

## **THE OVERVIEW AND SCRUTINY COMMITTEE**

**12 September 2016**

**Attendance:**

Councillors:

Learney (Chairman) (P)

Griffiths (P)

Gemmell

Hiscock (P)

Warwick (P)

Laming (P)

Stallard (P)

Tod

Thacker (P)

**Deputy Members:**

Councillor Ashton (Standing Deputy for Councillor Gemmell) and Councillor Thompson (Standing Deputy for Councillor Tod)

**Others in attendance who addressed the meeting:**

Councillors Godfrey (Leader) and Gottlieb

**Others in attendance who did not address the meeting:**

Councillors Burns and Hutchison

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1. **DISCLOSURE OF INTERESTS**

Councillor Stallard declared a disclosable pecuniary interest in respect of agenda items due to her role as County Councillor. Councillor Thacker, whose husband was a County Councillor, also made a similar declaration. However, as there was no material conflict of interest, they remained in the room and spoke and voted under the dispensation granted on behalf of the Standards Committee to participate in all matters which might have a County Council involvement.

2. **CHAIRMAN'S ANNOUNCEMENT**

The Chairman welcomed Ann Reeder, Consultant and Regional Advocate for the South of England Centre for Public Scrutiny (CfPS) to the meeting who was in attendance as part of the Council's review of its scrutiny processes.

The Chairman announced that feedback from the CfPS on the running of the meeting would be provided to the Committee in due course.

### 3. **MEMBERSHIP OF SUB-COMMITTEES AND INFORMAL GROUPS ETC**

RESOLVED:

1. That Councillors Izard and Porter be appointed as the Liberal Democrat Group Members on the Housing Delivery/Impact of the Housing Bill Informal Scrutiny Group; and

2. That the three Conservative Group Members for the Housing Delivery/Impact of the Housing Bill Informal Scrutiny Group be appointed at the next meeting.

### 4. **MINUTES**

RESOLVED:

That the minutes of meeting held 11 July 2016 and the special meeting held on 18 July 2016, be approved and adopted, subject to the following additions to the minutes of the meeting held 11 July 2016, highlighted in bold as follows:

(i) that additional wording be contained within Item 5 (iii) to note that '**Councillor Gottlieb expressed a wish that a choice of a number of different Architects, Contractors and Operators be made available during the design competition process and that in response Councillor Godfrey gave assurance that this would be part of the process**'; and

(ii) that additional wording be contained within Item 5 to note that '**Councillor Laming had been in regular contact with the Ministry of Defence (MOD) to secure their involvement in the project**'.

### 5. **PUBLIC PARTICIPATION**

At the invitation of the Chairman, Councillor Gottlieb addressed the Committee. In summary he requested that the Committee investigate the circumstances surrounding his recent removal from all Council Committee appointments, pending investigation by the Standards Committee, following the decision taken by Cabinet at its meeting on 7 September 2016.

He considered suspension to be a severe sanction and stated that he had received no warning or clear reasons, that protocol had not been followed and that he was not aware of the detail of the allegations that had been made to

substantiate such action. As a result he contested the suspension and sought reversal of this decision taken by Cabinet.

In response, the Head of Legal and Democratic Services clarified that Cabinet had taken the decision to remove Councillor Gottlieb from the membership of the Central Winchester Regeneration Informal Policy Group and standing invitee list of Cabinet committees, pending the investigation by the Standards Committee. It was confirmed that it would be for Full Council to take a decision regarding all other Committee appointments before any further changes could take effect.

It was noted that the date of a Standards (Determination) Sub Committee had not yet been set and that the investigation was on-going at this stage.

Councillor Godfrey stated that the decision of Cabinet was taken in order to address the comments and concerns raised within the complaints made to the Standards Committee and to avoid confrontational situations from heightening whilst the investigation was in progress. It was noted that once this process had been completed and a decision had been made, suspension would no longer be necessary.

In conclusion, the Chairman stated that it would be inappropriate for the Committee to comment at this time in the absence of necessary information and that this would be considered further at the next meeting whereby the Committee would also consider its role in this matter going forward.

6. **STATION APPROACH – THE WAY FORWARD (LESS EXEMPT APPENDIX)**  
(Report CAB2829 refers)

The Committee noted that the Report, previously considered by Cabinet at its meeting on 7 September 2016, had not been notified for inclusion on the agenda within the statutory deadline. The Chairman agreed to accept the item onto the agenda as a matter requiring urgent consideration by The Overview and Scrutiny Committee.

Councillor Godfrey introduced the Report and informed the Committee that, at its meeting on 20 July 2016, Council had taken the decision to reject Cabinet's proposal to award the procurement contract to Bidder B. Following this decision, Cabinet had been asked to progress plans for the development of Station Approach and at their meeting held 7 September 2016, Cabinet gave consideration to two alternative options to move the project forward, as set out in Paragraph 5 of the Report.

The Committee noted that an initial Transport Assessment had been commissioned and that this would be available during October 2016 to inform and feed into a wider Transport and Movement study for Winchester. This would be jointly managed with Hampshire County Council. This study would incorporate all traffic and movement studies gathered for all schemes in the area

in order to fully satisfy the Council's concerns, as outlined in Paragraph 6 of the Report.

