

**CABINET**

**26 July 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:

Councillor Davies

Mr C Gilbert-Wood (TACT)

Others in attendance who did not address the meeting:

Councillors Beckett, Busher and Mitchell

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220. **APPOINTMENT OF CABINET COMMITTEES**

The Portfolio Holder for Economy and Transport advised that at its meeting on 18 July 2005, the Local Economy Scrutiny Panel had requested that Cabinet establish an Informal Member/Officer Working Group to consider issues arising from the review of the Winchester Residents' Parking Scheme. He suggested that the Group be chaired by himself and its membership include Councillor Learney and three other Members from each of the other political groups.

A change requested at Council on 18 July 2005 to the membership of the West of Waterlooville Forum was also confirmed.

RESOLVED:

1. That an Informal Member/Officer Working Group be established to consider issues arising from the review of the Winchester Residents' Parking Scheme with a membership of Councillor Knasel (Chairman), Councillor Learney and three other Councillors nominated by the Group Leader of each of the political groups.

2. That Councillor Anthony replace Councillor Allgood as a deputy on the West of Waterlooville Forum.

221. **MINUTES**

Cabinet noted that the appointment of the Choice Based Lettings Informal Member/Officer Working Group had inadvertently been omitted from the minutes of the 1 June 2005 meeting. The minutes should be corrected to include the following as the first item:

**“APPOINTMENT OF CABINET COMMITTEES ETC**

RESOLVED:

*That the following appointments be made to the Choice Based Lettings Informal Member/Officer Working Group for the 2005/06 Municipal Year:*

*Councillors: Coates, Pines, Hammerton and Hiscock*

*TACT: Mr P Bungey*

*Officers: Diane Cooper, Luke Bingham and Olu Fajuyitan”*

RESOLVED:

1. That the minutes of the previous meeting held 29 June 2005 be approved and adopted.

2. That the minutes of the meeting held on 1 June 2005 be approved and adopted, subject to amendment to include the appointment of the Choice Based Lettings Informal Member/Officer Working Group as set-out above.

222. **PUBLIC PARTICIPATION**

Mr A Weeks (Winchester Residents’ Association) spoke in opposition to the district housing distribution proposed in the South East Plan (Report CAB1096 below refers). In summary, he stated that the Association believed that the proposals were unsustainable in terms of the current infrastructure and they would result in regional imbalance. He emphasised the special status of central Hampshire in terms of its chalk lands and the Itchen and Test rivers. He also expressed concern that the Council appeared to be indirectly promoting a North Winchester MDA at Barton Farm. The Association’s other concerns related to excessive infilling and perceived lack of communication between the local authorities affected.

The Chairman thanked Mr Weeks for his comments and advised they would be noted under consideration of Report CAB1096 below.

223. **LEADER AND PORTFOLIO HOLDER ANNOUNCEMENTS**

The Portfolio Holder for Healthy and Inclusive Communities reported that the alcohol exclusion zone in the centre of Winchester had been introduced in July 2005 and appeared to be operating successfully. There were some issues regarding displacement of antisocial behaviour to the edge of the exclusion area, particularly in the North Walls area. The Council were involved in discussions with the Police about the best possible solution to this issue.

The Portfolio Holder for Planning advised that the draft Planning Improvement Plan had been considered by an informal meeting of the Planning Development Control Committee the previous day. A number of the proposed improvements had already been introduced and further consultations would be held with other stakeholders such as parish councils and the City of Winchester Trust through meetings to be held in September.

The Portfolio Holder for Culture, Heritage and Sport reported that finds from the portable antiquities scheme were currently on display at the Guildhall Gallery.

224. **FINANCIAL STRATEGY 2006/07 TO 2010/11**  
(Report CAB1099 refers)

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

RESOLVED:

1. That the Financial Strategy 2005, including the key principles to be applied to the General Fund and Housing Revenue Account revenue budgets for 2006/07, be approved.

2. That Scrutiny Panels be advised of the Financial Strategy, and any comments made by Principal Scrutiny Committee following its consideration of this report, for their deliberation of the budget.

225. **CAPITAL STRATEGY AND PROGRAMME 2005**  
(Report CAB1089 refers)

The Portfolio Holder for Planning requested that the capital budget for 'environmental improvements in rural areas' be reduced to £15,000 for both 2005/06 and for 2006/07 (from £50,000 and £38,000 respectively). This was because of a reassessment of priorities in this area. This amendment was agreed.

