

THE OVERVIEW AND SCRUTINY COMMITTEE

20 June 2011

Attendance:

Councillors:

Chamberlain (Chairman) (P)

Cook (P)

Gottlieb (P)

Hutchison (P)

Huxstep

Learney (P)

Pearson (P)

Power (P)

Tait (P)

Thompson

Wright

Deputy Members

Councillors Gemmell and Hiscock (Standing Deputies for Councillors Huxstep and Thompson)

Others in attendance who addressed the meeting:

Councillor Beckett (Leader)

Others in attendance who did not address the meeting:

Councillors Humby, Jackson, Mitchell and Wood

1. **DECLARATION OF INTERESTS**

Councillors Beckett, Humby and Wood declared personal and prejudicial interests, due to their involvement as Leader of the Council and Portfolio Holders, in actions taken or proposed in the Reports outlined below.

Councillors Learney and Hiscock also declared personal and prejudicial interests, due to their involvement as previous leader of the Council and Portfolio Holder in matters referred to in Reports below, in particular Reports OS5, OS6, OS9, OS10 and OS11.

However, the Committee requested that all the above Councillors remain in the meeting, in their capacity as present and previous Portfolio Holders, under the provisions of Section 21(13) (a) of the Local Government Act 2000, in order that they could provide additional information to the Committee and/or answer questions.

2. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee held on 1 June 2011 be approved and adopted.

3. **APPOINTMENTS TO BATCH 1 AND 2 INFORMAL SCRUTINY GROUPS 2011/12**
[\(Report OS12 refers\)](#)

The Chief Executive reported that, at its meeting on 15 June 2011, Cabinet had suggested that The Overview and Scrutiny Committee establish an Informal Scrutiny Group (ISG) to examine the significance of the treasury management implications of the re-financing of the Housing Revenue Account (HRA). The Chief Executive reminded the Committee that any decision to proceed with the re-financing of the HRA would be a decision of full Council and that the Cabinet (Housing) Committee or Cabinet would deal with executive matters in this area. The ISG would commence its work later in the year as part of Batch 2.

The Chief Executive also clarified that as ISGs were not formal meetings, it would be possible (at the Chairman's discretion) for other Councillors not appointed to those Groups to be able to attend. However, they should give the relevant Chairman sufficient advance notice, especially if they were hoping to contribute to the discussion.

The Committee made appointments to Batch 1 and 2 ISGs (as set out below) and it was agreed that lead Councillors for the Batch 2 ISGs be confirmed at a future date.

During discussion, the Chief Executive reiterated that the ISG lead Members were not necessarily appointed to specific topics under investigation due to their particular expertise or relevant skills. These Councillors had a broader set of skills that would be utilised to chair meetings and to guide the investigation. He also explained that ISGs would now follow a more structured approach than for previous scrutiny investigations and that they would be adequately supported by officers to help them reach informed decisions. Batch 2 investigations would not commence until the Batch 1 ISGs had substantially concluded their work.

RESOLVED:

1. That Batch 1 Informal Scrutiny Groups (ISGs) be established with lead Councillors (as previously confirmed) and remainder of membership as follows:

- (a) Asset Management – Councillors Wright (lead), Maynard, Henry, Mather and Verney;
- (b) The Application and Weight of Local Criteria in Allocating Housing – Councillors Thompson (lead), Love, Rutter, Hammerton, Bodtger and Scott;
- (c) Air Quality and Transport – Councillors Pearson (lead), Hiscock, Jackson, Phillips and Jeffs;
- (d) City Council's efforts to reduce its Carbon Footprint – Councillors Hutchison (lead), Johnston, Banister, McLean and Warwick;
- (e) Allocation of Gypsy/Traveller sites – Councillors Power (lead), Evans, Newman-McKie, McLean and Verney;
- (f) Young People and Employment/Training – Councillors Huxstep (lead), Collin, Witt, Scott, Berry and Pines.

