLVED:

That Cabinet (Local Plan) Committee be authorised to recommend approval of the Local Plan Part 2 to Council (rather than making recommendations via Cabinet).

13. FUTURE ITEMS FOR CONSIDERATION**RESOLVED:**

That the list of future items, as set out in the Forward Plan for July 2015, be noted.

14. **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 minute of the previous meeting: Silver Hill Update (exempt appendices)) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 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)

15. **EXEMPT MINUTE**

RESOLVED:

That the exempt minute of the previous meeting held 21 May 2015 be approved and adopted.

The meeting commenced at 4.00pm and concluded at 7.40pm

Chairman