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

**RECOMMENDED:**

**THAT THE DRAFT CAPITAL STRATEGY AND CAPITAL PROGRAMME BE APPROVED AS SET OUT IN THE APPENDIX TO CAB1089, SUBJECT TO THE AMENDMENT OUTLINED ABOVE AND TO MINOR EDITING BEING UNDERTAKEN BY THE DIRECTOR OF FINANCE IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR FINANCE AND RESOURCES.**

226. **IEG4.5 – SUBMISSION OF STATEMENT**  
(Report CAB1106 refers)

The Director of Finance reported that following a meeting with the IDeA, some improvements had been made to the outcomes noted in paragraphs 4.2 and 4.3 of the Report. These changes are outlined below and were included before the statement was submitted to the Office of the Deputy Prime Minister on 18 July 2005 (changes shown in italics):

- Paragraph 4.2: "Of 29 required outcomes, all of which should be Green by December *21* ~~48~~ will be Green by then and *24* ~~20~~ will be Green by March 2006."
- Paragraph 4.3: "Of 25 Good outcomes, all of which should be Green by March 2006, *16* ~~13~~ will be Green by then." The Director of Finance clarified that the electronic document and records management system would be 'green' by March 2006.

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

RESOLVED:

That the IEG4.5 Statement, as set out in the Appendix to the Report and amended above, be approved.

227. **CODE OF CORPORATE GOVERNANCE**  
(Report PS186 refers)

The Director of Finance advised that this report had been considered by Principal Scrutiny Committee at its meeting on 11 July 2005 which had made some minor amendments. To allow these comments to be taken on board, she requested that approval of the final document therefore be delegated to herself in consultation with the Leader. This was agreed.

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

RESOLVED:

That the Local Code of Corporate Governance be approved, subject to minor amendments to be agreed by the Director of Finance in consultation with the Leader.

228. **SHELTERED SCHEMES – LETTINGS INCENTIVES**  
(Report CAB1108 refers)

At the invitation of the Chairman, Mr Gilbert-Wood (TACT) addressed the meeting and thanked Cabinet for the opportunity to comment on the Report. In summary, TACT supported the incentives suggested in paragraph 1.3 of the report and the general principle of making better use of void dwellings. He requested that the Council should ensure that the proposed changes did not result in any deterioration in the present standards of staff resources for current residents.

The Portfolio Holder for Housing noted these comments and thanked TACT for their assistance in formulating the proposals. He emphasised that the proposal was only for a trial area at the current time.

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

RESOLVED:

1. That the trial scheme, as outlined in paragraph 3.2 of the Report, offering increased incentives for units at King Harold Court and Hyde Lodge commence from 1 October 2005.
2. That the outcomes of the trial be reported to Cabinet in April 2006.

229. **SOUTH EAST PLAN – DISTRICT HOUSING DISTRIBUTION**  
(Report CAB1096 refers)

Councillor Evans spoke on behalf of Councillor Allgood who was unable to attend the meeting. She reported that he had requested that as part of the consultation proposed in paragraph 4.5 of the report, a public meeting also be held in Knowle, as this was on the border with Fareham Borough Council which it was proposed could include a Strategic Development Area (SDA).

One Member requested that consultation meetings also be arranged for Curdrige and Bishops Waltham as these areas could be affected by any SDA within Eastleigh Borough.

The Chairman noted these requests and agreed that the Council would try and accommodate them when arranging its consultation meetings in September 2005.

Members discussed the need for there to be economic justification for new houses, with one Member disputing the argument that the level of additional housing proposed by the South East England Regional Assembly (SEERA) was required to sustain economic growth. Following discussion, it was agreed that any presentations on the South Hampshire Sub-Regional Strategy be prefaced with a discussion and explanation of the economically driven requirements to build new homes.

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

RESOLVED:

1. That the proposals for public consultation within Hampshire that have been developed be welcomed, despite the very limited timescale imposed by SEERA, and the Council agrees to be a partner in the consultation exercise;
2. That the strategy for the Central Hampshire and New Forest area, of concentrating development in the most sustainable existing settlements be generally supported, but the adequacy of the level of housing proposed to meet the housing needs of the area be questioned;
3. That the desirability of economically-led growth in South Hampshire be accepted but that a cautious view be taken of the potential for further growth at Whiteley and West of Waterlooville in the absence of further testing of the feasibility and impact of this level of growth.

230. **WINCHESTER CATHEDRAL CLOSE PLAN**  
(Report CAB1095 refers)

Councillors Beveridge and Evans declared personal (but not prejudicial) interests in respect of this item as they were both members of the Friends of Winchester Cathedral charity and spoke and voted thereon.

At the invitation of the Chairman, Councillor Davies mentioned the poor condition of the outer close paths following rain fall. He queried whether the Council could request that the Cathedral consider how the drainage defects could be remedied. It was agreed that the Chief Executive contact the Cathedral regarding this point.

In response to questions, the Chief Executive explained that there were a number of practical difficulties preventing the introduction of a new pedestrian link between Water Close and The Weirs.

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

RESOLVED:

1. That whilst not wishing to pre-judge the outcome of any future planning applications, the City Council welcomes the development of the Close Plan and the sensitive approach to limited development that it promoted.