2. That Batch 2 Informal Scrutiny Groups (ISGs) be established with lead Councillors to be confirmed, and remainder of membership as follows:

- (a) Delivery of support for a strong and vibrant community and voluntary sector, coupled with arrangements for the Council's commissioning approach to service delivery – Councillors Phillips, Scott, Jackson and Love;
- (b) Planning Management performance – Councillors Gottlieb, Jeffs, Nelmes and Johnston;
- (c) Local and National Performance Indicators and their value to the Council – Councillors Warwick, a further Conservative group nomination to be confirmed, Newman-McKie and Cook;
- (d) Planning Policy and Exception Sites - Councillors Jeffs, Ruffell, Izard and Clear;

(e) Public access to data and information via the Winchester City Council website – Councillors Warwick, Gemmell, Maynard and Banister;

(f) Treasury Management and Financing of the HRA - Councillors Verney, Mather, Learney and Power.

4. **ANNUAL SCRUTINY REPORT**
([Report OS03 Refers](#))

RECOMMENDED:

THAT THE ANNUAL SCRUTINY REPORT 2010-11, BE APPROVED AS SET OUT IN REPORT PS411.

5. **MONITORING REPORT – KEY DECISIONS NOT INCLUDED WITHIN THE FORWARD PLAN DURING 2010/11 MUNICIPAL YEAR**
([Report OS04 refers](#))

The Chief Executive apologised that the two Organisational Development Reports had been omitted from the Forward Plan in error.

RESOLVED:

That the monitoring information in the Report be noted.

6. **FINAL REPORT OF THE LOW CARBON ECONOMY INFORMAL SCRUTINY GROUP**
([Report OS08 refers](#))

The Assistant Director (Economic Prosperity) acknowledged that some of the recommendations of the Informal Scrutiny Group (ISG) were aspirational and, given the short time available during ISG meetings, required further investigation in order to provide a sound basis for a Cabinet decision. This was anticipated in the recommendations. However, she explained that some of the initiatives referred to (such as a Community Bank) had already been investigated in some detail by partner organisations. Attention was also drawn to the Council's Economic Strategy that aspired to deliver a low carbon economy for the District.

During discussion, the Chief Executive explained that if the Committee was minded to accept the ISG's recommendations for referral to Cabinet, it was then for Cabinet to determine how the recommendations could be practically implemented as part of the Council's business and within its

agreed budgets. The Committee agreed that the Report presented a good summary of the wide range of discussion that took place as part of the scrutiny investigation.

The Committee accepted the recommendations of the ISG, although there were some reservations as to whether all of the ideas would be workable in practice. However, the Committee referred these to Cabinet for further consideration and requested that it respond to the Committee in due course as to how it intends to implement them

RESOLVED:

1. That Cabinet implement the following recommendations of the Low Carbon Economy Informal Scrutiny Group:
 - a. that officers carry out further investigations into the potential for a Community Bank, including identification of potential co-investors, to support low carbon investment, with a view to reporting back to Cabinet in autumn 2011.
 - b. that a further report be brought to Cabinet in autumn 2011 which enables the Council to consider a formal commitment to the Hampshire Broadband project.
 - c. that the Council ensures that emerging planning policy actively encourages low carbon business development.
 - d. that officers work with the Sustainable Business Partnership and Winchester Action on Climate Change to develop an action plan to increase business commitment to low carbon practices, including a workable approach to disseminating the latest data and best practice guidance.
 - e. that officers continue to identify and investigate with partners the skills required to support the low carbon economy.
2. That Cabinet respond to the Committee as to how it intends to implement the recommendations of the ISG.

7. **LEADER PORTFOLIO QUARTER 4 PERFORMANCE MONITORING 2010/11**
[\(Report OS05 refers\)](#)

The Committee referred to the progress against the expected outcomes listed in Appendix 1. With regard to OD/OD/013 (Stress survey feedback) page 5, the Chief Executive clarified that that the survey results had been discussed by Corporate Management Team, who were satisfied that there were no particular areas of concern that may be exclusive to this Council. However, it had been accepted that some instances of stress had originated from home and where this was impacting on some individuals at work, this was being dealt with appropriately.

