

CABINET

21 June 2006

Attendance:

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

Councillor Allgood – *Portfolio Holder for Finance and Resources* (P)

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

Councillor Hollingbery – *Portfolio Holder for Performance and Communications* (P)

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

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

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

Others in attendance who addressed the meeting:

Councillors Beveridge, Busher, Cooper, Evans, Learney and Rees
Mr A Rickman (TACT)

Others in attendance who did not address the meeting:

Councillors Higgins, Hiscock and Sutton

1. **APOLOGIES**

Apologies were received from Councillor Stallard.

2. **MEMBERSHIP OF CABINET COMMITTEES**

Councillor Beckett requested that Cabinet reconsider its appointment of a Councillor to Tourism South East made at its meeting on 18 May 2006 and replace Councillor Stallard with Councillor Evans, and appoint Councillor Stallard as the deputy (instead of Councillor Cooper). This would allow Councillor Evans to remain on the Tourism South East Board. This was agreed.

RESOLVED:

That the following changes to the appointment to Tourism South East be made with effect for the remainder of the 2006/07 Municipal Year:

Councillor Evans replaces Councillor Stallard as Member.

Councillor Stallard replaces Councillor Cooper as Deputy.

3. **MINUTES**

At the invitation of the Chairman, Councillor Cooper queried why various Councillors had declared interests in respect of the proposals to dispose of recreational land at Meadowside, Whiteley (Report CAB1275). In particular, he asked why Councillor Allgood and the Ward Councillors for Whiteley had considered it necessary to declare personal and prejudicial interests. Councillor Cooper considered that although

Councillor Allgood was a County Councillor he was not responsible for considering the financial aspects of the proposal, and his interest was therefore not prejudicial.

In response, Councillor Allgood stated that the County Council and the City Council had provided differing advice on whether he had a prejudicial interest and he had therefore erred on the side of caution.

Councillor Hollingbery clarified that he had declared a personal but not prejudicial interest because of comments he had published on the Whiteley Forum internet pages.

The City Secretary and Solicitor emphasised that decisions on interests were a matter for individual Councillors, although he would provide advice if requested. Councillor Beckett noted the comments made and requested that this issue be clarified before the matter was considered again.

Councillor Lipscomb raised a correction that was required in respect of some missing text on page 4, paragraph 2 of the minutes relating to Meadowside. Replacement wording was agreed as set out below.

RESOLVED:

That the minutes of the previous meeting held 31 May 2006 be approved and adopted, subject to the correction to the Minute relating to 'Disposal of Recreational Land at Meadowside, Whiteley' (CAB1275 refers) outlined below:

Page 4, Paragraph 2, 2nd Sentence (additional wording shown in italics): "He also emphasised that Recommendation 3 of the Report set out a number of detailed conditions that the County Council *would be asked to comply with.*"

4. **PUBLIC PARTICIPATION**

On behalf of the City of Winchester Trust, Mrs P Edwards made a number of comments in relation to the South East Plan which were noted under Report CAB1284 below.

5. **LEADER AND PORTFOLIO HOLDER ANNOUNCEMENTS**

Councillor Beckett reported on the successful evening of the Business and Enterprise Awards held the previous week at the Guildhall, Winchester. He had also attended the opening launch for this year's Hat Fair which was larger than ever and he passed on the best wishes of the Council to the promoters for a successful event.

Councillor Beckett noted that the Motorcross event had taken place at Matterley Estate on the previous weekend without any significant objections. He stated that the organisers should be advised that if they could regularise the planning situation then the Council would be willing to offer its support in future years. Finally, Councillor Beckett reported that the hanging baskets were now in place in Winchester.

Councillor Pearson advised that Swanmore Parish Council had gained quality parish status.

Councillor Allgood stated that this was the last Cabinet meeting the Assistant Director of Finance, Fred Lyon, would be attending before he retired. Mr Lyon had worked for the Council for 16 years and was well respected by all those who had dealings with him. On behalf of Cabinet, he thanked Mr Lyon for all his work for the Council over this time and wished him well for the future.

