



COUNCIL MEETING – 4 November 2009

Question under Council Procedure Rule 14

QUESTION 1

From: Councillor Fall

To: The Portfolio Holder for Housing

“What efforts did the Council make to highlight changes to tenants terms and conditions this year?

In particular, were tenants made aware of the Council no longer treating redecoration in the event of an accident such as a flood as part of the Council’s responsibility as owner of the building?

Further, is the Portfolio Holder aware that contents insurance which tenants are rightly advised to take out does not cover internal redecoration, leaving tenants in a position where they are not insured for what might be a considerable expense?”

Reply

“The changes to tenancy conditions last year were subject to full and very detailed tenant consultation. All tenants received a draft of the new conditions and were asked for comments. Also, a working group of TACT members and officers reviewed all conditions in detail.

However, internal redecorations have always been the responsibility of the tenant and the Council has no budget provision for such work, other than a small provision for decorating vouchers for new tenants at ‘sign up’ stage.

In the event of water damage following a flood or leak, the Council will complete internal decoration if the leak was caused by a building fault and the Council is proved to be legally liable. However, if the leak arises from the action of the tenant, a neighbour or some external factor outside of the Council’s control, the Council is not able to assist with such work.

The Council does strongly recommend that all tenants take out contents insurance. It is not in a position to recommend any particular scheme and it is the responsibility of the tenant to assess the level of cover they consider appropriate.”



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QUESTION 2

From: Councillor Cook

To: The Portfolio Holder for Performance and Organisational Development

1. How many established officer posts within the Council are currently vacant under the current policy of vacancy management?
2. What has been the effect of not filling the vacant posts in terms of services provided by the officers?
3. How long will the current policy of vacancy management remain in place?

Reply

“There are currently 34 posts absent on the establishment. 11 of these vacant posts fall under the Housing Revenue Account and are long term vacancies which have been held vacant whilst incremental changes have been made to the provision on sheltered housing services.

Where a vacancy is held, this inevitably puts some pressures on staff in that area. Heads of Division will seek to minimise the impact on customer service, for example by short term re-allocation of workloads or reassessment of Business Plan priorities. Corporate Management Team (CMT) will also discuss vacancies arising, and may conclude it is appropriate to fill a post through an internal secondment, thus transferring the vacancy to an area of lower priority. Where appropriate, such measures are taken in consultation with Portfolio Holders.

I have asked CMT to ensure they continue to review vacancies to see whether they provide an opportunity for a different and more effective use of the Council's resources.

I am confident that both staff and Members understand that a more flexible approach to managing staff resources is an effective way of dealing with both short term financial pressures and the longer term challenge of providing efficient and effective services.”



Winchester
City Council

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QUESTION 3

From: Councillor Tait

To: The Portfolio Holder for Planning and Access

“Could the Portfolio Holder explain to me what we can presently use our Open Space funds for (secured through section 106 agreements), and why it is that Eastleigh Borough Council are able to use their funds for a wider range of schemes not all entirely related to sports and play equipment provision. If this Council changes its Open Space policy would that mean that we could then, if members agreed, put future section 106 monies into a much broader range of projects?”

Reply

“The collection and use of developer contributions is closely controlled by government and local policies. Government requires that contributions should only be taken if they are necessary to make a proposal acceptable in planning terms, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale to the development, and reasonable in all other respects. Because of these requirements, most authorities have developed local policies on the circumstances in which they will seek developer contributions.

In Winchester the Open Space Funding System operates on the basis of a Local Plan policy requiring open space provision. This specifies that it is open space for children’s play and sports provision that developers are expected to provide (on-site where possible, otherwise off-site by a financial contribution). The legal agreement used to secure the contributions specifies what the contribution is for and how it will be used, based on the Open Space Strategy which is reviewed annually. This is necessary in order to justify the taking of a contribution in accordance with government policy, and is normally a requirement of the developer making the contribution.

The funds secured from the developer in lieu of on-site provision have to be used in accordance with the legal provisions under which they were received. Accordingly, it is not possible to use funds taken for the provision of children’s

play or sports provision for other purposes. All local authorities will have assessed their own priorities in terms of the developer contributions which they seek. The Open Space Strategy, which is reviewed annually, identifies existing provision and shortfalls in provision for each Parish in the District, which facilitates the expenditure of Open Space Funds to address these shortfalls.

