

**CABINET**

**17 June 2009**

**Attendance:**

Councillor Beckett - *Leader and Portfolio Holder for Economy and Tourism (Chairman) (P)*  
Councillor Allgood – *Portfolio Holder for Finance and Efficiency (P)*  
Councillor Coates – *Portfolio Holder for Housing (P)*  
Councillor Cooper – *Deputy Leader and Portfolio Holder for Communities and Safety (P)*  
Councillor Godfrey – *Portfolio Holder for Performance and Organisational Development (P)*  
Councillor Pearson – *Portfolio Holder for Environment (P)*  
Councillor Stallard - *Portfolio Holder for Heritage, Culture and Sport (P)*  
Councillor Wood – *Portfolio Holder for Planning and Access (P)*

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

Councillors Busher, Collin, Evans, Higgins and Learney

Mr A Rickman (TACT)

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

Mrs B White (TACT)

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1. **MINUTES**

In response to a query regarding South of Winchester Park and Ride Contract and Operational Details (Report CAB1843), the Corporate Director (Operations) confirmed that tenders for *both* Euro 4 and Euro 5 standards would be obtained to enable a comparison to be made.

RESOLVED:

That the minutes of the previous meeting held on 21 May 2009, less exempt items, be approved and adopted.

2. **PUBLIC PARTICIPATION**

There were no questions asked or statements made.

### 3. **LEADER AND PORTFOLIO HOLDER ANNOUNCEMENTS**

Councillor Beckett congratulated the Lord Lieutenant of Winchester, Mrs Mary Fagan, on being made a Dame in the Queen's birthday honours list. He asked that the Mayor include Cabinet's congratulations in his letter to Dame Mary Fagan, on behalf of the Council.

Councillor Pearson reported that eighteen Peter Symond's Sixth Form College students had recently very successfully participated in the Falkland Challenge which provided assistance to communities in the foothills of the Himalayas.

Councillor Pearson also advised that Southampton Airport had published its draft Noise Action Plan Consultation which was available on the Airport's website: <http://www.southamptonairport.com/>

Councillor Cooper reported on his recent attendance at the event to launch the "It's OK to Play" project at West Walk Woods, near Wickham. Construction at the new West Walk Woods play area was due to be completed in August 2009. Over the next 12 months, three more new facilities were due to be developed at Creech Wood between Denmead and Southwick, at Micheldever Forest and at West Wood near Sparsholt.

Councillor Stallard reported on the successful street party to mark the official opening of the new Kite Flyer sculpture at the entrance to Parchment Street, Winchester.

### 4. **CAPITAL EXPENDITURE OUTTURN 2008/09** (Report [CAB1847](#) refers)

The Head of Finance clarified that £1.2 million of the proposed carry forward related to work on the refurbishment of Tower Street car park, Winchester. This work had not been fully signed off by the County Council at the year end.

At the invitation of the Chairman, Mr A Rickman (TACT) asked a number of questions of clarification regarding this item, as summarised below. Particular concerns related to the underspend on the Housing Revenue Account (HRA) Major Repairs Allowance. TACT believed that this indicated there had been sufficient funds to carry out repairs without necessitating the sale of Council houses.

Councillor Coates responded that the definition of "major repairs" was set out in financial rules and that the variance had only arisen due to programming of works, which would be completed later in the year. The Head of Finance clarified that monies transferred to the Major Repairs Reserve would only be used for this purpose and the purpose of a reserve was to enable flexibility over the spending programme.

Councillor Coates noted Mr Rickman's comments in opposition to the Council's current policy on sale of council houses. However, he considered

that the shortfall in the Major Repairs Allowance meant that it was necessary for this programme to continue. He commented that the current economic climate meant that the Council was unlikely to sell many houses in the next two years.

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

**RECOMMENDED:**

**THAT THE CARRY FORWARD OF CAPITAL BUDGET TOTALLING £3.407M FROM 2008/09 (AS DETAILED IN APPENDIX B OF THE REPORT) BE APPROVED, IN ACCORDANCE WITH FINANCIAL PROCEDURE RULE 7.9.**

**RESOLVED:**

That the capital expenditure and financing for 2008/09 and the implications for the 2009/10 budget be noted.