6. **CAPITAL OUTTURN 2005/06**

(Report CAB1268 refers)

Councillor Allgood advised that two additional carry forwards should be included within the overall total of capital funds. These were outlined on Page 3 of Appendix A of the Report and related to £50,000 in relation to Abbey House Capital Repairs and £25,000 to Abbey Mill Capital Repairs. The overall total carry forward should therefore be increased from £1.68m to £1.755m.

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

RECOMMENDED:

THAT THE CARRY FORWARD OF CAPITAL FUNDS TOTALLING £1.755 FROM 2005/06 TO 2006/07 BE APPROVED, IN ACCORDANCE WITH FINANCIAL PROCEDURE RULE 7.8.

7. **OVERVIEW OF FINAL ACCOUNTS 2005/06**

(Report CAB1267 refers)

At the invitation of the Chairman, Councillor Learney stated that Cabinet had previously made a commitment to provide a grant of £3,500 to fund improvements to the Weeke Community Centre, should funds be available in the Winchester Town Fund.

The Director of Finance advised that a grant of this level could be authorised under her delegated powers. Cabinet agreed to this approach.

Councillor Allgood requested that underspend of £6,500 relating to grants be added to the total amount to be carried forward on General Fund (Appendix 2 of the Report). This would increase the total from £442,205 to £448,705. This was agreed.

The Director of Development requested that £10,000 of managed savings in relation to the Traffic Regulation Order budget be added to the requests for carry forward detailed in Appendix 6 of the Report. To allow more consideration of this request, Cabinet agreed that the decision be delegated to the Director of Finance in consultation with the Portfolio Holder for Finance and Resources.

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

RESOLVED:

1. That in accordance with Financial Procedure Rule 7.7, the amount of £448,705 on General Fund be approved to be carried forward into 2006/07 as a one-off contribution from the 2005/06 budget for the purposes specified in Appendix 6 and as outlined above.

2. That the Director of Finance be granted delegated authority, in consultation with the Portfolio Holder for Finance and Resources, to approve the additional carry forward of £10,000 from the Traffic Regulation Order budget.

3. That the Director of Finance be granted delegated authority to agree a one-off grant to Weeke Community Centre of £3,500 from a carry forward on the Winchester Town Account.

4. That the capital financing details as set out in Appendix 7 be noted.

8. **HOUSING REVENUE ACCOUNT (HRA) OUTTURN 2005/06**
(Report CAB1281 refers)

At the invitation of the Chairman, Mr Rickman (TACT) outlined a number of comments on the Report which are summarised below. TACT welcomed the improved position regarding the budget variance and noted that the main reason for this related to a change in accounting practices regarding the recharge to the capital programme for time spent on capital projects. He queried whether this change meant that the HRA had been overcharged in previous years. He also asked for further investigation to ensure only those services enjoyed directly by tenants are charged to the HRA and to better understand the financial effect of grey areas such as Grounds Maintenance, Central Control and Allocations.

At the invitation of the Chairman, Councillor Rees raised concerns about the high number of empty properties overall. Whilst noting that some action had begun to address the number of voids, he requested that a more comprehensive review be undertaken.

In response, Councillor Coates stated that action was being taken, including changes to allow more Housing officers to be involved in reallocating empty properties as soon as possible. In addition, the Supported Housing Informal Member/Officer Working Group were considering issues regarding sheltered accommodation voids.

In response to questions, the Director of Communities stated that the accounting procedure had been changed following the Butlers financial appraisal in early 2005 but he considered that neither the change nor the previous practice had had a detrimental effect on the HRA and did not present a risk of being penalised by the Government.

The Director also responded to questions regarding the apportionment of grounds maintenance charges and the difficulties involved in achieving the correct balance. He agreed that a further report be submitted to the Scrutiny Panel and a future Cabinet on this issue.