RESOLVED:

That the performance information in the Report be noted.

8. **EFFICIENT AND EFFECTIVE COUNCIL QUARTER 4 PERFORMANCE MONITORING 2010/11**
[\(Report OS06 refers\)](#)

Members requested that future monitoring information presented to the Committee include clarification of acronyms used in officer's commentary as these were not always familiar to Members, nor the public. It was also agreed that there should be sufficient commentary of project status in future, and also an explanation of the chart axis utilised in the report cards.

During discussion, the Chief Executive clarified that percentage progress of outcomes was normally based upon completion of aspects of the particular milestones, or the lead officer's interpretation of progress.

It was agreed that a group of Members from the Committee review which performance indicators to utilise for the basis of useful benchmarking comparator information, particularly for the monitoring of the Efficient and Effective Council outcomes.

The Committee discussed the progress against the expected outcomes as listed in Appendix 1 and the individual team Report Cards as set out in Appendices 2 – 6, as summarised below:

- (i) EST/EST/005a – Avalon House, Appendix 2 page 7. The Committee requested that the Head of Estates update the Committee on progress to secure a new tenant, or for a new use for the building. Members were concerned that due to its void status over an increasingly long period of time, the Council had lost

considerable rental income from the building, whilst remaining liable for its rates and its general upkeep.

- (ii) FIN/FAC/005 – Recovery of Council Funds held with Heritable Bank, Appendix 2 page 8. The Head of Finance confirmed that the seventh distribution figure had been received from the administrator and that more information would be included in the Council's Statement of Accounts. Members were advised that the Council was currently running ahead of the original forecasts in respect of timing and amounts of dividends received and that the total expected recovery was 85% of the total amount invested being recovered. To date, approximately 59% of the debt had been returned via the administrators.
- (iii) Sickness Absence Q1 – Average day's absence per person, Appendix 2 page 12. Whilst the figures presented were for the Customer Services area of the Council, the Chief Executive advised the average across the whole organisation was approximately nine days per person. The figures within the chart had been skewed by instances of longer term absence in that area.
- (iv) Void Properties – Hyde House and Barn, Appendix 4 page 17. Further to a request, the Chief Executive advised that he would ask that the Head of Estates clarify how the estimated rental value as presented was calculated and circulate this information outside of the meeting.
- (v) Feasibility of a small scale hydro in Abbey Mill, Appendix 4 page 28. This project had been significantly delayed due to necessary works to assure the structural integrity of the building.
- (vi) Banqueting (food and drink), Appendix 4 page 19. It was clarified that the -38% change in income comparison to the same quarter the previous year was due to the partial close of the Guildhall for refurbishment.
- (vii) Café Service, Appendix 4 page 19. Whilst the new 1871 café had shown an 88% increase in income compared to the previous year, the Committee was concerned that the facility should be operating at a higher commercial level, especially at its new, more prominent location. The Committee requested that any future monitoring reports be presented in a similar form to a profit and loss statement. It was agreed that the Head of Estates explain to the Committee his intentions to improve this situation over the longer-term.

- (viii) Percentage Change in Establishment, Appendix 4 page 24. The Chief Executive clarified that full time equivalents employed by the Council had reduced from 518 to 460 over the period shown. Although the majority of temporary posts at the Council were additional to this figure, there had been no increase to their numbers in recent times, nor to the organisation's pay bill.

RESOLVED:

1. That the performance information in the Report be noted.
2. That Councillors Gottleib, Learney and Pearson meet with officers to review which performance indicators to utilise for the basis of useful benchmarking comparator information, particularly for the monitoring of the Efficient and Effective Council outcomes.
3. That the Head of Estates present the following information to a future meeting of the Committee:
 - (i) Progress to secure a new tenant, or a new use for Avalon House, Winchester.
 - (ii) How to improve the commercial operation of the eighteen71 café over the longer
4. That the Head of Estates circulate outside the meeting how the estimated rental value, particularly for Hyde House and Barn is calculated.