5. **REVENUE OUTTURN 2008/09**  
(Report [CAB1848](#) refers)

Councillor Allgood highlighted that the main variances on the General Fund were set out on page 4 of the Report. With regard to the Council's £1 million investment in Heritable Bank, the Council had received the Administrator's report and expected to recoup around £800,000 of its investment. It had therefore been decided to make a full provision for the potential loss in this year's accounts.

Councillor Allgood advised that the revenue carry forward requests were outlined in Appendix B of the Report and it was proposed that these be agreed by the Head of Finance, following consultation with the appropriate Portfolio Holder in each case.

Councillor Beckett congratulated senior officers on achieving the savings outlined in the Report, whilst noting that ongoing savings and efficiencies would be required in future years.

The Head of Finance advised that at the current time there were no indications that non-payment of NNDR (National Non Domestic Rates) was increasing due to the current economic climate. However, this situation would be monitored.

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

## RESOLVED:

1. That the General Fund carry forward to 2009/10 as a one-off contribution from the 2008/09 budget for the purposes specified in Appendix B of the Report be agreed by the Head of Finance, in consultation with the appropriate Portfolio Holder in each case, in accordance with Financial Procedure Rule 7.8.

2. That the outturn position for the General Fund and the Housing Revenue Account be noted, as set out in the report.

3. That the capital financing details be noted, as set out in Appendix G of the Report.

4. That the movements on earmarked reserves be approved (as set out in Appendix F of the Report) including:

(i) a transfer £0.200m to the earmarked Property Repairs and Renewals reserve; and

(ii) a transfer of a further £0.992m to the LABGI reserve, and it be noted that proposals for the release of these funds for spending will be subject to appropriate approvals within the scheme of financial delegation.

6. **PARTNERSHIP FOR URBAN SOUTH HAMPSHIRE (PUSH) BUSINESS PLAN 2009/11**

(Report [CAB1858](#) refers)

Councillor Beckett advised that Cabinet's approval of the Business Plan was sought to give him the appropriate authority to support it at the PUSH Joint Committee on behalf of the Council.

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

Councillor Learney expressed concern that the Plan was aspirational and did not include specific action points, a timescale or detailed resources for its implementation. In particular, she highlighted concerns that the current economic climate would negatively impact on the desire to ensure that the necessary infrastructure was in place at an early stage of major developments. Finally, she stated that the Council must ensure protection of greenfield sites from pressure for development from neighbouring authorities.

Councillor Beckett advised that the PUSH comprised of 11 local authorities and each authority would have responsibility for implementing its own individual elements of the Business Plan. He noted concerns regarding potential delays to infrastructure provision, but stated that the Plan had to acknowledge current circumstances.

Councillor Busher queried the extent of the PUSH area and the definition of green infrastructure.

Councillor Beckett explained that the PUSH boundaries had been detailed in the LDF Preferred Options documents and confirmed that it did include a small amount of rural areas within the southern parishes of the District. The Chief Executive advised that green infrastructure did not include agricultural land.

Councillor Evans expressed concern about the impact of the Fareham Strategic Development Area (SDA) on the M27 junctions in the area and requested that the third bullet point on page 26 of the Plan be strengthened to reflect this. In addition, she also commented that the definition of green infrastructure was unclear. She reiterated concerns that the Council should strongly resist any attempts for neighbouring authorities to situate green infrastructure relating to developments within their areas, on land within the District.

Councillor Beckett advised that the Council's position regarding green infrastructure land remained as previously stated at Council on 22 April 2009. He agreed that he would consider whether an amendment to the wording relating to the M27 junctions could be put forward.

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

**RESOLVED:**

1. That the Chief Executive, in consultation with the Leader, be authorised to agree a suggested amendment to the wording of the third bullet point on page 26 of the Business Plan to address concerns outlined above.

