

CABINET**1 June 2005**

Attendance:

Councillors:

Campbell (Chairman) (P)

Beveridge (P)
Collin (P)
Evans (P)
Hiscock (P)Knasel (P)
Learney (P)
Wagner (P)Others in attendance who addressed the meeting:

Councillors Allgood, Davies and Pearson

Mr A Rickman (TACT)

Others in attendance who did not address the meeting:

Councillors Bennetts, Higgins and Hammerton

50. LEADER AND PORTFOLIO HOLDER ANNOUNCEMENTS

The Leader reported that workshops had taken place between lead Councillors and Chief Executives from the central Hampshire area and New Forest Councils regarding formulating a response to the South East Regional Assembly (SEERA) on the South East Regional Plan. The resulting recommendations on the possible accommodation of housing and employment levels, but not precise location of developments, would be made to SEERA by 6 June 2005. A meeting of the Regional Planning Committee was scheduled for 13 June 2005 and a SEERA meeting would take place on 13 July 2005 in the Winchester Guildhall.

51. IDeA PEER REVIEW: REPORT AND CITY COUNCIL RESPONSE

(Report CAB1081 refers)

At the invitation of the Chairman, Councillor Davies made a number of points regarding this report. In summary, he stated that although the IDeA review had been a useful exercise, he was unclear what the next stage would be. In particular, how would all Councillors be informed of the recommendations and be involved further and how would the Council identify its non-priority areas? He also asked for more details about the Area Forums referred to in the report and queried who was the designated officer with responsibility for scrutiny.

The Portfolio Holder for Finance and Resources advised that discussions had been held on strengthening links between the Council's strategic priorities and its allocation of resources and further work would take place on specifically identifying non-priority areas.

The Leader advised that discussions were in the early stages with Parish Councils through the Winchester District Joint Consultative Committee (WDJCC) on the possibility of Area Forums. It was suggested that if required, these Forums could consist of neighbouring parish councils together with the relevant district and county councillors, meeting to discuss issues relating to that geographical area.

The Chief Executive confirmed that the Head of Performance and Management had been given responsibility for the scrutiny function and had been working with the Chairman of the Principal Scrutiny Committee.

With regard to involving non-Cabinet members, it was acknowledged that the report had been sent to all Councillors and it was open for them to attend the meeting and make representations if they wished. However, one Member commented that the timing of the Cabinet meetings might prevent some Members from doing so.

Following discussion, it was agreed that Principal Scrutiny Committee be asked to consider and make any comments on the report at its meeting on 6 June 2005. In addition, the Chief Executive confirmed that there would be quarterly monitoring on progress against the programme of improvements with reports to Cabinet and Principal Scrutiny Committee.

With regard to the programme for improvements (Appendix 2 of the report), the Director of Communities advised that to allow the proper involvement of all the relevant partners, the Children and Young People Strategy and the Older People Strategy were not likely to be completed until 2006. It was agreed that the programme be amended accordingly, although it was requested that a report be submitted to Cabinet in September 2005 updating Members on progress.

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

RESOLVED:

1. That the conclusions of the IDeA Peer Challenge be noted and the positive comments on the progress of the Council be welcomed.
2. That the programme of the next phase of improvements, now forming part of the Corporate Strategy, be agreed as set out in Appendix 2 of the report and amended above.
3. That Principal Scrutiny Committee be requested to consider the report at its meeting on 6 June 2005.

52. **PERFORMANCE PLAN 2005/06**
(Report CAB1086 refers)

At the invitation of the Chairman, Councillor Davies made a number of detailed comments and points requiring clarification on the contents of the Performance Plan, which were noted by the Chief Executive. Councillor Davies commented that because the Plan was required to be published by the Government set deadline of 30 June, this did not allow time for proper debate at Council on the previous night of 29 June. On a general point, he requested that where the Plan contained information from other Council publications this should be properly referenced.

Cabinet thanked Councillor Davies for his comments and for raising them at this meeting, so there was time for them to be taken on board before Council. Members requested that other Group Leaders also make any comments on the Plan to the Chief Executive prior to the Council meeting. It was also agreed that Principal Scrutiny Committee be requested to consider the report at its meeting on 6 June 2005.

Members agreed that the Plan should contain references to other documents as appropriate. In addition, when the Plan was published on the Council's Internet site, the references should be in the form of hyperlinks wherever possible.

