

**CABINET**

**13 November 2017**

**Attendance:**

Councillor Horrill -	<i>Leader and Portfolio Holder for Housing Services (Chairman) (P)</i>
Councillor Humby -	<i>Deputy Leader and Portfolio Holder for Business Partnerships (P)</i>
Councillor Ashton -	<i>Portfolio Holder for Finance</i>
Councillor Brook -	<i>Portfolio Holder for Built Environment (P)</i>
Councillor Godfrey -	<i>Portfolio Holder for Professional Services (P)</i>
Councillor Griffiths -	<i>Portfolio Holder for Health &amp; Wellbeing (P)</i>
Councillor Miller -	<i>Portfolio Holder for Economy &amp; Estates</i>
Councillor Warwick -	<i>Portfolio Holder for Environment</i>

**Others in attendance who addressed the meeting:**

Councillors Bell, Huxstep, Porter, Prince and Thompson

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

Councillors Achwal and Evans

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1. **MEMBERSHIP OF CABINET COMMITTEES ETC**

RESOLVED:

That Councillor Huxstep replaces Councillor Thacker as the City Council's nominated representative on the South Downs National Park Authority (until May 2019).

2. **MINUTES**

Cabinet noted a correction to the minutes of the previous meeting to include Councillor Thompson in the list of other Councillors who had been in attendance and addressed the meeting.

RESOLVED:

That, subject to the above correction, the minutes of the previous meeting held on 12 September 2017 be approved and adopted.

3. **PUBLIC PARTICIPATION**

Mr Wright spoke regarding Report CAB2970 and his comments are summarised under the relevant minute below.

4. **LEADER AND PORTFOLIO HOLDER ANNOUNCEMENTS**

The Leader welcomed those present to the meeting which was being held at the Solent Hotel, Whiteley and was the first of a series of Cabinet meetings to take place at different venues across the Winchester District.

5. **SPORT FACILITY NEEDS ASSESSMENT 2017-2037 (LESS EXEMPT APPENDIX)**

(Report CAB2991 refers)

Cabinet noted that the Report had not been notified for inclusion within the statutory deadline. The Chairman agreed to accept the item onto the agenda as a matter requiring urgent consideration to enable the consideration of a matter directly linked to the conclusions of the Needs Assessment to proceed without further delay.

In addition, the item listed in the October 2017 Forward Plan as being considered by Cabinet on 18 October (meeting subsequently postponed) and was not included in the Forward Plan for November. The Chairman of The Overview and Scrutiny Committee had therefore agreed to the matter being considered at this meeting.

Councillor Griffiths stated that the Sports Facility Needs Assessment for the District provided the strategic context for sports provision and had been prepared in accordance with Sport England's guidelines to reflect best practice for the provision of sports facilities. The contents of the assessment had been checked with local sports clubs and facilities across the district. National Governing Bodies of Sport and Sport England had also been consulted.

The timing of this strategic assessment provides an additional evidence base of current information to help shape the facility mix at the proposed Winchester Sport and Leisure Park. This was due to the fact that the assessment concluded that there was surplus provision of sports halls in the district equivalent to 14 badminton courts, although there was deficit of space at peak times. However, providing additional courts to cater only for local peak demand was not recommended because of the implications on cost and as a good proportion would be unused outside of these peak hours. The recommendation was therefore for the new centre to include an eight court hall initially. Were this position to change and excess demand was demonstrated in the future, the Council are able to consider the provision of additional facilities.

At the invitation of the Chairman, Councillors Thompson and Bell addressed Cabinet in relation to this Report and also CAB2970 (considered below).

Councillor Thompson welcomed the further detail provided on how the new Leisure Park would be delivered and emphasised the importance to cater for all sports and abilities. However, she believed the proposed reduction of court provision from 12 to 8 was short-sighted and she disputed the financial

reasoning. She considered that relying on provision of alternative court spaces was not appropriate as such facilities were not always accessible and/or conveniently located. Councillor Thompson also queried why it was proposed to offer 200 fitness stations when a report suggested 150 was adequate and there were already a significant number of private gyms within Winchester.

Councillor Bell concurred with the points raised by Councillor Thompson including regarding the proposal to reduce the sports hall from 12 to 8 court provision. She considered this would significantly limit the amount of activities that could take place at the same time. She also believed that alternative facilities, such as at schools, were often not available for public use for significant periods of the day/week.