9. **HIGH QUALITY ENVIRONMENT OUTCOME QUARTER 4**
PERFORMANCE MONITORING 2010/11
[\(Report OS09 refers\)](#)

The Committee discussed the progress against the expected outcomes as listed in Appendix 1 and the individual team Report Cards as set out in Appendices 2 – 4, as summarised below:

- (i) AIN/AIN/012 Speed Management, Appendix 1 page 8. The Assistant Director (High Quality Environment) explained that this was a traffic speed reduction scheme and its substantive role was to assist residents to achieve schemes in their neighbourhoods. He suggested that the Head of Access and Infrastructure circulate further information about the initiative outside of the meeting.

- (ii) ENV/EP/002 Review and update the Winchester City Council Contaminated Land Strategy etc, Appendix 1 page 9. The Assistant Director (High Quality Environment) explained that Strategy was not linked to any specific scheme that the Council may be involved with: rather, it was to be utilised to for all sites coming forward for redevelopment to be assessed against.

RESOLVED:

1. That the performance information in the Report be noted.
2. That the Head of Access and Infrastructure circulate further information to the Committee outside of the meeting about the Speed Management scheme.

10. **ACTIVE COMMUNITIES OUTCOME QUARTER 4 PERFORMANCE MONITORING 2010/11**
[\(Report OS10 refers\)](#)

The Committee discussed the progress against the expected outcomes as listed in Appendix 1 and the individual team Report Cards as set out in Appendices 2 – 3, as summarised below:

- (i) CWT/CWT/006 Winter Warmth Campaign Appendix 1 page 8. The Chief Executive advised that he would circulate further information about the initiative outside of the meeting, including reasons as to why the programme had been revised.
- (ii) Affordable Housing Report Cards - Affordable Housing Properties advertised sub regionally, Appendix 2 page 10. The Corporate Director (Operations) clarified that the Council advertised vacancies as part of the Hampshire Home Choice partnership arrangements. Although there was some evidence of more vacancies in the District being taken up by 'non-Winchester' residents than by Winchester residents, this was not significant.
- (iii) Affordable Housing Report Cards - Number of applicants on Sub Regional and Winchester City Council waiting lists, Appendix 2 page 11. The Committee discussed the disparity between the approximate figure of 3,000 people on the housing waiting list, with the Council's corporate target to deliver approximately 100 dwellings per annum. The Corporate Director (Operations) reminded Members that the economic climate had contributed to this large figure and that changes to the planning regime may assist with delivering new homes in due course. However, despite

subsidy arrangements in place, there currently was a shortage of available developable land in the District. The Committee suggested that future performance information include the number of affordable homes that had been granted consent and would eventually be delivered. The Committee also requested further explanation to support the waiting list figures, including the number of those clients from outside the Hampshire Home Choice Area.

RESOLVED:

1. That the performance information in the Report be noted
2. That the Chief Executive circulate further information to the Committee outside of the meeting about the Winter Warmth Campaign initiative, and reasons as to why the programme had been revised.
3. That, with regard to the Affordable Housing Report cards, future performance information include the number of affordable homes that had been granted consent and would eventually be delivered, and also further explanation to support the housing waiting list figures, including the number of those clients from outside the Hampshire Home Choice Area.

11. **ECONOMIC PROSPERITY OUTCOME QUARTER 4 PERFORMANCE MONITORING 2010/11**
[\(Report OS11 refers\)](#)

The Committee discussed the progress against the expected outcomes as listed in Appendix 1 and the individual team Report Cards as set out in Appendices 2 – 3, as summarised below:

- (i) CUL/009/d – Knowledge Park, Appendix 1 page 9. Councillor Beckett clarified that a Knowledge Park (potentially located at Bushfield Camp) was still an aspiration of the Council. However, further analysis was required of a previously commissioned viability report, along with any relevant input from the outcome of the Blueprint exercise, before any conclusions could be reached.
- (ii) CUL/009/e – Vibrant Town Centre, Appendix 1 page 9. During discussion, the Assistant Director (Economic Prosperity) acknowledged the success of the weekday markets held in the High Street, Winchester and confirmed that the markets were included in the Change Plan for 2011/12 so any exception reports would come to Members with the Quarter 1 monitoring papers.

