

CABINET – SPECIAL MEETING

17 September 2015

Attendance:

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

Others in attendance who addressed the meeting:

Councillors Simon Cook, Hutchison, Thompson, Tod and Weir

Others in attendance who did not address the meeting:

Councillors E Berry, J Berry, Evans, Gottlieb and Hiscock

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.

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

2. **PUBLIC PARTICIPATION**

Seven members of the public/representatives from local interest groups spoke regarding Report CAB2716 and their comments are summarised under the relevant minute below.

3. **STATION APPROACH – DESIGN BRIEF (LESS EXEMPT APPENDIX)**
(Report CAB2716 refers)

In introducing the Report, the Chairman emphasised the large amount of public engagement that had taken place to date regarding the proposals. The Draft Design Brief had been amended since that agreed in July in response to comments received during consultation. He had therefore requested that the Brief be reconsidered by Cabinet.

The Chairman explained that the Report outlined how the design competition would be operated and gave further details about the selection of an independent Jury, at section 5. The decision of the Jury would be reported to a future Cabinet, together with the financial implications of the schemes in order that a winner could be selected to bring forward detailed designs.

The Head of Estates expressed some regret that, following legal advice, it was considered not to be possible to enable the public to judge the results of the design competition. He also confirmed that under the relevant legislation, at least three of the nine-person Jury had to be architects.

The Chairman stated that it was no longer proposed that two Cabinet Members were nominated to be on the Jury and instead two Councillors were to be appointed to the Jury by Cabinet, as well as a local ward Member. The Head of Policy and Projects advised that other Jury members would include a representative from the City of Winchester Trust. The County Council had been asked to nominate an architect and another architect of national renown was being sought, at the suggestion of the Station Approach Panel. She emphasised that it was recognised that it was very important that the Jury contained the right mix of skills and was held in high regard by Winchester residents.

The Head of Estates explained that a competitive dialogue process would be undertaken with the shortlisted design teams before they submitted their final designs. The process would be run by a Council-led team to include himself and an officer from the Planning Team, together with an external valuer, a quantity surveyor and a Landscape Architect to give advice on the public realm.

The Jury would then assess the submitted final designs against specified criteria. Cabinet would be bound to consider the assessment of the Jury and make a decision to either proceed with the winner, or abandon the procurement with reasons and consider recommencing a further procurement exercise.

The Head of Estates advised that the costs associated with appointing suitably qualified Jury Members and external advice under the competitive dialogue process were recognised and consequentially a supplementary estimate of £95,000 to fund this was being proposed. Cabinet agreed to this request.

The Head of Estates drew Members' attention to Section 6 of the Report which set out Section 233 Town and Country Planning Act considerations. In

summary, this would not require the Council to seek to develop land in a manner which produced the best possible financial return for the Council. “Best use” of the land need not necessarily equate to the most financially advantageous use. In response to questions, the Head of Estates advised that any scheme must be commercially viable and would also be subject to the Council’s own policies regarding affordable housing provision.

In response to some concern expressed that the expected timescale was quite tight, the Head of Estates highlighted that there was a high level of awareness about the prospect of the scheme already. However, if it became apparent that more time was required, the Council could allow extensions.

The Head of Estates explained that the LEP bid for £5 million was for the purpose of improving the public realm in the area and was not towards developing the site itself and that the improvements sought to the public realm could only be funded if the bid was successful.

The Head of Estates stated that further comments on the Design Brief had been received since the Report was prepared and it was therefore proposed to give these further consideration and incorporate amendments, where appropriate.

A Member expressed concern that the Design Brief did not give adequate consideration to sustainability. The Head of Estates highlighted that any new developments would be expected to meet high environmental standards.

During public participation, seven members of the public and/or representatives of local groups made representations as summarised below.

Tony Stoller (Chair of WinACC) expressed concern that low carbon should be an integral part of the design brief and this was essential for sustainability to be considered as part of the design competition judgement. He highlighted that the Council had recently adopted the Route Map for a Low Carbon Economy. He requested three alterations to the wording:

- Addition of another principle of page 11 of the Design Brief to “contribute to a lower carbon and sustainable Winchester.”
- Addition of a bullet point to the executive summary on page 3: “to contribute to reducing greenhouse gas emissions, in order to enable Winchester District to do its share to meet nationally binding targets.”
- Amend the first paragraph of page 3 to include the words “and environment” after “the development should have a positive impact on the economy”.