The City Council also seeks contributions towards affordable housing, transport and education provision as well as a wider range of infrastructure for major developments (e.g. a wide range of contributions and provision were secured for the West of Waterlooville MDA).

Eastleigh Borough Council has identified locally in its Local Plan a range of facilities or infrastructure for which it seeks developer contributions, which may include some matters which the City Council's policies do not currently include. Eastleigh Borough Council's policies seek provision of a wider range of open space, as well as other facilities or infrastructure. Without knowing the details of specific cases, I would anticipate that Eastleigh are also applying developer contributions for the purposes for which they were originally collected (as required by government policy) but that EBC have policies that specify wider range of facilities.

We have undertake a review of facilities in the District as a result of PPG 17. The PPG 17 study has extended the categories of open space to include Informal Greenspace, Allotments and Natural Greenspace in addition to Parks, Sports and Recreation Grounds and Equipped Children's and Young People's Space. The study has identified a new set of standards for provision of open space that are incorporated within the draft Core Strategy. Once the Core Strategy is adopted, the Council will have the ability to secure and allocate contributions from developers to a wider range of open spaces.

The government is currently proposing to introduce a Community Infrastructure Levy (CIL) in April 2010 and to subsequently scale back the scope for other developer contributions. The current proposals are that all 'tariff-based' contribution systems (such as the Open Space Funding System) should cease within 2 years of the Community Infrastructure Levy coming into effect, as such tariffs would be covered by CIL. The City Council has expressed its concerns about some aspects of the CIL (see report PHD248) but it would not be wise to develop any new tariff systems when there is such uncertainty about their future applicability. I will be keeping the situation under review to ensure that the City Council's policies are developed so as to reflect opportunities to secure developer funding."



Winchester
City Council

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QUESTION 4

From: Councillor Learney

To: The Leader

“When, where and with whom is the meeting with 'the relevant minister' (as referred to at Cabinet 14th October) to discuss Winchester's housing trajectory?”

Reply

“I have written to the Minister for Housing and Planning, the Rt. Hon. John Healey MP. I hope he will agree to meet at the earliest opportunity.”



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QUESTION 5

From: Councillor Huxstep

To: The Portfolio Holder for Performance and Organisational Development

“Will the Portfolio Holder explain the criteria by which the agendas for scheduled Council meetings should be judged before they are actually called? This question is asked because of the ‘thinness’ of the Grey Book for 4 November and the consequential expense of 57 members and attendant officers being convened from across the district in these straitened and carbon conscious times?”

Reply

“In terms of Recommended Minutes, I would agree that the one relatively straightforward matter for Members to determine tonight would not be sufficient justification to hold a full Council meeting.

However, there are four main reasons why tonight’s meeting is being held:-

1. A Special Meeting of Council is required to appoint the new Honorary Recorder and holding it before the first available scheduled meeting (i.e. tonight) is the most convenient and economic solution. Whilst there is no absolute deadline by which this appointment has to be made, there were practical and courtesy reasons why the position should be confirmed as soon as possible. Hence, this was one reason for not cancelling this meeting.
2. At the Special Meeting held on 1 October 2009, Questions were not on the agenda and this accorded with our agreed procedures. To cancel the meeting tonight would have meant Members not being able to ask a Council question from 16/7/09 to 6/1/10.
3. The Notice of Motion on tonight’s agenda was notified some weeks ago, which allowed a full report to be prepared and alerted officers to another item of business for the meeting.
4. Similar advance notice was received about a petition which will be presented this evening. Again, this enabled officers to judge the level of other business for this meeting.”



COUNCIL MEETING – 4 November 2009

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QUESTION 6

From: Councillor Evans

To: The Portfolio Holder for Finance and Efficiency

“What are the procedures and timescales for issuing court summonses in the event of a missed Council Tax Payment?”

Reply

“All taxpayers are permitted to pay by instalments but are required to do so on a fixed day of each month. All instalments are due on the 1st day of the month unless paying by Direct Debit, in which case they are due on either the 5th, 15th or 25th of each month, depending on the date chosen by the taxpayer.

