

CABINET

11 April 2007

Attendance:

Councillor Beckett – *Leader and Portfolio Holder for Economy and Tourism* (Chairman) (P)

Councillor Allgood – *Portfolio Holder for Finance and Resources*

Councillor Coates – *Portfolio Holder for Housing and Communities* (P)

Councillor Hollingbery – *Portfolio Holder for Performance and Communications*

Councillor Pearson – *Portfolio Holder for Environment, Health and Safety* (P)

Councillor Stallard - *Portfolio Holder for Culture, Heritage and Sport*

Councillor Wood – *Portfolio Holder for Planning and Transport* (P)

Others in attendance who addressed the meeting:

Councillors de Peyer and Evans

Others in attendance who did not address the meeting:

Councillors Beveridge and Higgins

1. **APOLOGIES**

Apologies were received from Councillors Allgood, Hollingbery and Stallard.

2. **PUBLIC PARTICIPATION**

Three people spoke regarding the petition relating to Whiteley School and their comments are summarised under Report CAB1448 below.

Mr A Weeks (Winchester City Residents' Association) made a number of comments relating to the 'Vision for Winchester' document and the recent Winchester Town Forum debate held at the Theatre Royal, Winchester. He expressed concern that the debate had appeared to focus on the interests of the business community and did not consider issues relating to Winchester's heritage. In addition, he considered that views expressed by some individuals in favour of developing Barton Farm did not represent the opinion of the majority of Winchester City residents.

Mr Weeks also stated that Cabinet did not adequately represent Winchester City as none of its Members were from a Town Ward. He requested that a Town Council be established for the Winchester Town area.

In response, the Chairman emphasised that the purpose of the Town Forum debate had been to gather opinions. Questions had been chosen by Mark Oaten MP from those submitted, to represent a cross section of concerns. He also

stated that Cabinet Members were selected on the basis of merit and availability and it was not relevant which Ward they represented.

Mr J Hayter outlined a number of concerns relating to the Open Space Strategy (Report CAB1434 below refers) which had been detailed in various correspondence with the City Council. In summary, his main points were:

- the Strategy should take account of the age profile of an area;
- the Strategy failed to take proper account of accessibility to children's play spaces;
- in Bishops Waltham the contributions sought were in excess of the Local Plan standard by the equivalent of 91 per cent of Priory Park;
- it was not permissible to split projects between "play" and "sport";
- Open Space funds not spent within five years should be returned;
- the overall financial status of the Open Space Strategy was unsound and should not be approved unless the risks involved were properly identified.

The Chairman advised that Mr Hayter's comments would be considered under discussion of the relevant Report below. In response to questions from the Chairman, Mr Hayter stated that he was still considering whether to challenge the Council's Annual Accounts for 2006/07, but if he did, the challenge would be on different grounds than previously submitted.

3. **LEADER AND PORTFOLIO HOLDER ANNOUNCEMENTS**

Councillor Wood reported on the improvements in the performance of the Planning Division over the previous six months. The Government target had been achieved on both major and minor planning applications, and the Division was within one per cent of achieving the target on remaining planning applications. In addition, the number of complaints relating to Planning Division procedures had reduced.

Cabinet expressed its thanks and congratulations to the Division for its work in achieving these improvements.

Councillor Pearson reported on the success of phase one of the recycling pilot, which had already assisted in increasing the Council's recycling level to 28 per cent.

4. **PETITION RELATING TO WHITELEY SCHOOL**

(Report CAB1448 refers)

Mr James Sandfield spoke on behalf of Whiteley Action for Children's Education (Whiteley ACE) which had presented a petition to Council on 28 February 2007. In summary, he emphasised that Hampshire County Council, Fareham Borough Council and the Portsmouth Diocese all supported a proposal to locate a school at Meadowside. Against this were the City Council, the Football Club and Whiteley Parish Council. He stated that the Parish Council was an unelected body and did not represent the views of residents of Whiteley within Fareham Borough Council.

Mr Sandfield emphasised the level of support amongst Whiteley residents for the school, as demonstrated by the petition and the street survey undertaken by Whiteley ACE. The existing Whiteley Primary School had been over-subscribed for the last five years, and this over-subscription was now occurring in the overflow schools. In addition, the County Council study had concluded that it was too expensive to develop the Bunney Land as an alternative to Meadowside.