The Chairman emphasised that since the matter was considered at The Overview and Scrutiny Committee on 9 October 2017 (Report OS177 refers), the project team had rechecked with every sports hall facility to clarify the availability of their sports hall provision. During discussions, Cabinet also noted the new and improved facilities that would be provided by the proposed new Centre, including a 50m pool, larger studio spaces, treatment rooms and hydrotherapy.

In response to a statement about the popularity of gymnastics Councillor Griffiths stated the Council had spoken with the local gymnastics groups and would continue to work with them to find a purpose built facility for their use. This would be preferable than shared use at Bar End as it could include specialist flooring and the gymnastics equipment could be kept in place all of the time.

Colleagues representing Sport England and The Sports Consultancy were invited to the table to set out the technical aspects of the Needs Assessment. They highlighted that the question of provision of sufficient facilities to meet demand at peak times was an issue for every local authority providing sports and leisure facilities across the country. The Council could take a facilities approach and provide additional capacity in an attempt to meet peak demands, with consequential resource implications. Or it could take a management approach to attempt to match demand with supply across alternative facilities across the district.

In response to questions, it was confirmed that the current eight courts provided at the River Park Leisure Centre were not compliant with current Sport England court standards. The new Centre would provide eight courts which were fully compliant to Sport England standards and therefore offering improved quality and size (approximately 250 m<sup>2</sup> larger than the existing provision at River Park Leisure Centre).

Cabinet confirmed that they had fully considered the information contained within Exempt Appendix 4 of the Report in reaching the decision set out below.

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

RESOLVED:

1. The findings of the Winchester District Sports Facility Needs Assessment 2017 to 2037 be noted
2. The Winchester District Sports Facility Needs Assessment 2017 – 2037 and action plan be adopted.
3. That any further minor amendments to the Winchester District Sports Facility Needs Assessment 2017-2037 and action plan be undertaken by the Head of Sport and Physical Activity in liaison with the Portfolio Holder for Health and Wellbeing.

6. **WINCHESTER SPORT AND LEISURE PARK PROJECT –  
CONSIDERATION OF STAGE 2 PROPOSALS (LESS EXEMPT APPENDIX)**  
(Report CAB2970 refers)

Cabinet noted that the 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 to enable the project to proceed without further delay.

In addition, the item listed in the October 2017 Forward Plan as being considered by Cabinet on 18 October (meeting subsequently postponed) and was not included in the Forward Plan for November. The Chairman of The Overview and Scrutiny Committee had therefore agreed to the matter being considered at this meeting.

Councillor Griffiths highlighted that The Overview and Scrutiny Committee had considered a Report on this matter at its meeting on 9 October 2017 (Report OS177 refers) and that Committee's comments were summarised at Paragraph 5.6 of the Report. She confirmed that the new facility would be designed to assist in the Council's policy to reduce its carbon footprint and would provide sport and leisure facilities for all ages and abilities. The Outline business case would be considered at the next meeting of the Committee on 20 November 2017 (Report OS183 refers).

Mr Wright spoke during public participation as a resident of St Giles Hill and a member of the former Bar End Forum. He welcomed Cabinet's commitment to the project but expressed concern that the stated intentions on improved public engagement had not been met in recent months. He believed that the replacement of the Bar End Forum with the Cabinet (Leisure Centre) Committee had not improved engagement with local residents. He noted that Reports were available on the Council's website but highlighted these were not always readily understandable by the wider public.

At the invitation of the Chairman, Councillors Porter, Prince, Huxstep and Bell addressed Cabinet and their comments are summarised below. The Chairman also noted an email received from Councillor Gottlieb containing a number of points made on behalf of himself and the other non-Cabinet invitees to the Cabinet (Leisure Centre) Committee (namely Councillors Huxstep, Laming and Prince).

Councillor Porter agreed with comments made by non-Cabinet Members during consideration of Report CAB2991 above regarding the preference for 12 court provision and importance of ensuring adequate provision at peak times. She suggested the provision of a crèche facility could help reduce demand at peak times. She highlighted the importance of leisure provision, in addition to sport at the new facility. She also drew attention to the proposed use of Community Infrastructure Levy (CIL) monies.

Councillor Prince concurred with points already made by non-Cabinet Members. He considered that inadequate consideration had been given to financial implications and the impact on the Council's medium term financial plan. He requested exact figures for the additional cost of providing 12 courts as compare to 8 and believed that it would be possible for the Council to meet this deficit.

