

THE OVERVIEW AND SCRUTINY COMMITTEE

11 July 2011

Attendance:

Councillors:

Chamberlain (Chairman) (P)

Cook (P)

Gottlieb (P)

Hutchison (P)

Huxstep

Learney (P)

Pearson (P)

Power (P)

Tait (P)

Thompson (P)

Wright (P)

Deputy Members

Councillors Jeffs (Standing Deputy for Councillor Huxstep)

Others in attendance who addressed the meeting:

Councillors Beckett (Leader), Humby (Portfolio Holder for Planning and Enforcement), Stallard (Portfolio Holder for Culture, Heritage and Sport) and Wood (Portfolio Holder for Finance and Estates)

Others in attendance who did not address the meeting:

Councillors Banister and Mitchell

1. **DECLARATION OF INTERESTS**

Councillors Beckett, Humby, Stallard 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.

Councillor Learney declared a personal and prejudicial interest, due to her involvement as the previous Leader of the Council, in the matters related to the comments made during public participation.

However, the Committee requested that all the above Councillors remain in the meeting, in their capacity as Portfolio Holders and the previous Leader, 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.

Councillor Tait declared a personal and prejudicial interest in respect of Report CAB2197, as he was a Director of Winchester Housing Trust Limited (WHT). He addressed the Committee in support of the recommendations set out and then left the room and took no further part in the debate or vote.

Councillor Pearson declared a personal (but not prejudicial) interest in respect of Report OS13 as he was a Trustee of Bishops Waltham Citizens Advice Bureau. He spoke and voted thereon.

2. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee held on 20 June 2011 be approved and adopted (less exempt minute).

3. **PUBLIC PARTICIPATION**

Mr Cavanagh expressed concern that, in his view, the Council had failed to follow its own Statement of Community Involvement (SCI) during its application to re-locate the Central Depot to Bar End Close, Winchester. He explained that residents had first been informed about the application on 12 April 2011, three days before the application was submitted. Therefore, contrary to the aspirations of the SCI, there had been no opportunity for local residents to consider and possibly influence the proposals before the application was submitted to the Planning Authority.

Mr Cavanagh reported that this action had led to significant levels of concern with some local residents and consequently the Council had arranged a public meeting to discuss its proposals. However, Mr Cavanagh explained that the public meeting had been arranged with only four days notice, with the result that many interested parties were unable to attend.

In response, the Head of Estates explained that the SCI was not a statutory obligation on applicants, but guidance. He added that, in his view, the proposals for the site did not require the full SCI consultation process to be followed, given that it had a continuous industrial use for 100 years. However, arising from public consultation on the proposals both from correspondence with individuals and from the meeting, there would be amendments to the plans (relating to a noise barrier and

footpath diversion) and that those amendments would be subject to further consultation. It was anticipated that the application would be determined at a meeting of the Planning Development Control Committee on 25 August 2011 at which residents could make a deputation, if they so wished.

The Leader added that the proposed depot use of the site, because of the additional limitations the Council could place on the user through the agreement with its contractor, could potentially better protect the amenity of neighbours than an alternative, non-Council, use.

Members also noted that the application had been subject to time pressures which arose from the timing of award of the new depot contract; only after which did the Council know whether the contractor needed a depot in Winchester and the detailed site requirements. Members accepted the time constraints on the depot relocation, but would have preferred the residents to have had a greater degree of pre-application involvement with the Council. For this, Members apologised to Mr Cavanagh and requested a report to its next meeting (to be held 26 September 2011) on what lessons could be learnt regarding public consultation on future Council applications.

RESOLVED:

That a report be presented to the next meeting of the Committee (to be held 26 September 2011) regarding what lessons could be learnt from the public consultation on the depot re-location application for future Council applications.

4. **FINAL REPORT OF THE PLANNING AND RURAL ECONOMY
INFORMAL SCRUTINY GROUP (ISG)**
[\(Report OS7 refers\)](#)

The Report was introduced by the Assistant Director (Economy Prosperity) and set out in detail the conclusions of the Planning and Rural Economy ISG, which had been established by the Local Economy Scrutiny Panel. Councillor Humby, as Portfolio Holder, supported the approach taken by the ISG.

During debate, the Committee considered the Group's definition of "local economy" (in terms of scale, use and location) and how its recommendations would relate to the emerging Local Development Framework and the planning policies of the new South Downs National Park.

At the conclusion of debate, the Committee welcomed the recommendations as set out in the Report for Cabinet and thanked the Group and its contributors for their work.