Mr Sandfield argued that the open space land that would be lost was "scrub land" of limited value, and alternative land would be offered as a replacement. Plans for the new school made some provision to enable the future expansion of Meadowside Leisure Centre if required. One football pitch would be available at all times and existing pitches would be enhanced by their relocation. The proposals would include a community facility and all-weather football pitch available for use by the general public out of school hours. He considered that the relocation of the pitches at Meadowside would not create a nuisance to adjacent residents.

Mr Sandfield stated that the birth rate figures for Whiteley supported the requirement for a one-form entry school and it was not acceptable to wait for the possible development at Whiteley North.

Mr Sandfield concluded by stating that Whiteley ACE believed that there were no longer any strong arguments preventing the release of land at Meadowside. He also expressed his disappointment that Councillors had not accepted an invitation to meet with Whiteley ACE regarding this issue.

Ms Kairen Goves spoke on behalf of the Meadowside Action Group (MAG) which was a group of Whiteley residents wishing to protect the Meadowside ground. She emphasised the importance of Meadowside to the community as the only large open space in Whiteley. She argued that the Whiteley ACE petition had been carefully targeted and the facts relied upon in its supporting literature could not always be substantiated. She emphasised that the County Council's dismissal of the alternative location on the 'Bunney Land' did not justify use of the Meadowside land. She also queried the assumptions made in the County Council's cost comparisons between the two sites, and suggested that inadequate allowance had been made for the value of the mitigation open space land required if Meadowside was developed.

Mr Mike Evans (Chairman of Whiteley Parish Council) stated that the Parish Council remained against the development of the Meadowside land. He believed that the majority of Whiteley residents did not wish to locate a school at Meadowside as the short-term benefits were outweighed by difficulties in the longer term. The Parish Council considered that the Bunney Land was the preferable location, particularly if development commenced at North Whiteley. On a practical issue, he noted that the County Council had not submitted a planning application or solved access problems at the Meadowside site. This meant it was extremely unlikely a decision could be made before the deadline for Government funding in September 2007.

Councillor Evans queried why, if the Bunney Land had been offered at a relatively low cost to the County Council, the County Council had concluded that the cost of providing a school on this alternative site was disproportionately high? She emphasised that Councillors were all committed to providing a new school at Whiteley, but that a two-form entry school was required.

The Chairman outlined the reasons for the City Council's original decision not to release the land, namely that the land offered as mitigation was not of equal or superior merit. In addition, the results of the statutory consultation had indicated a majority in favour of not releasing the land.

Since this decision had been taken, the County Council had undertaken a feasibility study on the Bunney Land, which had concluded that the cost of providing a school on the Bunney Land was, in their view, disproportionately high. The Chairman noted that the County Council had always said there was no alternative site to Meadowside. However, even if it was argued that the result of the statutory consultation might have been different if the County Council study decision had been available at that time, it did not remove the open space objection to releasing the land.

The Chairman also emphasised that Whiteley Parish Council was a properly constituted body and consideration would be given to the views it expressed.

Cabinet expressed concern about the figures relied on by the County Council in justifying the requirement for a one-form entry school, as it was believed this would not provide adequate education spaces. A two-form entry primary school was likely to be required, particularly in view of the potential for new development at Whiteley North.

In addition, Cabinet queried the figures relied upon by the County Council in connection with the Bunney Land. In response to questions, the Director of Development confirmed the land had been offered to the County Council at a relatively low cost. The additional costs referred to by the County Council related to dealing with matters such as drainage and access problems. The Director advised that it did not appear that the County Council had included the assessment of the opportunity cost of mitigation land if the Meadowside site was used. Nor had it taken account of the developers offer to contribute to the cost of the road if the Bunney Land was used through S106 contributions.

At the conclusion of debate, Cabinet Members sympathised with the situation regarding the shortage of primary school places at Whiteley. However, they considered that, on balance, the original decision not to release the open space land should not be changed.

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

RECOMMENDED:

THAT THE DECISION TAKEN BY CABINET, AT ITS MEETING ON 19 JULY 2006 REGARDING THE DISPOSAL OF LAND AT THE MEADOWSIDE RECREATION GROUND, WHITELEY, BE NOT CHANGED.

5. **CORPORATE STRATEGY IMPLEMENTATION PLAN 2007-2012**

(Report CAB1441 refers)

Councillor Pearson proposed that the following words be added to Recommendation 1 of the Report:

"... subject to an additional delivery bullet point being added to the 'High Quality Environment section, as follows:

- Implementing corporate actions from the Winchester Biodiversity Action Plan Implementation Plan.

with the Portfolio Holder for Environment, Health and Safety being shown as the lead Portfolio Holder and the Head of Planning Control as the Lead Officer."