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

RESOLVED:

1. That a further report on the future funding of the Central Control service be brought to Cabinet in September 2006.

2. That a report regarding allocation of grounds maintenance charges be brought to a future Cabinet and Scrutiny Panel.

9. **ANNUAL REPORT 2005/06 (PERFORMANCE PLAN PART 2)**
(Report CAB1283 refers)

At the invitation of the Chairman, Councillor Learney (Chairman of Principal Scrutiny Committee) queried whether changes would be made to the scrutiny process to realign Scrutiny Panels with the new Portfolio Holders and ensure that the Panels were examining the correct performance figures.

The Chief Executive advised that work was ongoing on this matter, but because of the short timescale involved, informal arrangements would be adopted for the forthcoming Scrutiny Panels in July.

The Chief Executive circulated a copy of page 8 of the Report which included the text inadvertently missed from the printed Report. In addition, an Addendum containing more up-to-date information on performance figures was circulated to Members. However, it was noted that this was not yet completed and a revised version would be submitted directly to Council on 28 June 2006 for approval. The Chairman agreed to accept the Addendum onto the agenda as a late item.

One Member stated that some of the performance figures were misleading and explanatory text should be included. For example, levels of staff sickness was skewed by the long-term sickness of a few members of staff. Councillor Hollingbery stated that this was being investigated and would be taken on board for the 2006/07 Report.

Cabinet also requested that references to Performance Improvement Committees be corrected to Scrutiny Panels.

Cabinet noted that the Report required further consideration and amendment and agreed that it be delegated to the Chief Executive in consultation with the Leader to prepare an amended Report for consideration by Council.

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

RECOMMENDED:

**THAT THE ANNUAL REPORT (PERFORMANCE PLAN PART 2)
2005/06 BE APPROVED.**

RESOLVED:

That the Chief Executive be authorised to complete and refine the text of the document in consultation with the Leader and an updated report be submitted direct to Council.

10. **CUSTOMER SERVICE CENTRE – PHASE TWO**
(Report CAB1156 refers)

Cabinet were advised that at its meeting on 12 June 2006, Personnel Committee had approved that the Finance Directorate establishment be increased by two FTEs. Councillor Allgood reported on the success of the Customer Service Centre so far and emphasised that it was now appropriate to proceed with the second phase. The Director of Finance clarified that the proposed virement of £30,000 would be sourced from a number of service areas.

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

RESOLVED:

1. That the continued expansion of the Service Centre as detailed in the Report be approved.
2. That a virement of £30,000 be approved for 2006/07.

11. **REVIEW OF OPEN SPACE STRATEGY AND FUNDING SYSTEM**
(Report CAB1276 refers)

Cabinet noted that this item had been deferred until its next meeting on 10 July 2006.

12. **OUTDOOR SPORTS CENTRE – BAR END**
(Report CAB1247 refers)

Cabinet noted that this item had been deferred until its next meeting on 10 July 2006.

13. **SOUTH EAST PLAN: CONSULTATION ON 'SUBMISSION' VERSION**
(Report CAB1284 refers)

Mrs P Edwards (City of Winchester Trust) spoke generally in support of the proposed response to the consultation, but raised the following points:

- Urgent consideration was required of improvements to the junction of the A34 and Junction 9 of the M3, particularly in relation to development of the PUSH area;
- The use of design statements should continue to be supported in suburban areas;
- Reference should be included to the importance of the *setting* of Winchester Town.

At the invitation of the Chairman, Councillors Busher, Beveridge, Rees and Evans spoke regarding this item and their comments are summarised below.

Councillor Busher made the following points:

- When did policies relating to gaps begin? In particular, in relation to the possible increase in size of Bishops Waltham, Hedge End etc (Page 6, Para. 4.8). Also concerns regarding Paragraph 4.48 and the potential coalescence between neighbouring developments;
- The support of 40 dwellings per hectare was welcomed (Page 9, Para.4.24);
- Comments relating to the requirement for a Government policy on rural areas should be strengthened;

- Concern that the phrase “strengthening rural towns” related to proposals to increase their size;

Councillor Beveridge made the following points:

- Support of comments made by Mrs Edwards regarding design statements and queried whether extra funding should be requested to enable this;
- Should give more guidance to SEERA by adopting a shared vision for urban renewal (e.g. based on Future of Winchester Study);
- Should request that policy set out a requirement to ensure a vibrant and prosperous economy in addition to protecting an area;
- The work of the South Downs Committee in relation to the rural economy could be included.