Councillor Huxstep also disputed the assertion that it would be unaffordable to provide 12 courts as compared to 8. He also drew attention to an email from Emma Back (SALT) which had been set to all Cabinet Members earlier that day.

Councillor Bell highlighted that a number of informal meetings had taken place with members of the Cabinet (Leisure Centre) Committee, including the non-voting invitees to that Committee, but that there had not been a formal Committee since July 2017. The Chairman confirmed that informal briefings took place between formal Committee meetings and the consequent recommendations would be reported to formal Committee.

In response to questions, the Head of Programme confirmed that the Council were working closely with both the Pinder Trust and University of Winchester, in addition to a number of other potential partners. In order to access Sport England grants, the Council had to demonstrate maximum participation in the new facility and would be working to achieve this.

Mike Lawless (LA Architects) confirmed the aim of the design was to ensure the provision of sports and activities for all including all age groups, abilities and disabilities.

With regard to the comments made regarding improving public engagement, the Chairman stated it was intended to provide information update sheets, similar to those used for the recent consultation on Central Winchester Regeneration.

The Chairman emphasised that the decision on the Outline Business Case would be taken by Cabinet (Leisure Centre) Committee on 7 December 2017,

following consideration of the matter by The Overview and Scrutiny Committee on 20 November.

Cabinet confirmed that they had fully considered the information contained within exempt appendix 2 of the report in reaching the decision set out below.

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

RESOLVED:

1. That the progress made to date in completing RIBA2 be noted.

2. That the core facility mix for the Winchester Sport and Leisure Centre be approved as set out in paragraph 13.17 of the Report, with any further minor variations to the core facility mix to be approved by the Head of Programme in consultation with the Portfolio Holder for Health and Wellbeing.

3. That initial work for RIBA Stage 3 Developed Design be progressed prior to the completion of the Outline Business Case.

4. That the following functions be delegated to the Cabinet (Leisure Centre) Committee, with the terms of reference to be amended to reflect these delegations:

- a) Approval of the Outline and Full Business Case;
- b) Approval of the proposed governance structure and terms of the Funding Agreements between the Council the University of Winchester and The Pinder Trust.

5. That the engagement undertaken to date be noted and further engagement be undertaken on the Concept Design and Urban Design Framework during Q3/Q4 2017/18.

7. **WINCHESTER SPORT AND LEISURE PARK PROJECT – PROCUREMENT**  
(Report CAB2972 refers)

Cabinet noted that the 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 to enable the project to proceed without further delay.

In addition, the item listed in the October 2017 Forward Plan as being considered by Cabinet on 18 October (meeting subsequently postponed) and was not included in the Forward Plan for November. The Chairman of The Overview and Scrutiny Committee had therefore agreed to the matter being considered at this meeting.

Councillor Godfrey drew Cabinet's attention to Paragraph 11.4 of the Report which set out the four options available for procurement, together with Appendix 2 which had been prepared by The Sports Consultancy. Based on the Council's requirements and in accordance with advice from The Sports Consultancy, it was recommended that a traditional leisure management contract was procured and an open tender procedure be utilised for the appointment of an operator.

At the invitation of the Chairman, Ms Mitchell (University of Winchester) confirmed that regular meetings were ongoing with the Council and the University supported the project going forward on the basis as set out.

Cabinet noted that The Overview and Scrutiny Committee had considered a Report on this matter at its meeting on 9 October 2017 (Report OS179 refers) and a summary of comments was provided at Paragraph 6.2 of the Report.

In response to questions, Mr Hunt MACE) advised that a two-stage procurement route was recommended to allow the preferred contractor to work alongside the design team in order to apply expertise and mitigate risk. In addition, to further minimise risk a framework was selected which was fully compliant with EU regulations.

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

RESOLVED:

1. That the procurement strategy proposed by MACE for the proposed contractor to build the new Sport and Leisure Centre be approved, including that:

- a) the procurement of a construction contractor to build the new Sport and Leisure Centre follows a two stage design and build process as set out in Option 2, Section 10.2 of the report.
- b) the Southern Construction Framework as set out in option c of the report be utilised for this procurement ,

2. That the Corporate Head of Service (Estates) in consultation with the Portfolio Holder for Health and Wellbeing be authorised to appoint a contractor from the Southern Construction Framework in accordance with the rules of the framework and to then obtain a competitive construction cost which will then be reported back to Cabinet as part of the approval of the Full Business Case.