The Portfolio Holder for Planning requested that further consideration be given to his section of the Plan, including a minimum number of affordable houses as a target. In addition, he expressed concern that the stated target percentage of affordable housing provided on Policy H.5 sites was too high and the target needed to be expressed in plainer English (page 38 of the Plan).

The Portfolio Holder for Housing advised that the target for increasing the number of accredited student lettings should stipulate an increase of 20 each year (page 36 of the Plan).

The Director of Communities stated that the Plan should be updated to indicate that the Children and Young People Strategy and the Older People Strategy were not likely to be completed until 2006.

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

RECOMMENDED:

THAT THE PERFORMANCE PLAN 2005/06 BE APPROVED AS SET OUT IN REPORT CAB1086, SUBJECT TO THE AMENDMENTS OUTLINED ABOVE AND ANY FURTHER MINOR CHANGES REQUIRED PRIOR TO COUNCIL ON 29 JUNE 2005.

RESOLVED:

1. That the format and content of the draft document be agreed, as set out in the Appendix to the report, subject to the amendments outlined above and any further minor changes required prior to Council on 29 June 2005.
2. That Principal Scrutiny Committee be requested to consider the report at its meeting on 6 June 2005.
3. That the Chief Executive be authorised to complete and refine the text of the document, in consultation with the Leader, and a report with the updated version be submitted direct to Council.

53. **FOURTH QUARTER PERFORMANCE MONITORING**
(Report CAB1084 refers)

Cabinet noted that the report would also be considered by Principal Scrutiny Committee at its meeting on 6 June 2005.

Cabinet noted that the table monitoring progress against strategic priorities (Appendix 1 of the report) should be amended to reflect that it had been decided not to establish "It's OK to Ask" web pages, as it was not believed to be the most appropriate method of contacting the intended recipients.

Members were advised that Council staff home working was an area that did have priority in the Human Resources Department Business Plan and the IT Contract.

With regard to progress on supporting the local economy, the Portfolio Holder for Economy and Transport advised that the post of Economic Development Officer had been advertised.

The Portfolio Holder for Culture, Heritage and Sport stated that the Sports and Recreation Manager had been appointed and it was anticipated that the new facilities at Swanmore College would be open by September 2005.

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

RESOLVED:

1. That progress on the delivery of actions set out in the Council's strategic priorities and Modernisation and Improvement Plan during 2004/05 be noted.
2. That further action be taken as appropriate on the areas outlined above.

54. **RE-ALIGNMENT OF FORMER PERFORMANCE IMPROVEMENT COMMITTEES**
(Report PS180 refers)

Cabinet noted that this report would also be considered by Principal Scrutiny Committee at its meeting on 6 June 2005.

At the invitation of the Chairman, Mr A Rickman (TACT) and Councillor Allgood spoke on this item.

Mr Rickman stated that TACT were concerned about the lack of time available to comment on the proposals, as the next TACT meeting was not until 15 June. In addition, TACT did not appreciate the comments made by some Councillors that their organisation did not adequately represent the views of all tenants. He emphasised that TACT always welcomed the opportunity to be involved in the Council's work.

As Chairman of Principal Scrutiny Committee, Councillor Allgood advised that he had been involved in the formation of the proposals contained in the report from an early stage. With regard to the suggested name of the replacements for the former Performance Improvement Committees, he had proposed the term "Select Committees" but agreed that the term "Scrutiny Panels" could be adopted if preferred. He advised that once the new bodies had been appointed, he would carry out training for the new Chairmen to ensure they were adequately aware of their role and the purpose of scrutiny in general.

In discussion of the purpose of scrutiny, Cabinet agreed that it did involve scrutinising proposed new policies before they were adopted. However, the proposals for new policies should come from Cabinet or Portfolio Holders and not be initiated by the Scrutiny bodies.

Following debate about the preferred name for the new bodies, Cabinet agreed that the term "Scrutiny Panels" be adopted and the membership be eleven members on each. It was believed that the use of "Panel" was more inclusive and emphasised the change from the 'old-style' Committees under the Council structure prior to the introduction of Cabinet.

With regard to the comments made by Mr Rickman, Members expressed their appreciation of the involvement of TACT in their work. The Portfolio for Housing stated that he would discuss with the appropriate officers and TACT the possibility of establishing a new informal group to advise on housing policy. It was anticipated the group would include TACT representatives in addition to representatives from Registered Social Landlords and tenants. He would report back to a future Cabinet meeting on these proposals.