Councillor Rees made the following points:

- Could the Town Forum’s Vision for Winchester be appended?
- The Council should be involved in early discussion regarding the requirement for 800 dwellings per year for the ‘rest of Hampshire’;
- Southampton Airport should be supported as a valuable resource;

Councillor Evans made the following points:

- As Ward Councillors, she and Councillor Clohosey (who was unable to attend the meeting) supported the proposed response outlined in paragraph 18, page 20, including the importance of preserving gaps between settlements. She also expressed concern about the possible size of the proposed North Fareham SDA;
- The proposed development at North Whiteley of 3,000 dwellings would require provision of a primary school. Development at North Whiteley should be taken into account when the City Council considered the County Council’s request for the use of part of Meadowside as a primary school site.

Councillor Beckett noted all the comments made. He also advised that he had raised the issue of the A34/M3 Junction at a recent PUSH meeting.

The Chief Executive responded to comments made. He explained that the use of design statements in urban areas was supported, but the wording was intended to emphasise that they should not be compulsory. He suggested amending the wording to clarify this point. He also suggested that reference to the importance of the City of Winchester’s setting could be included.

With regard to queries regarding gaps, the Chief Executive clarified that the South East Plan was only concerned with gaps between settlements of 10,000 or more. Gaps between smaller settlements would be defined within the Local Development Framework.

The Chief Executive explained that the reference to strengthening rural towns relating to improving their economy and not just providing additional housing. In addition, the Vision for Winchester document was only in draft form at the moment and had not been formally approved by the Council. It was not therefore appropriate for it to be appended at this stage.

With regard to paragraph 4.28, one Member requested that the Council repeat its previous concerns to SEERA relating to the impact of scale of development on water infrastructure and the water environment.

One Member stated that he understood the predicted population increase for South Hants to be 73,000 and therefore queried why it was proposed to build 80,000 new dwellings. In addition, the forecast was based on economic growth of 3.5% per year whereas the County Council suggested 3.25% was more appropriate. If the lower figure was accepted, the number of dwellings required could be reduced to 72,000 with 8,000 in reserve. Councillor Beckett noted these concerns and agreed to raise at the forthcoming PUSH meeting if possible.

With regard to concerns raised about the requirement for adequate infrastructure, the Chief Executive advised that SEERA recognised this and had made strong representations on this point to the Government, along with many of the local authorities in the area.

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

RESOLVED:

1. That the recommended comments as set out in Appendix 1 of the Report, and as amended having regard to the points outlined below, be endorsed and submitted to the Examination in Public Panel as representing the City Council's response to the submitted South East Plan (March 2006):

- (i) Rephrase Paragraph 14, page 19 to emphasise that the Council supported design statements but did not wish them to be compulsory. The resource implications should also be emphasised;
- (ii) Include the importance of the setting of Winchester within paragraph 17, page 17;
- (iii) Strengthen the wording in relation to concerns about ensuring adequate gaps are retained, particularly in relation to the Strategic Development Areas;
- (iv) Repeat concern relating to impacts on water infrastructure and water environment (paragraph 4.28).

2. That the Chief Executive, in consultation with the Leader and Portfolio Holder for Planning and Transport be given delegated authority to settle the final wording of the submission.

14. **ANTI-FRAUD AND CORRUPTION POLICY – UPDATE TO THE CONSTITUTION**
(Report PS229 refers)

Cabinet noted that this Report had been considered by Principal Scrutiny Committee at its meeting on 5 June 2006 which had supported the Policy (extract from the Minutes of the meeting contained within Report CAB1287 below).