3. That the procurement route to secure a specialist operator and a traditional management contract as set out in option ii paragraph 11.4 and paragraph 11.6 of the report be approved including that:

- a) An open tender route, to include a series of initial selection criteria which bidders will have to meet to progress to the next stage (Option (a) as set out in section 11.9 of the report), be utilised for the procurement process.
- b) The Head of Programme, in consultation with the Portfolio Holder for Health and Wellbeing, be authorised to consider the price/quality split, the specification for the operation of the new Centre and the evaluation criteria, and to report this back to a future meeting of the Cabinet (Leisure Centre) Committee for approval before seeking tenders.
- c) an Advisory Panel and an Evaluation Board be established in relation to the operator appointment process as set out in paragraph 12 of the report.

8. **BISHOPS WALTHAM DEPOT SITE – PROPOSALS FOR DEVELOPMENT**  
(Report CAB2961 refers)

The Corporate Property Surveyor advised that at least two expressions of interest had been received in the possibility of leasing new accommodation and the Council would seek pre-agreements before progressing further.

Cabinet welcomed the proposal as an opportunity to assist local businesses in a market town within the District.

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

RESOLVED:

1. That the principle of developing the former Bishops Waltham Depot site with business units be supported, and that further studies are undertaken to establish the commercial viability of the proposal.
2. That the sum of £35,000 from the existing Asset Management Plan revenue budget is approved to complete the studies into the feasibility of developing business units on the site.
3. That the Corporate Head of Service (Estates) be authorised to appoint such consultants as are required to conclude the feasibility studies in accordance with Contract Procedure Rule 9.2.
4. That a further report be submitted to Cabinet following the completion of the viability analysis to recommend the way forward.

9. **STRATEGIC ASSET PURCHASE SCHEME (LESS EXEMPT APPENDIX)**  
(Report CAB2996 refers)



Cabinet noted that the 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 to ensure the Council could enter into an agreement relating to an external matter without delay.

In addition, the item was not included in the Forward Plan for November as the proposal had only recently become a possibility. The Chairman of The Overview and Scrutiny Committee had therefore agreed to the matter being considered at this meeting.

The Chairman stated that the Strategic Asset Purchase Scheme (SAPS) was an element of the Council's aim to be more entrepreneurial and the first purchase had been Winchester Bus Station. The Council had been made aware of further possible opportunities that might arise which would potentially put the fund above £15m. This included some non-housing related purchases from the Housing Revenue Account in order to generate more income to enable more new council homes to be built.

The Chairman highlighted that the existing governance arrangements for the SAPS Board would remain, subject to a minor change to correct an anomaly in its membership, as set out in the Report (and the recommendation to Council below).

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

Councillor Thompson expressed some concern about the lack of detail outlined in the Report regarding purchases undertaken to date and also possible future purchases. She queried why the proposal was to double the fund available to £30m when purchases undertaken to date (and proposed in the exempt appendix) did not exceed the £15m currently available.

In addition to reiterating points raised by Councillor Thompson, Councillor Prince also queried whether extending loan funding to £30m could impact on the Council's ability to borrow on other major projects (such as the new Leisure Park). He also welcomed the proposed changes to the membership of the SAPS Board and queried why the Portfolio Holder for Finance was not previously a member.

The Strategic Director (Resources) advised that the prudential borrowing limits were set by Council and all schemes were assessed using public loan rates. Any additional funding was assessed as if the Council was going to borrow and consequently there was no negative impact on the ability to borrow for other schemes.

The Board's membership had previously included Councillor Godfrey as Leader with Portfolio Holder for Finance and a correction was therefore required to include the Portfolio Holder for Finance (when this position was held separate to the Leader).

Cabinet noted a minor correction to the Recommendation 2a as set out below.

Cabinet agreed to Recommendations 1 and 2 of the Report at this stage of the meeting and Recommendation 3 following consideration of Exempt Appendix A.

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

**RECOMMENDED:**

**1. THAT THE STRATEGIC ASSET PURCHASE SCHEME FUND BE INCREASED BY AN ADDITIONAL £15M TO BE EVENTUALLY FINANCED BY PRUDENTIAL BORROWING**

**2. THAT AMENDMENTS TO THE SCHEME SUCH THAT:**

**(A) A MINIMUM SCORE OF 65% AGAINST THE EXISTING AGREED CRITERIA IS REQUIRED; AND**

**(B) THE PORTFOLIO HOLDER FOR FINANCE AND FINANCE MANAGER (CAPITAL & TREASURY) BE MEMBERS OF THE SAP BOARD;**

**BE APPROVED.**

10. **MINUTES OF THE CENTRAL WINCHESTER REGENERATION INFORMAL POLICY GROUP HELD 4 JULY 2017**

(Report CAB2975 refers)

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

**RESOLVED:**

That the minutes of the Central Winchester Regeneration Informal Policy Group held 4 July 2017 be received (as attached as Appendix A to the minutes).