David Ashe (Winchester 2020) expressed concern that the comments of the Station Approach Panel had not been fully taken into account and in particular, that the Council had not sought RIBA advice on the proposed competition. He disputed the requirement to use the Public Contracts Regulation (PCR) process and regretted the consequent loss of public input on the competition. He believed the Jury would be skewed by officer input and expressed concern that the Design Brief was more prescriptive than previously. He disputed the

figures used from the Tibbalds report and requested that the Council should first undertake a master plan process for the whole area.

Chris Higgins (City of Winchester Trust) expressed concern that the Design Brief appeared to be driven by commercial and legal considerations, rather than being design-led. The Trust was concerned about the lack of a comprehensive movement study and about the procurement method to be used, particularly whether the designs would be judged on quality. He believed that various re-draftings had resulted in inconsistencies in the Brief and the Trust was willing to assist Officers with proof-reading. The Trust would like sight of the Pre-Qualification Questionnaire before it was issued and for the Council to involve RIBA.

Phil Gagg (WinACC Transport Group) noted improvements to the latest draft of the Brief, such as increased focus on public realm. However, he expressed concerns that the proposals would result in increased problems at the traffic junctions, rather than offer improvements. In particular, he was concerned about the inclusion in the Brief of specific office space numbers in addition to parking space provision in Gladstone Street. He believed that the Urban Flow report was flawed as it did not take account of the routes people actually took across the area and reiterated requests for an Area Movement Study to be undertaken to examine pedestrian flow patterns, transport interchange issues and the potential for intercepting incoming cars at gateway and park and ride car parks.

Steve Harbourne (Station Area Neighbourhood Group) made reference to a number of questions he had submitted for written response. As a local resident, he was very concerned about the implications of the Design Brief and the potential harmful impact on quality of life. In particular, he was concerned about the proposals for multi story car parks and the loss of parking for nearby residents on the Cattle Market car park. He emphasised the current congestion difficulties in the area which he believed would be exacerbated by the proposals, particularly as they did not take account of the impact of the Barton Farm development. He also had some concerns about the operation of the Station Approach Panel to date.

Mike Slinn acknowledged the difficulties of seeking improvements to the Carfax junction, including having regard to the impact of Barton Farm, and highlighted that air quality in the area was already poor. He stated that the Winchester District Strategic Partnership Transport Group would be examining access and movement issues within the city centre, including at the Carfax junction and the one-way system. He would be happy to share this information with the Council once available (hopefully within the next few months).

Chris Gillham (Winchester Friends of the Earth) expressed concern that the project was being rushed through without proper investigation into the impact on traffic movements. In particular, he believed any decision to increase car parking on Gladstone Street would have a negative impact on traffic movements. He concurred with doubts expressed by other contributors about the findings of the Urban Flow study.

At the invitation of the Chairman, Councillors Hutchison, Tod, Thompson and Weir addressed Cabinet. Their comments, together with the response of Cabinet and Officers, are summarised below.

Councillor Hutchison outlined her involvement with the project over the last few years which included attending consultation and Panel meetings. She expressed concern that despite the number of meetings, local people did not believe their views were properly being listened to and taken into account. She raised areas of concern for local residents such as parking and retention of key buildings and trees. She also requested effective partnership working between the Council and other key organisations, such as Network Rail. In summary, she did not believe the proposed process was sufficiently open and transparent or that it enabled proper public input. She offered to work with Council Officers to share her previous experience of working with public realm projects.

The Chairman disputed comments about lack of public involvement and highlighted that the amended Brief was being discussed at a public meeting.

Councillor Tod agreed with comments made regarding increased emphasis on sustainability. His concerns related in particular to inclusion of the requirement for 360 car parking spaces, which he believed had been re-introduced to the Brief without consultation and would not contribute towards a joined up solution to parking issues within Winchester. He also believed that the Council should have produced a master plan and highlighted concerns that Network Rail might already have plans for additional car parking in the area. He also had concerns about the new and untested procurement process proposed which did not include use of design and planning advisers. Finally, he disputed the risk assessment contained as Appendix 3 and in particular, the assessment of impact of public dissatisfaction as "low".

Councillor Thompson emphasised she was in favour of development of the area but had concerns about the tight timescale, together with the lack of a master plan or joint working with various partners, such as Network Rail. She agreed with concerns raised by Councillor Hutchison that local residents did not believe their views were being listened to. She also supported requests for a comprehensive movement study and asked that the Council take full advantage of the offers of assistance it had received from various local organisations and individuals.

Councillor Weir emphasised the risks involved in the project which had influenced the choice of procurement process. She queried what assurances had been received to ensure identified risks were adequately mitigated against and whether any alternative procurement processes had been considered.