RESOLVED:

1 That Cabinet be recommended to implement the following:

- i. That Plans for Places and subsequent LDF policy documents carry forward the Council's aspirations to support and develop the rural economy as set out in Section 3.3 of the Report;
- ii. That Members be appraised of the definition of 'sustainability' set out in the Government's National Planning Policy Framework as soon as it emerges, and understand how this will be applied by planning officers in the context of the very different needs of rural businesses;
- iii. That the Council's Head of Community Planning be asked to facilitate inter-parish discussions on policy where the aspirations of one parish impact on those of a neighbouring one;
- iv. That the Corporate Director (Operations) take forward discussions with the South Downs National Park Authority to ensure synergy and consistency between the LDFs for Winchester and the National Park area in relation to rural business development;
- v. That all the proposed improvements to the planning management service put forward by the Head of Planning Management and outlined in Section 5.1 of the Report be implemented as soon as possible;
- vi. That the Portfolio Holder for Planning work with the Head of Planning Management to drive forward other improvements to the planning process which would improve the experience of all customers, as summarised in Section 5.2 of the Report.

5. **PROGRESS UPDATE – RECOMMENDATIONS OF THE TREES INFORMAL SCRUTINY GROUP (ISG)**
[\(Report OS15 Refers\)](#)

The Head of Landscape and Open Spaces and Councillor Stallard introduced the Report, which set out the progress made against the recommendations of the ISG on trees.

During debate, Members noted that there was no additional officer capacity to raise income from external consultancy work and that the replacement of inappropriate trees would be assessed on a case-by-case basis within budgetary limits.

Many of the recommendations in the Report had not been progressed due to a lack of resources. Members also noted that certain recommendations requiring additional staff and financial resources would be considered alongside other demands on the Council's finances, as part of the 2012/13 budget-setting process. In the meantime, Councillor Stallard reported that a time management exercise was currently being conducted in order to examine ways to improve the efficiency of the existing team.

RESOLVED:

That the Report be noted.

6. **PERFORMANCE MONITORING UPDATE – QUARTER 1 2011/12**
[\(Report OS13 refers\)](#)

The Corporate Business Manager circulated the previously published Corporate Change Plans to the Committee, to assist discussion of the Report. He also introduced the proposed new format for quarterly reports designed to monitor progress of the Change Plans and invited feedback from Members.

During debate, some Members raised concerns that the target for the number of affordable homes completed and void property targets could be more challenging, and the lack of progress on the Single Persons Homeless Project and the Biodiversity Action Plan. In response to concerns regarding the delay in installation of photovoltaic panels to the Council's housing stock, the Leader explained that he had requested a report on this issue for a future meeting of Cabinet.

In response to a Member's query, it was noted that there were on-going discussions between the Winchester and Bishops Waltham Citizens' Advice Bureaux and, because of that, it was currently unclear how long they would choose to remain at the Winchester Centre.

The Head of Strategic Housing agreed to clarify to Members by email the apparent discrepancy regarding STH0001a (total number on the housing waiting list) and STH0001b (number of new registrations).

Members also noted that the Visa Project in Stanmore had been temporarily delayed by a lack of volunteers, despite using the Volunteer Centre and the University's Volunteer Scheme. The Assistant Director (Active Communities) added that the officer responsible for managing that project had recently resigned and that other ways to manage it, including commissioning from the voluntary sector, were currently being considered.

The Committee also noted that whilst central Government guidance on Community Infrastructure Levies (CIL) had not yet been finalised, officers were working on the evidence bases which would be required to support cultural infrastructure contributions, once the CILs were introduced.

Some Members raised concerns that the format of the Report was confusing and lacked detailed information, particularly with regard to performance indicators for waste. In response, the Assistant Director (Active Communities) requested that those concerns be forwarded to officers to improve future reports and Members agreed that the issue should be considered in detail by the proposed Local and National Performance Indicators Informal Scrutiny Group.

RESOLVED:

That the Report be noted.

7. **CAPITAL EXPENDITURE OUTTURN 2010/11**
[\(Report CAB2174 refers\)](#)

The Committee noted that the above Report had been considered by Cabinet at its meeting held on 6 July 2011 and the Corporate Director (Governance) explained that Cabinet had agreed the recommendations to Council as set out in the Report.

During discussion, the Head of Finance clarified that the Council's External Auditors had raised a query against the interpretation of a consent relating to capital receipts of £1.7m from 2006, although the Accounts for previous years had been certified by the Auditors. Those receipts had been retained by the Council to help develop future affordable housing schemes and the interpretation of the consent would be taken up with the Department of Communities and Local Government. It was anticipated that a determination on the approach to that matter

would be made when considering the approval of the Statement of Accounts in September 2011.

RECOMMENDED:

THAT COUNCIL BE ADVISED THAT THE COMMITTEE HAD NO ISSUES THAT IT WISHED TO DRAW TO COUNCIL'S ATTENTION.