This amendment was agreed.

The Chief Executive responded to questions regarding the results of the Council's staff attitude survey and emphasised that the current organisational developments would impact on a number of areas.

Councillor Coates noted with concern the increase in the number of households applying to the City Council Housing Registers.

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

RECOMMENDED:

THAT THE CORPORATE STRATEGY IMPLEMENTATION PLAN 2007-2012 BE APPROVED, AS ATTACHED AS APPENDIX TO CAB1441, SUBJECT TO AN ADDITIONAL DELIVERY BULLET POINT BEING ADDED TO THE 'HIGH QUALITY ENVIRONMENT SECTION, AS FOLLOWS:

- * **IMPLEMENTING CORPORATE ACTIONS FROM THE WINCHESTER BIODIVERSITY ACTION PLAN IMPLEMENTATION PLAN.**

WITH THE PORTFOLIO HOLDER FOR ENVIRONMENT, HEALTH AND SAFETY BEING SHOWN AS THE LEAD PORTFOLIO HOLDER AND THE HEAD OF PLANNING CONTROL AS THE LEAD OFFICER."

RESOLVED:

That the Chief Executive, in consultation with the Leader and Deputy Leader, be authorised to refine and update targets and timings contained within the Plan during the course of the year in line with the agreed Corporate Strategy, so that it remains relevant and up to date in the light of changing circumstances, with any significant changes to be reported as part of quarterly monitoring reports to Principal Scrutiny Committee and the relevant Scrutiny Panel.

6. **INCLUSION, COHESION AND EQUALITY REPORT**
(Report CAB1457 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 Principal Scrutiny Committee had been informed.

The Chairman welcomed to the meeting, Dr Ian Barrett (Cloud 9 Consulting) who had undertaken the review of the current position on equality and the context within which the Council was operating.

At the invitation of the Chairman, Councillor de Peyer welcomed the Report on behalf of the Labour Group. However, he queried whether the effects of educational deprivation should be specifically mentioned. For example, he mentioned such matters affected whether people felt empowered to vote in elections.

Dr Barrett advised that the Report's objectives had been derived from the Community Strategy which included educational issues. The Chief Executive also advised that the Council were involved in a programme of 'Citizenship' in schools. Elections staff also responded to requests from schools for assistance on election issues.

In response to questions, the Chief Executive advised that consideration would be given to enabling the appointment of an "ICE Co-ordinator" through joint working with partners, without requiring additional resources. However, if a specific growth bid was required, a further Report would be submitted to Cabinet.

Cabinet noted that the page numbers referred to in the Report's recommendations related to references in the Community Strategy.

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

RESOLVED:

1. That the Council works with its partners to develop its knowledge and understanding of the nature and needs of its "customer groups" and the characteristics of the "communities of interest" in Winchester District as well as the "communities of place".

2. That the Council reviews and updates its Communications Strategy and considers developing a Community Engagement Strategy that encompasses the need to improve and co-ordinate its consultation/ involvement mechanisms.

3. That the Council explores opportunities for developing joint consultation/ involvement mechanisms with its partners.

4. That the ICE Strategy be developed in partnership with and ultimately “owned” by the Winchester District Strategic Partnership, with responsibility for developing it assigned to the Winchester Social Inclusion Partnership.

5. That the Council initially develops a corporate Equality Impact Assessment (EIA) process that covers all six equality strands. Once that is in operation, consideration could be given to expanding the scope of the process to cover inclusion and cohesion.

6. That consideration be given to appointing an “ICE Co-ordinator” to lead the Partnership’s work in this area and provide the Council with the necessary expertise to implement the Actions set out below and to develop and implement the ICE Strategy.

7. That the remit of the current corporate Equalities Working Group be expanded to cover the ICE agenda and the group also be given responsibility for:

- (a) undertaking the “pre-screening” of existing services and policies.
- (b) planning the EIA programme.
- (c) validating EIAs.

7. **NEW CIVIC OFFICES – PROCUREMENT OF WORKS**
(Report CAB1449 refers)

At the invitation of the Chairman, Councillor Evans supported the Report's recommendations, but requested an indication of the likely timetable.