2. That the City Council points out it cannot be assumed by the Cathedral that affordable housing provision will be for the Cathedral key workers. The Local Plan Review's affordable housing provisions should be met and, whilst key worker housing may be an option, and the Cathedral key workers may prove to be eligible, the Close Plan should not attempt to pre-judge this. Affordable housing will need to be provided and occupied in line with housing needs in central Winchester at the time of any planning application.

231. **LOCAL PUBLIC SERVICE AGREEMENT ROUND 2**  
(Report CAB1097 refers)

Under the Council's Constitution Access to Information Procedure Rules (Rule 15.1 General Exception), this was a Key Decision, which had not been included in the Forward Plan. Under this procedure, the Chairman of the Principal Scrutiny Committee had been informed.

In response to a suggestion, the Chief Executive agreed that a mapping exercise would be carried out between the proposed agreement and the Community Strategy to ensure that objectives were in line with the Strategy, particularly for those aspects where delivery would be undertaken by the City Council.

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

RESOLVED:

1. That the approach being proposed by the County Council regarding levels of sign up, pump priming funding and allocation of reward grant be supported.

2. That the Council 'signs up' to the process at level 3 overall and level 2 for targets relating to community safety (targets 5, 6, 7, 8, 9), the green agenda (targets 17, 18), social inclusion (target 16), economic prosperity (target 3) and cultural & leisure opportunities (target 11).

3. That the Chief Executive be given delegated powers to vary the level of sign up, in discussion with the Leader and relevant Portfolio Holder, should this be in the best interest of the authority as negotiations proceed.

232. **AIR QUALITY MANAGEMENT AREA (AQMA) WITHIN WINCHESTER TOWN CENTRE – ADOPTION OF AIR QUALITY ACTION PLAN**  
(Report CAB1109 refers)

Under the Council's Constitution Access to Information Procedure Rules (Rule 15.1 General Exception), this was a Key Decision, which had been included in the Forward Plan for a later date. Under this procedure, the Chairman of the Principal Scrutiny Committee had been informed.

Cabinet noted that the draft version of the Air Quality Action Plan (AQAP) attached as an Appendix to the Report had been submitted to the Department of Environment, Food and Rural Affairs (DEFRA) in May 2005 for comment. A reply from DEFRA containing a number of requests for additional information (to be incorporated into the AQAP before it would be acceptable) was received that morning and circulated to Cabinet at the meeting. The Director of Communities advised that the information requested was available and could be incorporated relatively easily. It was agreed that delegated authority be granted to the Director, in consultation with the Portfolio Holders for Environmental Health and Finance and Resources, to agree final wording of the AQMA, prior to its formal adoption and submission to DEFRA.

The Director of Communities explained that DEFRA had also supplied a revised multiplier to be used for the calculation of the level of fine particles (PM10's) which would result in the stated levels of these particles being reduced within AQAP. However, the Director confirmed that the AQAP was still necessary as the work had been based on reducing the level of nitrogen dioxide (NO2).

The Portfolio Holder for Environmental Health mentioned that following the proposed adoption of the AQAP, it was anticipated that the remit and membership of the Air Quality Informal Member/Officer Working Group might change. Further details would be reported to a future Cabinet meeting.

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

**RESOLVED:**

1. That the formal adoption and submittal to DEFRA of the Air Quality Action Plan (AQAP) which forms part of this report be agreed, subject to the amendments to take account of comments by DEFRA to be agreed by the Director of Communities, in consultation with the Portfolio Holders for Environmental Health and Finance and Resources and the Director of Finance.
2. That the continuation of the Air Quality Informal Member/Officer Working Group to review the progress with the actions identified within the AQAP be agreed, subject to a future report to Cabinet reviewing its terms of reference and membership.

233. **MINOR CHANGES TO CONSTITUTION – DEVELOPMENT PLAN AND SUPPLEMENTARY PLANNING GUIDANCE/DOCUMENTS**

(Report CAB1098 refers)

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

**RECOMMENDED:**

1. THAT THE SCHEME OF DELEGATION TO PORTFOLIO HOLDERS AS CONTAINED IN PART 3 OF THE COUNCIL'S CONSTITUTION, SECTION 3, BE AMENDED BY THE ADDITION OF THE FOLLOWING PARAGRAPH UNDER THE DELEGATION TO THE PORTFOLIO HOLDER FOR PLANNING:

“APPROVAL OF DRAFT SUPPLEMENTARY PLANNING GUIDANCE AND SUPPLEMENTARY PLANNING DOCUMENTS FOR PUBLICATION, WITH THE APPROVAL OF THE FINAL GUIDANCE/DOCUMENT TO BE MADE BY CABINET.”