If a payment is not made by a taxpayer then recovery action is taken. For the first instalment that is missed, a reminder notice is sent that advises of the amount that has not been paid and the consequences if the amount remains outstanding. This first reminder is issued on average 18 days after the instalment became due (this is 3 days later than the national average stated in the CIPFA benchmarking reports for 2008). In 2009/10 this is a date between the 15th to 21st of the month (these dates are earlier in December, to avoid notices being received immediately before Christmas, and in March to avoid coincidence with annual bills).

If payment of this outstanding instalment is not made then a summons is issued. This advises of the date, time and place that a hearing at a Magistrates Court will be to determine if a Liability Order can be granted. A summons is issued in the same time frame of the month (i.e. between 15th to 21st in 2009/10), following the issue of the reminder notice. So where an instalment became due on the 1st August, a reminder was issued on the 17th August and a summons was issued on 22nd September. This is some 7 weeks after the instalment became due.

If the amount demanded on the reminder notice is paid but any following instalment is not paid, a second reminder notice is issued. As previously, if

the amount is not paid then a summons is issued. A maximum of 2 reminder notices are issued in any financial year.

If the amount demanded on the second reminder notice is paid, and any subsequent instalment is not paid, a final notice for the total amount outstanding is issued. If that amount is not paid then a summons will be issued. The time frame is the same for the issue of these recovery documents. So in the example of the instalment due on 1st August, regardless of whether a 1st or 2nd reminder or final notice is required next, a summons will not be issued until the middle to the end of the following month.

In law, a reminder notice could be issued immediately after an instalment has become due, e.g. on the 2nd August. Where that instalment remains outstanding the summons notice could be issued 14 days after the reminder notice, e.g. 16th August.

All notices are generated in bulk as the volume of non-payers precludes the checking of each account manually. In August 2009 over 1,000 reminder/final notices and 400 summons were issued. At the beginning of the year these numbers can be tripled.

Summary

Using the example of an instalment due on 1st August:

- If remains unpaid a reminder would be issued 17th August
- If remains unpaid after the issue of the reminder a summons will be issued the 22nd September – more than 7 weeks after the instalment became due.



COUNCIL MEETING – 4 November 2009

Question under Council Procedure Rule 14

QUESTION 7

From: Councillor Humby

To: The Leader (as Portfolio Holder for Economy and Tourism)

“Would the Portfolio Holder please update Council on the progress of the LEADER funding project;

- Is the project on target to spend LEADER funding this financial year?
- How many projects have been supported so far?
- How many projects are due to be supported this financial year?”

Reply

“The LEADER funding project is going from strength to strength. The programme team have been working hard to attract applicants, and to work with them to develop projects which the Local Action Group (LAG) will support.

The total grant allocation to be spent in 2009/10 financial year was £380,000 (not including the allocation to be spent on project staff and office costs). £228,097 has been allocated to date to a total of 11 projects. Five projects (an allocation of £72,179) are within the Winchester district, with the remainder in East Hampshire. The split between the two districts is currently in East Hampshire’s favour, but programme staff are addressing this imbalance by targeting Winchester based projects. The agreement between the two Councils states that a balance will be aimed for over the life of the programme to December 2013.

The Programme Manager and Programme Officer have held a number of ‘Introduction to LEADER’ workshops, in addition to attending country shows, organizing press releases and working with WCC staff to develop a LEADER website for the local area. This will be launched before January 2010, but information about LEADER funding is currently available at www.winchester.gov.uk/leaderfunding Work to target hard-to-reach groups is also planned using the expertise of LAG members, with the aim of allowing all sections of our community to have the opportunity to apply for LEADER funding.

Enquiries for LEADER funding are now at 244, with 24 full applications received, of which 11 have been approved to date. Four applications are currently awaiting a decision from the LAG appraisal panel which meets next on 24th November.

This high level of enquiries and the number of full applications being received, means that the LAG expects to spend this year's full allocation. Should this not be the case, the LAG is investigating the possibility of carrying some funding forward to the 2010/11 financial year. The LAG hopes this would be permitted by SEEDA as the LAG has demonstrated its ability to fund projects, and its proactive nature makes it one of the leading LAGs in the south east.

The Programme Manager and Programme Officer posts are 100% funded by LEADER funding, at no cost to Winchester City Council. Some of the Economic Development Manager's time has also been funded by LEADER funding, due to this officer spending time on line management, LAG meetings and undertaking statutory checks on programme paperwork."