In response, the Chief Estates Officer confirmed that the previous work undertaken in relation to the Bapsy Bequest would be integrated into work on any new civic offices. He estimated it would take six months for the framework for the business case to be produced. This would also need to examine alternative possible uses of the Guildhall itself and take account of changes in the Council's organisational structure and staff working practices.

The Chairman emphasised that the Report did not commit the Council to the procurement of new offices and was solely a means of identifying likely costs to inform a future decision.

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

RESOLVED:

1. That the Council agrees to collaborate with the South East Centre of Excellence (SECE) with the view to gaining access to their major developments framework.

2. That SECE be asked to provide strategic procurement advice and a review of the feasibility studies undertaken to date on both the new offices and Guildhall reordering including the Bapsy Project.

3. That a direction be made under Contract Procedure Rule 3.3(a) so that the Chief Estates Officer is authorised to agreed the terms of the appointment of SECE in consultation with the Director of Finance with costs met from the existing budget.

8. **WINCHESTER BUSINESS IMPROVEMENT DISTRICT (BID) DEVELOPMENT UPDATE**

(Report CAB1450 refers)

In response to questions, Mr Graham Love (City Centre Manager) advised that businesses wished to see administrative costs kept to a level below 20 per cent. The City Council, County Council and Police Authority were being requested to provide baseline statements about current levels of funding which would remain if a BID was introduced. For example, base-lining the current provision regarding City Centre Management.

The City Secretary and Solicitor clarified that legislation prevented local authorities from relying on the BID levy to make up any difference in funding previously provided by the Authority.

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

RESOLVED:

1. That, in line with recent legal advice, the earlier decision to reclaim 50 per cent from the BID, should it be successful, of the moneys allocated to the administration of the ballot, totalling £1,500 be rescinded.

2. That the earlier decision not to pay the BID levy on its car parks be reconsidered, and it now be agreed to include these in the levy at a cost in Year 1 of approximately £12,000.

3. That the full amount of the levy payable by the City Council, totalling around £25,000 in Year 1, be committed from revenue budgets over the five year life of the BID.

4. That, should the BID proceed to a ballot, the Chief Executive be authorised to exercise the ballot votes in respect of City Council properties in the BID area.

9. **REVIEW OF OPEN SPACE STRATEGY AND FUNDING SYSTEM**
(Report CAB1434 refers)

Councillor Wood and the Director of Development responded to a number of the points made by Mr Hayter in the public participation period detailed above.

Councillor Wood emphasised that the Open Space Strategy had been 'tested' by the planning process, including the most recent Local Plan Review. Since its introduction, it had generated funds which had benefited the whole Winchester District. He requested that Parish Councils continue to be encouraged to use the funds as much as possible.

The Director advised that a comprehensive assessment of open space and recreation facilities was currently being undertaken as required by PPG17. This would include age profiles and accessibility to play areas. This study was due to be completed in summer 2007 with an updated Report submitted to Cabinet in the autumn.

With regard to the five year period stated by Mr Hayter, after which time monies should be returned, the Director advised that Circular 05/05 did not provide an absolute time-limit of five years. Currently, when holding discussions on the issue with developers, the City Council considered a ten year period more appropriate.

The Director advised that officers considered that any risk in relation to the Strategy was at an acceptable level.

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

RESOLVED:

1. That the Open Space Funding System should continue to operate throughout the District, using the procedures approved by the City Council on 16 November 1994, and subsequently amended on 26 March 1998.

2. That the Open Space Strategy attached as Appendix 3 to the Report be adopted as the relevant background paper to the Winchester District Local Plan Review for the period from 1 April 2007 to 31 March 2008, and thereafter subject to annual review.

3. That the updated contribution scales set out in paragraph 5.3 of the Report be approved for use with the System for applications determined between 11 April 2007 and 31 March 2008.

10. **LOCAL SCHEME – HOUSING AND COUNCIL TAX BENEFIT**
(Report CAB1432 refers)

Councillor Coates declared a personal and prejudicial interest in respect of this item as he was in receipt of a war pension and could possibly benefit from the

Report's proposals.

As his withdrawal from the room would leave the meeting in-quate, consideration of the Report was deferred to the next Cabinet meeting on 17 May 2007.

11. **MINUTES OF THE ENVIRONMENT SCRUTINY PANEL HELD 12 MARCH 2007**

(Report CAB1451 refers)

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

RESOLVED:

That the minutes of the Environment Scrutiny Panel held 12 March 2007 be received.