She said that the markets had succeeded in drawing additional footfall to the town centre but acknowledged that the rapid success of the market had also caused some initial communication issues with fixed traders in the town centre BID area. These were now being resolved. Feedback from traders in the market towns was also being considered. The Committee agreed that the Head of Estates should continue to manage and address the issues that had arisen from the expansion of the market and that he be requested to provide an update to the Committee in autumn.

RESOLVED:

1. That the performance information in the Report be noted
2. That the Head of Estates provide an update to the Committee in the autumn 2011 on success and issues arising from the expansion of weekday markets held in the High Street, Winchester.

12. **SILVER HILL, WINCHESTER – COMPULSORY PURCHASE ORDER**
(Report [CAB2183](#) refers)

The Committee noted that at its meeting held on 15 June 2011, Cabinet approved the recommendations of the Report as set out.

The Committee noted a correction to the Report as there was not an Exempt Appendix C, as stated in the executive summary.

Councillor Beckett reported that commencement of a Compulsory Purchase Order (CPO) programme as soon as possible gave a clear indication to both affected properties and to Henderson Global Investors UK Property Fund (Henderson) of the Council's intention to proceed with the Silver Hill redevelopment scheme. The programme was also likely to be a drawn out process which was required before any further preparatory work could be undertaken and therefore it was desirable to commence this without further delay.

The Head of Legal Services clarified that any challenge to the CPO (in the High Court) would effectively put the project timetable on hold for approximately 12 -18 months.

The Chief Executive referred to a Member's request at the Cabinet meeting that a report be prepared outlining the scheme's milestones. He advised that a report setting out the expected programme of the scheme would be compiled for The Overview and Scrutiny Committee and that

progress against milestones therein would be regularly brought back for scrutiny.

During discussion, the Corporate Director (Operations) reminded the Committee that the redevelopment scheme was now at a point where it was ready to proceed, with its new backers, following an agreed period of 'standstill'. This phase had been agreed by all parties to deal with any challenge to the process submitted, following the acquisition of the development agreement etc by Henderson. It had been agreed that there would not be high levels of expenditure on publicity and public consultation during this time. A challenging programme was now being agreed with Hendersons to advance the project, which had been given additional impetus from further deterioration of the fabric of the bus station and Friarsgate Multi Storey car park. The Chief Executive also advised of an appraisal of the scheme undertaken by Henderson which appeared to demonstrate its viability. However, the Council's consultants, Driver Jonas, would carry out its own analysis of the appraisal and report back to Cabinet at a future date.

One Member requested that the Leader take advantage of new dialogue with Hendersons to request that they undertake an assessment, possibly in partnership, of the potential for there to be Combined Heat and Power scheme as part of the development, which may also benefit other areas of the town.

RESOLVED:

That the decision of Cabinet for the Council to proceed with compulsory purchase powers to facilitate the comprehensive redevelopment of the Silver Hill area of central Winchester be noted.

13. **SCRUTINY WORK PROGRAMME ([Report OS1 refers](#)) AND JUNE 2011 FORWARD PLAN AND ITEMS FOR FUTURE CONSIDERATION**

RESOLVED:

That the Scrutiny Work Programme Forward Plan for June 2011 be noted.

14. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Continued Provision of Microsoft Office) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers))) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (Para 5 Schedule 12A refers)

15. **CONSIDERATION OF ITEMS UNDER THE COMMITTEE'S POWERS OF CALL-IN**

(i) **CONTINUED PROVISION OF MICROSOFT SOFTWARE**
(Report CAB2188 refers)

The Committee noted that Cabinet had approved the Report's recommendations at its meeting held 15 June 2011, subject to The Overview and Scrutiny Committee considering the matter under its rights of call-in.

The Committee considered the above Report which set out proposals regarding the continued provision of Microsoft software (detail in exempt minute).

Following discussion, the Committee agreed to not call-in the matter for review.

The meeting commenced at 6.30pm and concluded at 9.45pm.