Cabinet then discussed the various comments and queries made during public participation and contributions from other Councillors and, where appropriate, sought clarification from officers thereon.

The Corporate Director advised that the Council were satisfied that the Urban Flow report had been undertaken in an appropriate manner. The information from the report had led to the recommendations as to the best locations for car parking, as contained within the revised Brief. He acknowledged that not all the relevant information was available to the Council on traffic matters at the current time (in particular, data from the County Council). However, it was unlikely there was any one solution to the various traffic issues around the Carfax junction and it was anticipated that any development in the area could assist in seeking improvements.

The Head of Policy and Projects confirmed that the Design Brief had been amended to reflect public comments received on a number of occasions and she could provide Members with an exact list of changes if required. The risk register was compiled by the Project Team and regularly reviewed. Cabinet requested that it be amended to increase the risk awarded to public dissatisfaction from "Low".

The Head of Estates confirmed that there was evidence to support the specific requirements for office accommodation space included within the Brief. In addition, the Council had worked closely with various partner organisations, including the County Council and Network Rail. He confirmed that the value of the design element of the project exceeded the relevant threshold and therefore it was necessary to follow EU procurement rules. He emphasised again that the proposed process would offer a choice of designs to be considered by the Jury which would include architects who were RIBA members.

Following discussion, Cabinet, whilst acknowledging some guidance from RIBA had been referred to in drawing up the Brief, requested that Officers investigate further engaging the services of RIBA regarding checking and offering advice on the process.

As a result of the comments and discussion summarised above, the following changes to the Design Brief were agreed (the exact wording to be decided by the Head of Estates, in consultation with the Chairman):

- Increase reference to sustainability at appropriate points throughout and also include specific reference to the Council's agreed Low Carbon route map;
- Introduce more flexibility regarding the exact provision of car parking spaces;
- On page 19, clarification of how scores from different elements of the assessment process would be incorporated;
- More flexibility to be introduced regarding office space provision, but having regard to the specific commercial requirements for any scheme.

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

RESOLVED:

1. That the Station Approach Design Brief be approved as set out in Appendix 1 of the Report, subject to the changes outlined above, with exact wording to be approved by the Head of Estates, in consultation with the Leader.

2. That the legal advice received from Trowers and Hamlins LLP in Appendix 2 of the Report, regarding the incorporation of public participation into the design competition process be noted.

3. That a supplementary estimate of £95,000 be approved from the Major Investment Reserve to facilitate appointment of jury members, as outlined above.

4. **EXEMPT BUSINESS**

As it had not been possible to give 28 days notice of the proposal to consider the Station Approach exempt appendix, Cabinet noted that the Chairman of The Overview and Scrutiny Committee had been informed and has confirmed his agreement to part of the meeting being held in private.

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>
##	Station Approach – Design Brief (exempt appendix)) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)
##	St Clements Surgery)
##	Station Approach – Design Brief (exempt appendix)) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (Para 5 Schedule 12A refers)

5. **STATION APPROACH DESIGN BRIEF (EXEMPT APPENDIX)**
(Report CAB2716 refers)

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

RESOLVED:

That the legal advice received as contained within Appendix 4 be noted.

6. **ST CLEMENTS SURGERY, WINCHESTER**
(Report CAB2709 refers)

The Chairman requested that a general update on the proposals be provided in open session.

The Head of Legal and Democratic Service emphasised that specific reference to the related exempt Report (CAB2709 refers) and the figures contained therein would have to be considered in exempt session.

The Chairman reported that the proposals were for a new facility to include a GP practice and pharmacy. The Head of Estates confirmed that the proposed scheme was financially viable and would offer significant improvements to the facilities available at the current surgery. It was therefore recommended that the project proceed, with the appointment of architects in order that a planning application could be submitted in due course.

In response to questions about the relation between the Surgery and the Silver Hill development, the Chief Executive advised that it formed an essential element of the regeneration project to ensure a smooth transition to a new Surgery, a prerequisite of which was the purchase of the Surgery by the Silver Hill developer.

At the invitation of the Chairman, Councillor Simon Cook spoke as Chairman of The Overview and Scrutiny Committee and confirmed that the Committee had considered Report CAB2709 at its meeting on 14 September 2015 and decided not to exercise its powers of call-in.

Cabinet considered then moved into exempt session to consider the contents of the above Report which contained detailed proposals regarding the Surgery (detail in exempt minute).

The meeting commenced at 6.00pm and concluded at 9.15pm.