COUNCIL MEETING – 4 November 2009

Question under Council Procedure Rule 14

QUESTION 8

From: Councillor Mitchell

To: The Portfolio Holder for Planning and Access

“Why did the Council Officers of the Planning Department fail to support the Members decision which was the subject of an Appeal in the Aldi Planning Application?”

Reply

“Council officers provided the best possible support at the appeal hearing for the three reasons for refusal provided by the Planning Development Control Committee.

Nevertheless, the Planning Inspector concluded that the new Aldi store would not be harmful to the character or appearance of the area and safe servicing arrangements could be secured by use of appropriate planning conditions.

The appellant made an application for costs in relation to refusal reasons 1 (detrimental impact upon the visual amenities and character of the area) and 3 (unsatisfactory servicing arrangements). The Inspector dismissed the application for costs so far as it related to reason 1 because, although he allowed the appeal, he acknowledged that the impact upon the area was a matter of judgment and the Council, through its evidence at appeal, had adequately substantiated its decision in this respect.

However, the Inspector did conclude that the Council had acted unreasonably in relation to reason 3 because the issue of servicing could be adequately controlled by a condition and this possibility should have been explored with the appellant before the decision. He therefore made a partial award of costs against the Council solely in relation to this reason.

At the appeal a planning officer, rather than a highway expert, defended reason 3 because it was decided on legal advice that the arguments were only tenable if they were presented as non-technical and based on a common

sense approach. This would reflect the views of Members and stood the best chance of persuading the Inspector.

In the circumstances, given the advice received by the Highway Authority at the application stage of proceedings, it was always going to be difficult to defend reason 3 on a purely technical basis. However, officers engaged external Counsel and a planning consultant and considered carefully the most favourable approach having regard to that advice in order to best support the Members reasons.”



Winchester
City Council

COUNCIL MEETING – 4 November 2009

Question under Council Procedure Rule 14

QUESTION 9

From: Councillor Mather

To: The Portfolio Holder for Finance and Efficiency

“What progress has been made with the Christmas illuminations?”

Reply

“The 2009 Christmas lighting scheme for the centre of Winchester, which is mainly the responsibility of Winchester City Council, will include low energy LED ‘snowflakes’ to compliment the 1W low energy lamps introduced last year.

There will also be additional lighting in the trees between the Winchester Market Stalls.

A second and separate lighting scheme is organised by the Winchester City Centre Partnership under the BID process. Their intention is to expand the lighting scheme to include:

St Georges St
City Road
The Railway Station Approach
& subject to suitable connections, potentially The Broadway.

It should be noted that after the problems experienced last year by the ‘BID’s’ contractors, they have decided to award the installation contract to the one used by Winchester City Council.”



COUNCIL MEETING – 4 November 2009

Question under Council Procedure Rule 14

QUESTION 10

From: Councillor Worrall

To: The Portfolio Holder for Finance and Efficiency

“Recent inflation indices have recorded negative results. How and when do these impact on Councillors’ Basic Allowances?”

Reply

“At the Special Council meeting on 1 October 2009, the Chief Executive informed Members about the above situation and the following explanatory item appeared in the Members Briefing Note on 2 October 2009:-

‘MEMBERS ALLOWANCES 2009/10

At the Council meeting yesterday it was announced that the inflation index in the Allowances Scheme would result in a -1.2% reduction in rates for 2009/10.

Members may recall that, to save convening a Members Allowances Independent Remuneration Panel every year, following the last Panel in 2007/08, Council agreed a mechanism by which allowances could be adjusted for up to the following 4 years, without the Panel having to meet, provided that there had been no significant changes to the Council’s decision making structures. After a maximum of 4 years, the Panel must be re-convened to assess the current situation and recommend a revised scheme accordingly.

The mechanism referred to above is set out in the Members Allowances Scheme and states as follows:

9. Inflation Index

In the event that the Council decides that it is not necessary for the Scheme to be reviewed by the Independent Remuneration Panel in any year from 2008/09 onwards, then the amounts of the Basic, Special Responsibility, Co-optees’ and Dependants’ Carers’ Allowances, together with subsistence rates, will be adjusted for inflation by the lower of the following indices:

(a) the amount of the percentage increase in the nationally agreed pay increase for local government employees (linked to Spinal Column Point 49 of the NJC Scheme) on 1 April (commencing 2008), or

(b) the percentage change in the Retail Price Index at 1 April.