8. **REVENUE OUTTURN 2010/11**
[\(Report CAB2175 refers\)](#)

The Corporate Director (Governance) explained that the above Report had also been considered by Cabinet, at its meeting held on 6 July 2011. He advised that, whilst Cabinet had agreed all the other recommendations as set out in the Report, Cabinet had amended recommendation 3 to give delegated authority to the Head of Finance, in consultation with the Portfolio Holder for Finance and Estates, to review each proposal of the carry-forwards in Appendix B, Section 1 and make the final determination in each case.

During discussion, Members noted that the proposed carry-forward relating to external grants would be re-examined against the Council's contractual commitments. The Head of Finance anticipated that a full and final assessment of the carry-forwards would be considered by Cabinet in autumn 2011. It was noted that carry-forwards in excess of £500,000 required approval by full Council, but that limit was unlikely to be exceeded.

In response to questions, Councillor Wood explained that he was continuing to assess the need for the possible Municipal Mutual Reserve and that the financial outcome of the Concessionary Travel Fees had not yet been finalised.

In answering a question, Councillor Stallard explained that the current payment to Tower Arts Centre was the last under the three year arrangement and that the Council was holding discussions with those organisations based at the Tower, which needed to find alternative accommodation.

Regarding a Member's concerns on the maintenance budget for bridges in the Winchester town area, the Corporate Director (Governance) confirmed that this would be considered at a future meeting of the Winchester Town Forum.

At the conclusion of debate, the Committee agreed that there were no matters of significance it wished to draw to the attention of Cabinet or Council.

RESOLVED:

That the Report be noted.

9. **FINANCIAL STRATEGY 2012/13 TO 2014/15**
[\(Report CAB2202 refers\)](#)

The above Report had also been considered by Cabinet at its meeting held on 6 July 2011 and the Corporate Director (Governance) explained that Cabinet had agreed the recommendations as set out.

During debate, Members noted the uncertainty regarding future income from the Council's car parks.

Members also noted the reduced staff costs and, in response to concerns as to how that might affect services, the Leader explained that Cabinet would continue to consider ways to reduce costs (including employing fewer people, occupying fewer buildings, joint working and improving efficiency) before it cut services – but recognised that it was likely that there would some impact on service levels.

RESOLVED:

That the proposed approach to managing the General Revenue Budget pressures and the draft Financial Strategy be noted.

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

- i) **DISPOSAL OF HOUSING REVENUE ACCOUNT (HRA) LAND AND GENERAL FUND (GF) LAND AT DEVER CLOSE, MICHELDEVER (LESS EXEMPT APPENDIX)**
[\(Report CAB2197 refers\)](#)

This Report was considered by the Committee under its powers of call-in as it involved a disposal at less than best consideration greater than £50,000. It was noted that at its meeting held on 6 July 2011, Cabinet had agreed the recommendations as set out in the Report.

Councillor Tait spoke as a Director of the Winchester Housing Trust Limited in support of the scheme and, having declared a personal and prejudicial interest, left the room and took no further part in the debate.

During debate, Members noted that nomination rights set out in the Report enabled officers, rather than the Winchester Housing Trust, to allocate the housing against the Council's criteria. That included a prioritisation for local applicants from the housing list and the Head of Strategic Housing explained he would consult with Ward Members. He also explained the delays in progressing the scheme and the proposed housing tenure mix of the site.

Following discussion, the Committee agreed that Cabinet's decision be not called in.

RESOLVED:

That the matter be not called in for review.

11. **SCRUTINY WORK PROGRAMME AND JULY 2011 FORWARD PLAN AND ITEMS FOR FUTURE CONSIDERATION**
[\(Report OS14 refers\)](#)

RESOLVED:

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

12. **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>
##	Exempt Appendix: Disposal of Housing Revenue Account Land and General Fund Land at Dever Close, Micheldever) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)
##	Exempt Minutes of the previous meeting, held 20 June 2011) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)
	• Continued Provision of Microsoft Office) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (Para 5 Schedule 12A refers)

13. **EXEMPT APPENDIX: DISPOSAL OF HOUSING REVENUE ACCOUNT LAND AND GENERAL FUND LAND AT DEVER CLOSE, MICHELDEVER**
 (Report CAB2197 refers)

The Committee noted the exempt financial details of Appendix 2 of the above Report.

RESOLVED:

That the exempt appendix be noted.

14. **EXEMPT MINUTES**

RESOLVED:

That the exempt minutes of the previous meeting of the Committee, held on 20 June 2011 regarding Continuation of Microsoft Office, be approved.

The meeting commenced at 6.30pm and concluded at 9.50pm.

Chairman