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

RECOMMENDED:

THAT THE REVISED ANTI-FRAUD AND CORRUPTION POLICY BE APPROVED AS A LOCAL PROTOCOL IN PART 5 OF THE LOCAL CONSTITUTION, SUBJECT TO MINOR DRAFTING AMENDMENTS TO BE MADE BY THE DIRECTOR OF FINANCE IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR FINANCE AND RESOURCES.

15. **CODE OF CORPORATE GOVERNANCE**

(Report PS228 refers)

Cabinet noted that this Report had been supported by Principal Scrutiny Committee at its meeting on 5 June 2006 (extract from the Minutes of the meeting contained within Report CAB1287 below).

Cabinet requested that a further report be submitted on progress against Risk Management issues. This was agreed.

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

RESOLVED:

1. That the Local Code of Corporate Governance be approved.
2. That a report be submitted to a future Cabinet on progress regarding Risk Management.

16. **SCRUTINY REVIEW – COMMUNITY ENGAGEMENT**

(Report CAB1286 refers)

At the invitation of the Chairman, Councillor Busher welcomed the proposals contained in the Report. However, she requested that recommendation 18 include the requirement for officers at Planning Development Control Committee to respond in their presentations to public comments. In addition, the recommendations should include the requirement of officers to ensure that Councillors are informed of relevant activities and issues in their Ward.

Councillor Rees also emphasised that it was important Councillors were properly briefed before attending community events in their Ward. He requested that future publications on Alternative Weekly Collection place more emphasis on what could be recycled.

Councillor Hollingbery noted these comments. He requested that a six month time frame be placed on the requirement to consider how the recommendations raised could be taken forward.

With regard to the requirement for officers to “Think Ward Member”, the City Secretary and Solicitor advised that the Members’ Charter was currently being revised and would be submitted to a future Cabinet.

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

RESOLVED:

1. That Principal Scrutiny Committee be thanked for its valuable work on this important issue.

2. That the recommendations of the Principal Scrutiny Committee be referred for detailed consideration by the Portfolio Holder for Performance and Communications, in consultation with the Chief Executive, to determine how they are taken forward within six months.

17. **SCRUTINY REVIEW – THE WINCHESTER DISTRICT STRATEGIC PARTNERSHIP**
(Report CAB1285 refers)

At the invitation of the Chairman, Councillor Learney, as Chairman of Principal Scrutiny Committee, welcomed the proposed annual report to the Committee by the Winchester District Strategic Partnership.

Councillor Rees welcomed the work of the Partnership but suggested that more emphasis should be placed on measuring its achievements.

The Chief Executive responded that discussions had already taken place with the Partnership about the requirement to demonstrate more clearly its work and the Partnership was in favour of this approach.

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

RESOLVED:

1. That the Principal Scrutiny Committee be thanked for its valuable work on this important issue.

2. That the Leader, in consultation with the Chief Executive, considers the recommendations of the Principal Scrutiny Committee.

3. That a response to these recommendations forms part of the annual report from the Winchester District Strategic Partnership to the Principal Scrutiny Committee and Cabinet to be requested within three months.

18. **EXTRACT FROM MINUTES OF PRINCIPAL SCRUTINY COMMITTEE HELD 5 JUNE 2006**
(Report CAB1287 refers)

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

RESOLVED:

That the Report be noted.

19. **MINOR AMENDMENTS TO THE CONSTITUTION – PORTFOLIO HOLDERS**
(Report CAB1282 refers)

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

RECOMMENDED:

1. THAT THE MINOR AMENDMENTS TO PART 3 - RESPONSIBILITY FOR FUNCTIONS (SECTION 3 – THE PORTFOLIO HOLDERS) OF THE CONSTITUTION AS SET OUT IN APPENDIX 1 TO THIS REPORT BE APPROVED.