As the pay increase for staff has now been agreed for 2009/10 at 1%, it is possible to implement the above, although the index to be used will be the RPI, as it is lower with a rate of -1.2%. The 1.2% reduction will be implemented in the October payrun.

With the unusual situation of the adjustment being based on a minus figure, this means that each Member has been 'overpaid' from 20/5/09 by 1.2% and therefore that small amount will be recovered in the November pay run.

For 2010/11, appropriate projections for Members Allowances will be made shortly to include within the draft budget process for discussion. The Remuneration Panel will be reconvened during the autumn of 2010 to start its work, with a view to a new scheme being approved for introduction in May 2011.'

Those changes have now been incorporated into the Members Allowances Scheme and the Constitution amended accordingly."



COUNCIL MEETING – 4 November 2009

Question under Council Procedure Rule 14

QUESTION 11

From: Councillor Wright

To: The Portfolio Holder for Performance and Organisational Development

“Can the Portfolio Holder please confirm that the roll-out of the ‘thin client’ IT system with currently 80 PCs being replaced is saving 4.5 tonnes of Co2 per year and by the end of this council term with 150 PCs being replaced will rise to 8.5 tonnes per year due to the new system using less than 15% power to that being replaced?”

Reply

“I can confirm that the roll out of ‘Thin Client’ It system is saving 4.5 tonnes of CO2 per year and when 150 devices are rolled out by March 2010 we will be saving 8.5 tonnes per year. This equates to 10,626 kilowatts with 80 devices and nearly 20,000 kilowatts when 150 devices are rolled out.

The roll out of Thin Client and the Virtualisation of servers is part of the IT Green Agenda.

Further benefits of Thin Client:

- Reduction in hardware and software costs by 40%
- Reduction in IT operations costs by 29%
- Increase in IT staff productivity by 78%
- Reduction in worker downtime by 88%

This is part of the IT strategy currently being rolled out across the Council and is essential to the strategy for bringing IT Services in-house.”



Winchester
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COUNCIL MEETING – 4 November 2009

Question under Council Procedure Rule 14

QUESTION 12

From: Councillor Cook

To: The Portfolio Holder for Heritage, Culture and Sport

“What is the current situation regarding the Alresford Town Council’s request for the Compulsory Purchase of the land immediately adjacent to Arlebury Park, New Alresford for the provision of additional much needed sports pitches for the use of the town, the local Rugby Club and Perins Community School?”

Reply

“Discussions have been held with New Alresford Town Council and a report setting out the background to the request for a Compulsory Purchase Order will be brought to Cabinet on 9 December 2009.”



COUNCIL MEETING – 4 November 2009

Question under Council Procedure Rule 14

QUESTION 13

From: Councillor Tait

To: The Portfolio Holder for Housing

“Could the Portfolio Holder briefly detail the possible sources of finance available for affordable housing projects and what impact timely planning decisions can have on turning those commitments into actual funding? Can the Portfolio Holder give details of recent transactions within our District which have worked smoothly and similarly any cases where due to delays in the planning process potential Homes and Community Agency (HCA) funds may have been lost?”

Reply

“Funding for affordable housing comes from two main sources:

1. Private finance: loans raised by RSLs and funded through rents
2. HCA grant.

In the current economic climate the availability of finance is constrained and so there is greater competition to secure resources. Investors, be they the HCA or banks, wish to minimise risk and to have certainty over delivery of new homes, and the timing of that delivery. The same is true for RSL Boards who may have to choose which of a number of schemes to back, and often whether to invest their own reserves into schemes. Where there is uncertainty and delays funding availability can be threatened and ‘windows of opportunity’ for funding missed.

One such example is the recent proposal for an affordable housing scheme at Knowle. The original planning application was refused and some time later a revised application permitted. In the intervening time period the availability of HCA grant funding fell dramatically with the consequence that it is now likely that far fewer affordable homes will be provided than originally planned.

Conversely, there are many good examples in Winchester of ‘oven ready’ schemes, that is schemes that already have the benefit of planning permission and are ready to be developed, being in a position to attract

funding. In the current climate of reducing resources to fund affordable housing and intense competition for the remaining funding, the HCA are much more likely to back a scheme that has a planning permission because it limits their exposure to risk.

In 2008/09 £11m of inward investment was attracted into the District from a variety of sources including HCA grant and private finance to support such schemes.”