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

RECOMMENDED:

THAT FOUR NEW SCRUTINY BODIES BE ESTABLISHED AS SUGGESTED IN APPENDIX A OF REPORT PS180, EACH WITH A MEMBERSHIP OF 11 COUNCILLORS, AS FOLLOWS:

- A) SOCIAL ISSUES SCRUTINY PANEL;
- B) ENVIRONMENT SCRUTINY PANEL;
- C) LOCAL ECONOMY SCRUTINY PANEL;
- D) RESOURCES SCRUTINY PANEL.

RESOLVED:

1. That a report be submitted to Council on 29 June 2005, setting out proposed appointments to these Scrutiny Panels and terms of reference.
2. That the City Secretary and Solicitor bring forward a report to a future meeting to make the necessary consequential changes to the Constitution.

55. NUISANCE HIGH HEDGES – EXPLANATION OF NEW DUTIES
(Report CAB1085 refers)

At the invitation of the Chairman, Councillor Pearson made a number of comments regarding this item. In summary, he requested clarification of whether a person would be required to have sought mediation before applying to the Council, because this might not be practicable in cases where all communications between neighbours had broken down. In addition, he believed that the proposed fee of £450 was possibly too high, although he agreed that it should seek to cover the Council's costs. He also queried why it was proposed to refund the fee if it was determined that the complaint was not valid, as the Council should seek to deter frivolous complaints.

The Director of Development clarified that under the new legislation relating to high hedges (Anti-Social Behaviour Act 2003, Part 8), the complainant was encouraged to seek mediation, but this was not a strict requirement. However, in cases where it was not a possibility, the complainant should write to their neighbour seeking a solution before applying to the Council. An invalid complaint was similar to an invalid planning application and involved situations where the Council was not able to assist, for example, if the hedge was deciduous and was therefore outside of the legislation. However, if the complaint was deemed to be frivolous or vexatious, it was possible for the Council to retain the fee.

In response to questions, the Director of Development confirmed that guidance notes on the new legislation would be issued to all parish councils in addition to local citizens' advice bureaux and mediation services. It was also hoped to arrange training sessions for parish councils and noted that this would be on the agenda of the next WDJCC meeting for discussion.

During debate about the appropriate fee to be charged, Cabinet agreed that it should be set at a level that was cost-neutral to the Council as far as possible. It was agreed that the fee be set at £450 initially and that level be reviewed after a period of six months. It was noted that a report would be brought to Cabinet after three months if it was found that additional resources were required for the Council to properly fulfil its responsibilities.

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

RECOMMENDED:

THAT THE COUNCIL'S CONSTITUTION BE AMENDED AS FOLLOWS:-

- A) PART 3, SECTION 4 RESPONSIBILITY FOR FUNCTIONS (PARAGRAPH 4.1) BE AMENDED BY THE ADDITION OF THE FOLLOWING:**

FUNCTION:

32. POWER TO DETERMINE COMPLAINTS FOR HIGH HEDGES WHERE THEY RELATE TO HEDGES OWNED BY THE COUNCIL, DISTRICT COUNCILLORS, AND COUNCIL STAFF.

PROVISION OF ACT OR STATUTORY INSTRUMENT:

PART 8, ANTI-SOCIAL BEHAVIOUR ACT 2003

- B) THAT IN PART 3 OF THE CONSTITUTION, SECTION 6 (SCHEME OF DELEGATION TO OFFICERS) THE AUTHORITY OF THE DIRECTOR OF DEVELOPMENT BE AMENDED AS FOLLOWS:-**

UNDER "PLANNING MATTERS", AMEND PARAGRAPH 7 BY THE ADDITION OF THE WORDING IN BRACKETS:

“AN ACTION REQUIRED IN RELATION TO HIGH HEDGES UNDER THE ANTI-SOCIAL BEHAVIOUR ACT 2003 OR REGULATIONS (OTHER THAN COMPLAINTS INVOLVING LAND OWNED BY THE CITY COUNCIL, COUNTY COUNCIL, OR A PARISH COUNCIL, MEMBERS OF THE CITY OR COUNTY COUNCILS, OR CITY COUNCIL OFFICERS).”

RESOLVED:

1. That the content of the report and the possible implications of the new duties be noted.
2. That officers assess the impact of the new legislation over a three month period and report again if additional resources were required to properly fulfil the Council's responsibilities.
3. That the fee levels set by the Director under delegated powers as set out in the report be endorsed and an update report be brought back to Cabinet in six months time.
4. That any complaints involving land owned by the City Council, County Council, or a Parish Council, Members of the City or County Councils, or City Council officers, be dealt with by the Planning Development Control Committee, rather than under delegated powers.