2. THAT REFERENCES TO PORTFOLIO HOLDERS AS CONTAINED IN PART 3 – RESPONSIBILITY FOR FUNCTIONS (SECTION 6 – SCHEME OF DELEGATION TO OFFICERS) BE AMENDED AS SET OUT BELOW:

- A) ALL REFERENCES TO ‘PORTFOLIO HOLDER FOR HOUSING’ BE AMENDED TO ‘PORTFOLIO HOLDER FOR HOUSING AND COMMUNITIES’.
- B) ALL REFERENCES TO BOTH ‘PORTFOLIO HOLDER FOR ECONOMY AND TRANSPORT’ AND ‘PORTFOLIO HOLDER FOR PLANNING’ BE AMENDED TO ‘PORTFOLIO HOLDER FOR PLANNING AND TRANSPORT.’
- C) ANY REFERENCE IN A MINUTE TO CONSULTATION BY A DIRECTOR WITH THE PORTFOLIO HOLDERS REFERRED TO IN A) AND B) ABOVE BE INTERPRETED IN THE SAME MANNER.

20. **REPRESENTATION ON OUTSIDE BODIES**
(Report CAB1271 refers)

At the invitation of the Chairman, Councillor Busher requested that she be considered as a nominee for the Council for the Protection of Rural England (CPRE) as she used to be a member, had relevant experience as former Chairman of the Planning Development Control Committee, and had lived in the countryside all her life. Councillor Beveridge also requested that he be considered as he also had relevant planning expertise.

Councillor Beckett reported that Councillor Wood had requested that he be considered as a nominee for the CPRE and he had experience of dealing with the body whilst a Parish Councillor.

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

RESOLVED:

That the following appointments to outside bodies be made (term of office in brackets):

- a) Friends of Hyde Abbey Gardens
Councillor Nelmes (for the 2006/07 Municipal Year)
- b) Southampton University Court
Councillor Bennetts (until 31 May 2007)
- c) Strategic Planning Joint Advisory Panel
Councillor Lipscomb, Portfolio Holder for Planning and Transport (for the 2006/07 Municipal Year)
- d) Winchester District Board of the Council for the Protection of Rural England
Councillor Wood (for the 2006/07 Municipal Year)
- e) Winchester Welfare Charities
Councillor Higgins (until 30 June 2010)

21. **MANDATORY LICENSING OF HOUSES IN MULTIPLE OCCUPATION (HMOs): LICENCE FEE**
(Report CAB1277 refers)

At the invitation of the Chairman, Councillor Rees queried how the Council discovered a property was an HMO and also queried how the fee was assessed.

In response, the Director of Communities acknowledged that identifying HMOs was a difficult area, but the Council relied on various records it held and also worked with various landlord associations, such as the University.

The Director of Communities advised that the Licence ran for a maximum of five years and fees were calculated on allowing approximately eight hours of officer time over this period to ensure the regulations were being complied with.

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

RESOLVED:

1. That a fee be charged for each application for a mandatory licence for a House in Multiple Occupation, as outlined in Appendices A and B to this report.
2. That a public register of all licences issued be maintained and made available, on request, for viewing by members of the public and to be published on the Council's web site.

22. **FUTURE ITEMS FOR CONSIDERATION**

Cabinet noted that the reports requested resulting from the Scrutiny Review of Community Engagement and the Scrutiny Review of the Winchester District Strategic Partnership should be added to the Forward Plan (Reports CAB1286 and CAB1285 above refer).

RESOLVED:

That the list of future items, as set out in the Forward Plan for July 2006, be noted.

23. **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>
##	Office Accommodation – Options) Information relating to the financial or business affairs of
##	New Offices – Feasibility Report Update) any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)

24. **OFFICE ACCOMMODATION - OPTIONS**
(Report CAB1279 refers)

Cabinet considered the above Report which set out various options regarding office accommodation (detail in exempt minute)

25. **NEW OFFICES - FEASIBILITY REPORT UPDATE**
(Report CAB1192 refers)

Cabinet considered the above Report which provided an update on the feasibility report on new offices (detail in exempt minute).

The meeting commenced at 10.00am and concluded at 1.10pm