In conclusion, Councillor Godfrey confirmed that Cabinet had agreed to proceed with Option 2 - 'to invite alternative design options and to engage a new architect to interpret the Design Brief (further details provided in Paragraphs 5.5 to 5.9 of the Report)', on the basis of taking the project forward and the principle of redeveloping the Station Approach Area based on the existing Design Brief, informed by the emerging traffic assessment.

The Head of Legal and Democratic Services confirmed that Bidder B and other tenderers had been contacted and drew to Members' attention that the legal implications of selecting Option 2 were set out in the exempt Appendix to the Report.

Councillor Thompson sought clarification regarding the formation of Steering Group to take matter forward as previous discussed by Cabinet. In response, Councillor Godfrey confirmed that this Group would comprise of Cabinet Members, Ward Members and representatives from various key stakeholders, community groups and organisations, including Winchester Town Forum, City of Winchester Trust, Station Approach Neighbourhood Group, Business Improvement District (BID), Chamber of Commerce, Peter Symonds College and 20/20 Group. This Group would assist in steering the project forward and would be a crucial mechanism in achieving a broad range of consultation and would be in a position to progress as soon as an Architect had been procured and appointed.

In response to questions in relation to the Transport Assessment and Traffic and Movement study, Councillor Godfrey confirmed that this would involve looking at the studies for all developments in the area including Carfax site, Barton Farm and Leisure Centre to form part of a City-wide traffic assessment which would enable HCC and the Council to gain an increased mature understanding of this matter as a whole.

Following further questions by the Committee, Councillor Godfrey advised that dialogue with tenants had been on-going and that once an Architect had been appointed design work could commence. All four firms who had been bidding in the procurement process had indicated their willingness to work with tenants, the community, stakeholders and Members.

During debate, a number of Members indicated their support for Option 2 as a preference over Option 1 and raised the following points:

During discussion, it was noted that the Leader had given his assurance regarding the formation of a Group to inform the design brief and it was suggested that during this process the retention of buildings such as the Registry Office be investigated. A Member also expressed a wish to see wider District

involvement in the process as well as City representation and assurance was sought that any potential delays to be production of the Transport Assessment plan be minimalised to ensure zero impact to Air Quality zones for local residents.

RESOLVED:

That the comments of the Committee, as set out above, be noted.

7. **EFFICIENCY PLAN 2016-2020**  
(Report CAB2827 refers)

Councillor Godfrey introduced the Report considered by Cabinet at its meeting on 7 September 2016. He outlined the Council's Efficiency Plan 2016-2020 which was published as a pre-requisite to receiving a four year funding settlement to 2019/2020 from the Government. The Efficiency Plan is a sensible approach to bring forward a strategy to manage and co-ordinate a broad range of topics within the Council.

The Corporate Director (Professional Services) set out the funding reductions that local authorities were facing as a result of changes to Government grants, moving Councils towards a more self-sufficient and sustainable model, driven by local strategy.

The Committee made reference to the Revenue Support Grant key funding stream for the period 2013-2020, as set out in Paragraph 1.2 of the Report and the Efficiency Plan, as set out in Appendix 1 to the Report.

In conclusion, Councillor Godfrey advised that he would seek to ensure that full information on the range of choices would be shared in due course.

RESOLVED:

That the draft Efficiency Plan 2016-2020 be received and noted.

8. **ANNUAL REVIEW OF COMPLAINTS RECEIVED BY THE COUNCIL**  
(Report OS152 refers)

Councillor Godfrey introduced the report which summarised complaints received by the Council and recorded on the Corporate Complaints System during the year until 31 March 2016. The report outlined details of the complaints and enquiries received by the Local Government Ombudsman and their conclusions following investigation.

Several Members made reference to the number of complaints personally received regarding aspects of the planning process. Councillor Godfrey stated that there would likely be a higher proportion of complaints in public-facing service areas, for example Planning and Housing Maintenance.

Such complaints may largely be due to the fact that it would not be possible to resolve concerns for both objectors and supporters with regard to planning applications. However, he was satisfied that applications were dealt with in accordance with planning policy and legislation. Some housing maintenance matters may require multiple visits to ensure a problem was fixed in a correct manner.

Further to this, the Corporate Director (Service Delivery) commended the challenging work carried out by the Planning Team and he made reference to the variants in the nature of the planning applications, particularly with Winchester being a city of significant historical importance.

RESOLVED:

That the Report be received and noted;

9. **SCRUTINY WORK PROGRAMME AND OCTOBER 2016 FORWARD PLAN**  
(Report OS146 refers)

RESOLVED:

1. That, subject to the inclusion of a report regarding the suspension of Councillor Gottlieb, as set out in Item 5 above, the Scrutiny Work Programme be noted; and

2. That the Forward Plan for October 2016, be noted.

10. **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>
##	Station Approach – The Way Forward (Exempt Appendix)	) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (Para 5 Schedule 12A refers)

11. **STATION APPROACH – THE WAY FORWARD (EXEMPT APPENDIX)**  
(Report CAB2829 refers)

The Committee considered the legal aspects of the Station Approach development.

RESOLVED:

That the exempt appendix be noted.

The meeting commenced at 6.30pm and concluded at 8.15pm.

Chairman