56. **EXTRACT FROM MINUTES OF PRINCIPAL SCRUTINY COMMITTEE – 11 MAY 2005 – LESS EXEMPT APPENDIX**
(Report CAB1080 refers)

At the invitation of the Chairman, Councillor Allgood addressed Cabinet as the Chairman of Principal Scrutiny Committee regarding the minute extract relating to the Scrutiny Review of Emergency Planning. He thanked the Chairman of the Informal Scrutiny Group, Councillor Chamberlain, for his work on this review and emphasised that the work had indicated that the Council's preparations for emergency planning were satisfactory and well advanced.

Cabinet suggested that the subject of emergency planning and the outcome of the review be considered by the parish councils at the next meeting of the WDJCC.

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

RESOLVED:

1. That recommendations relating to the Scrutiny Review of Emergency Planning (Report PS174 refers), contained within the minute extracts from the Principal Scrutiny Committee held 11 May 2005 be agreed.
2. That the Portfolio Holder for Environmental Health be nominated as the lead Cabinet Member for Emergency Planning.

57. **APPOINTMENTS OF REPRESENTATIVES TO EXTERNAL BODIES**
(Oral Report)

Cabinet noted that three nominations had been received for the Swanmore Community Facilities Committee: Councillors Campbell, Pearson and Goodall. However, because the Committee was in the initial stages of establishing itself it was agreed that the Portfolio Holder for Culture, Heritage and Sport be nominated with Councillor Campbell as her deputy.

Members were advised that Councillor Learney had been nominated as the representative on South East Employers with Councillor Cook (Chairman of Personnel Committee) as her deputy.

Cabinet agreed to the following for the reasons set out above.

RESOLVED:

That the following appointments to external bodies be made for the 2005/06 Municipal Year (deputies in brackets):

- (i) Swanmore Community Facilities Management Committee
Councillor Evans (Campbell)
- (ii) South East Employers
Councillor Learney (Cook)

58. **FUTURE ITEMS FOR CONSIDERATION**

RESOLVED:

That the list of future items, as set out in the Council's Forward Plan for June 2005, be noted.

59. **EXEMPT BUSINESS**

RESOLVED:

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>
60	Silver Hill – Broadway)	Information relating to the financial or business affairs of any particular person (other than the authority). (Para 7 Schedule 12A refers).
	Friarsgate – Consultants)	
62	Minute Extract from)	
	Principal Scrutiny)	
	Committee – Exempt)	
	Appendix)	
61	E-Procurement System)	

60 and 63	Silver Hill – Broadway Friarsgate – Consultants	)	Any terms proposed or to be
61	E-Procurement System	)	proposed by or to the authority
		)	in the course of negotiations for
		)	a contract for the acquisition or
		)	disposal of property or the
		)	supply of goods or services.
		)	(Para 9 to Schedule 12A
		)	refers).
61 and 64	E-Procurement System	)	Information relating to a
		)	particular employee, former
		)	employee or applicant to
		)	become an employee of, or a
		)	particular office-holder, former
		)	office-holder or applicant to
		)	become an office-holder under
		)	the authority. (Para 1 to
		)	Schedule 12A refers).
		)	The amount of any expenditure
		)	proposed to be incurred by the
		)	authority under any particular
		)	contract for the acquisition of
		)	property or the supply of goods
		)	or services. (Para 8 to
		)	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 11
		)	to Schedule 12A refers).

60. **SILVER HILL – BROADWAY FRIARSGATE – CONSULTANTS**

(Report CAB1087 refers)

Cabinet considered the above report which set out future proposals regarding the consultants for the Broadway Friarsgate project (detail in exempt minute).

It was also noted that the developer had adopted the name 'Silver Hill' for the project.

61. **E-PROCUREMENT SYSTEM**

(Report CAB1079 refers)

Cabinet considered the above report which set out proposals regarding an e-procurement system (detail in exempt minute).

62. **EXTRACT FROM MINUTES OF PRINCIPAL SCRUTINY COMMITTEE –
11 MAY 2005 - EXEMPT APPENDIX**
(Report CAB1080 refers)

Cabinet considered the exempt minutes of the Principal Scrutiny Committee held 11 May 2005 relating to the review of performance of the depot services contract (Report PS176 refers).

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

RESOLVED:

1. That recommendations contained within the minute extracts from the Principal Scrutiny Committee held 11 May 2005 (exempt appendix) be noted.

The meeting commenced at 9.00am and concluded at 11.25am