12. **MINUTES OF THE SOCIAL ISSUES SCRUTINY PANEL HELD 14 MARCH 2007**

(Report CAB1452 refers)

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

RESOLVED:

That the minutes of the Social Issues Scrutiny Panel held 14 March 2007 be received .

13. **MINUTES OF THE LOCAL ECONOMY SCRUTINY PANEL HELD 15 MARCH 2007**

(Report CAB1453 refers)

Cabinet considered the request from the Panel that additional funding be awarded to the Economic Development Action Plan from the LABGI grant. It was agreed that this request be noted at this stage and considered alongside other requests at a future Cabinet meeting, which would consider allocation of the grant.

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

RESOLVED:

That the minutes of the Local Economy Scrutiny Panel held 15 March 2007 be received and the recommendation contained therein be noted.

14. **MINUTES OF THE RESOURCES SCRUTINY PANEL HELD 20 MARCH 2007**

(Report CAB1454 refers)

With regard to the request that Cabinet consider how input from Scrutiny Panels could be useful in developing joint working with other Local Authorities on shared

services, the Chief Executive advised that this was an issue that would be included in the current efficiency programme.

Cabinet considered the Panel's recommendations relating to the Scrutiny Review of E-Government (Report RE44 refers). Members agreed that it was important for the Council's procurement procedures to be examined in more detail. In addition, the Panel could undertake an in-depth review of the other IT issues raised. However, Cabinet did not consider it appropriate for a review of flexible working to be undertaken at the current time.

The Chief Executive noted these points and agreed to discuss with the relevant Chairmen how this could best be addressed.

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

RESOLVED:

That the minutes of the Resources Scrutiny Panel held 20 March 2007 be received and the recommendations contained therein be noted.

15. **ANNUAL REVIEW OF THE CONSTITUTION – POWERS OF THE WINCHESTER TOWN FORUM**
(Report WTF90 refers)
MINUTES OF THE WINCHESTER TOWN FORUM HELD 22 MARCH 2007
(Report CAB1455 refers)

Cabinet noted the comments made by Mr Weeks in relation to the Town Forum during the public participation period and outlined above.

Cabinet noted that this Report was originally on the agenda for the previous meeting, but had been deferred to allow for more detailed consideration. In addition, the minutes of the Town Forum held 22 March 2007 included a recommendation to Cabinet to approve the revised terms of reference for the Winchester Town Forum as set out in Appendix 1 of Report WTF90.

Members considered that the Town Forum should be involved in a similar manner to parish councils when Cabinet was considering key stages of major emerging policies. Therefore, it was agreed that a second recommendation to Council be added as follows:

“That the Chairman of the Forum and Corporate Management Team (CMT) also be asked to bring emerging policy matters which particularly affect the Town to the Town Forum, as would be the case with any Parish Council, and could involve the use of suitable public consultation methods.”

The Chief Executive reported that the new organisational structure proposals included the idea that one Director be given specific responsibility for the Town area.

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

RECOMMENDED:

1. THAT THE REVISED TERMS OF REFERENCE FOR THE WINCHESTER TOWN FORUM BE APPROVED, AS SET OUT IN APPENDIX 1 OF REPORT WTF90.

2. THAT THE CHAIRMAN OF THE FORUM AND CORPORATE MANAGEMENT TEAM ALSO BE ASKED TO BRING EMERGING POLICY MATTERS WHICH PARTICULARLY AFFECT THE TOWN TO THE TOWN FORUM, AS WOULD BE THE CASE WITH ANY PARISH COUNCIL, AND COULD INVOLVE THE USE OF SUITABLE PUBLIC CONSULTATION METHODS.

RESOLVED:

That the remaining minutes of the Winchester Town Forum held 22 March 2007 be received.

16. **REPRESENTATION ON OUTSIDE BODIES**

(Report CAB1437 refers)

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

RESOLVED:

That the following appointments be made to the Knowle Community Buildings Association (until 30 April 2008):

Councillor Evans (Representative)

The Ward Member for Wickham elected on 3 May 2007 (Observer)

17. **FUTURE ITEMS FOR CONSIDERATION**

RESOLVED:

That the future items for consideration, as set out in the Forward Plan for April 2007, be noted.

18. **VOTE OF THANKS**

The Chairman thanked Cabinet Members and officers for their work and assistance over the previous year.

The meeting commenced at 10.00am and concluded at 12.20pm

Chairman