2. THAT ARTICLE 4.01 OF THE CONSTITUTION (“THE FULL COUNCIL”) BE AMENDED BY SUBSTITUTING THE FOLLOWING FOR ARTICLE 4.01 (b):-

“b) (I) THE DEVELOPMENT PLAN AND ANY PROPOSALS IN CONNECTION WITH THE PREPARATION OF AN ALTERED OR REPLACEMENT DEVELOPMENT PLAN, PRIOR TO PUBLIC CONSULTATION UNDER REGULATIONS 10 AND 22 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANS) (ENGLAND) REGULATIONS 1999;

(II) LOCAL DEVELOPMENT DOCUMENTS WHICH ARE DEVELOPMENT PLAN DOCUMENTS (UNDER THE PLANNING AND COMPULSORY PURCHASE ACT 2004).

3. THAT ARTICLE 4.04 OF THE CONSTITUTION (“THE FULL COUNCIL”) BE AMENDED BY INSERTING THE FOLLOWING (AND RENUMBERING SUBSEQUENTLY):-

“o) THE POWERS TO ESTABLISH, CONFER FUNCTIONS ON, AND REQUEST A DISSOLUTION OF, A JOINT COMMITTEE TO BE, FOR THE PURPOSES OF PART 2 OF THE PLANNING AND COMPULSORY PURCHASE ACT 2004, A LOCAL PLANNING AUTHORITY, UNDER SECTIONS 29, 30, AND 31 OF THAT ACT”.

4. THAT SECTION 2 OF PART 3 OF THE CONSTITUTION (MATTERS WHERE CABINET DOES NOT HAVE DELEGATED POWERS BUT MAKES RECOMMENDATIONS TO COUNCIL) BE AMENDED BY THE ADDITION OF THE FOLLOWING:-



“2 (D) THE PREPARATION AND ADOPTION OF LOCAL DEVELOPMENT DOCUMENTS WHICH ARE DEVELOPMENT PLAN DOCUMENTS, AND MATTERS CONCERNING THE ESTABLISHMENT, FUNCTIONS AND DISSOLUTION OF A JOINT COMMITTEE UNDER SECTIONS 29, 30 AND 31 OF THE PLANNING AND COMPULSORY PURCHASE ACT 2004”

5. THAT SECTION 4 OF PART 3 OF THE CONSTITUTION BE AMENDED BY THE DELETION OF THE FOLLOWING SECTIONS OF 4.1 (PLANNING DEVELOPMENT CONTROL COMMITTEE) WITH SUBSEQUENT RENUMBERING:-

<u>FUNCTION</u>	<u>PROVISION OF ACT OR STATUTORY INSTRUMENT</u>
1. POWERS AND DUTIES RELATING TO LOCAL DEVELOPMENT DOCUMENTS WHICH ARE DEVELOPMENT PLAN DOCUMENTS.	SECTIONS 20 TO 23 AND 25, 26 AND 28 PLANNING AND COMPULSORY PURCHASE ACT 2004 (C.5)
2. POWER TO AGREE TO ESTABLISH A JOINT COMMITTEE TO BE, FOR THE PURPOSE OF PART 2 OF THE PLANNING AND COMPULSORY PURCHASE ACT 2004, A LOCAL PLANNING AUTHORITY.	SECTION 29 OF THE PLANNING COMPULSORY PURCHASE ACT 2004.
3. POWER TO AGREE TO CONFER ADDITIONAL FUNCTIONS ON A JOINT COMMITTEE.	SECTION 30 OF THE PLANNING COMPULSORY PURCHASE ACT 2004.
4. POWER TO REQUEST THE DISSOLUTION OF A JOINT COMMITTEE.	SECTION 31 OF THE PLANNING COMPULSORY PURCHASE ACT 2004.

50. **FUTURE ITEMS FOR CONSIDERATION**

RESOLVED:

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

235. **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>
236	Winchester Guildhall Cleaning Services Contract	) Information relating to the financial or business affairs of any particular person (other than the authority). (Para 7 Schedule 12A refers). ) ) Any terms proposed or to be 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).

236. **WINCHESTER GUILDHALL CLEANING SERVICES CONTRACT**  
(Report CAB1107 refers)

Under the Council's Constitution Access to Information Procedure Rules (Rule 15.1 General Exception), this was a Key Decision, which had not been included in the Forward Plan. Under this procedure, the Chairman of the Principal Scrutiny Committee had been informed.

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

RESOLVED:

1. That a direction be made under Contract Procedure Rule 3.3(a) to authorise the extension of the existing Guildhall cleaning contract by seven and a half months to 30 April 2006.

2. That the proposed tender process for the cleaning services contract at Winchester Guildhall based on the Council's established price/quality ratio of 40:60 and as outlined in paragraphs 2 and 3 of the report be approved.

The meeting commenced at 9.00am and concluded at 12 noon.

Chairman