11. **MINUTES OF THE CENTRAL WINCHESTER REGENERATION INFORMAL POLICY GROUP HELD 25 SEPTEMBER 2017**

(Report CAB2982 refers)

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

**RESOLVED:**

That the minutes of the Central Winchester Regeneration Informal Policy Group held 25 September 2017 be received (as attached as Appendix B to the minutes).

12. **MINUTES OF THE CABINET (HOUSING) COMMITTEE HELD 4 OCTOBER 2017**

(Report CAB2992 refers)

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

RESOLVED:

That the minutes of the Cabinet (Housing) Committee held 4 October 2017 be received (as attached as Appendix C to the minutes).

13. **MINUTES OF THE CABINET (CENTRAL WINCHESTER REGENERATION) COMMITTEE HELD 19 OCTOBER 2017**

(Report CAB3002 refers)

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

RESOLVED:

That the minutes of the Cabinet (Central Winchester Regeneration) Committee held 19 October 2017 be received (as attached as Appendix D to the minutes).

14. **FUTURE ITEMS FOR CONSIDERATION**

RESOLVED:

That the list of future items, as set out in the Forward Plan for December 2017, 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</u>	<u>Item</u>	<u>Description of</u>
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<u>Number</u>	<u>Exempt Information</u>
##	<ul style="list-style-type: none"> <li>• Sport Facility Needs Assessment (exempt appendix) )</li> <li>• Winchester Sport &amp; Leisure Park Project – Consideration of Stage 2 Proposals (exempt appendix) )</li> <li>• Strategic Asset Purchase Scheme (exempt appendix) )</li> </ul>

16. **SPORT FACILITY NEEDS ASSESSMENT 2017-2037 (EXEMPT APPENDIX)**

(Report CAB2991 refers)

Cabinet noted that it had not been possible to give 28 days notice of a decision to be taken in exempt session, as required under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Chairman of The Overview and Scrutiny Committee had therefore agreed to the matter being considered in exempt business at this meeting.

The Chief Executive clarified that the appendix was exempt as it contained responses from various sports clubs and organisations etc in response to a document that was confidential at the current time.

RESOLVED:

That the information contained in the exempt appendix be noted.

17. **WINCHESTER SPORT AND LEISURE PARK PROJECT – CONSIDERATION OF STAGE 2 PROPOSALS (EXEMPT APPENDIX)**

(Report CAB2970 refers)

Cabinet noted that it had not been possible to give 28 days notice of a decision to be taken in exempt session, as required under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Chairman of The Overview and Scrutiny Committee had therefore agreed to the matter being considered in exempt business at this meeting.

The Strategic Director: Resources confirmed that further financial details would be provided as part of the report on the Outline Business Case (matter

to be considered by The Overview and Scrutiny Committee on 20 November and the Cabinet (Leisure Centre) Committee on 7 December).

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

**RESOLVED:**

That the information contained in the exempt appendix be noted.

18. **STRATEGIC ASSET PURCHASE SCHEME (EXEMPT APPENDIX)**  
(Report CAB2996 refers)

Cabinet noted that it had not been possible to give 28 days notice of a decision to be taken in exempt session, as required under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Chairman of The Overview and Scrutiny Committee had therefore agreed to the matter being considered in exempt business at this meeting.

At the invitation of the Chairman, Councillor Prince queried whether other valuations would be undertaken on the proposed purchase outlined in the exempt appendix?

The Strategic Director: Resources confirmed that, in accordance with the governance framework, an independent valuation was been undertaken and would be available for Council on 21 November 2017.

Cabinet discussed the contents of Exempt Appendix A which set out details regarding a proposed acquisition (detail in exempt minute).

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

**RECOMMENDED:**

**THAT THE PROPOSED ACQUISITION DETAILED IN  
EXEMPT APPENDIX A OF THE REPORT BE APPROVED.**

The meeting commenced at 2.00pm and concluded at 5.05pm