2. That the revised and updated PUSH Business Plan be approved as a basis for informing the Council's own business planning and service delivery in relevant areas.

**7. HAMPSHIRE SCHOOL PLACES PLAN 2009**

(Report [CAB1849](#) refers)

Councillor Allgood declared a personal (but not prejudicial) interest in respect of this item due to his role as a County Councillor. He remained in the room, spoke and voted.

Councillor Godfrey declared a personal and prejudicial interest as he was an employee of the County Council. He left the room during consideration of this item.

Under the Council's Constitution, Access to Information Procedure Rules (Rule 15.1 General Exception), this was a Key Decision, which had not been included in the Forward Plan but was being brought to this meeting in order to

meet the County Council deadline for comments. Under this procedure, the Chairman of Principal Scrutiny Committee had been informed.

Councillor Wood proposed that, in addition to the points outlined in Section 3 of the Report comments also be forwarded to the County Council regarding temporary provision of primary schools in Whiteley. The wording of this new comment (d) to be agreed by the Head of Strategic Planning, in consultation with Councillor Wood as Portfolio Holder.

This was agreed.

In response to questions, the Corporate Director (Operations) advised that the County Council had considered the issue of capacity within existing schools if the provision of new schools in the Major Development Area at West of Waterlooville were delayed.

A number of Cabinet Members expressed concern that school children (especially those of primary school age) were not always able to attend a school within walking distance of their homes.

At the invitation of the Chairman, Councillor Learney supported the comments outlined in Section 3 of the Report, including the proposed additional (d) detailed above. However, she requested that the response be strengthened to emphasise that the Council would continue to have difficulties in obtaining developers' contributions towards education provision without an Action Plan.

Cabinet noted that this point was covered in paragraph 3.1 c) of the Report, but agreed that authority be granted to the Head of Strategic Planning, in consultation with the Portfolio Holder for Planning and Access, to rephrase this point.

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

**RESOLVED:**

1. That subject to the inclusion of a new point d) and the rephrasing of point c), both to be agreed by the Head of Strategic Planning, in consultation with the Portfolio Holder for Planning and Access, the recommended comments set out at Section 3 of the Report be agreed and submitted to Hampshire County Council as representing the Council's comments on the 2009 Hampshire School Places Plan.
2. That the position in relation to education contributions through Section 106 obligations be noted.

8. **DEVELOPMENT FUNDED LOCAL TRANSPORT SCHEMES**  
(Report [CAB1855](#) refers)

Councillor Allgood declared a personal (but not prejudicial) interest in respect of this item due to his role as a County Councillor. Councillor Godfrey also declared a personal (but not prejudicial) interest as he was an employee of the County Council. Both Councillors remained in the room, spoke and voted.

The Head of Access and Infrastructure explained that the list of schemes contained as an Appendix to the Report was not fully inclusive at this stage. For example, it did not include schemes where a feasibility study had yet to be undertaken. Some schemes had also been omitted on the grounds of non-feasibility. The complete list of schemes could be made available to Members outside of the meeting if requested.

A number of Members expressed concern about the apparent incompleteness of the list of schemes. In particular, schemes in connection with proposed developments at Hambledon (due to be considered at Planning Development Control Committee on 18 June 2009) and Droxford were highlighted as not being included.

The Corporate Director (Operations) noted these concerns and confirmed that officers would work with the Portfolio Holder to include additional schemes as quickly as possible (as authorised in Resolution 3 below).

The Corporate Director (Operations) confirmed that consideration had been given to including all possible schemes in the list, but it was decided this was not appropriate if the robustness of the list was to be maintained.

At the invitation of the Chairman, Councillors Collin and Higgins addressed Cabinet and their comments are summarised below.

Councillor Collin highlighted a correction to the list to note that St Peter's Primary School was within St Luke's Ward, not Oliver's Battery as stated. In addition, in his role as County Councillor, he requested that Cabinet seek developers' contributions to assist in the introduction of 20 mph speed limits on residential streets within Winchester Town.

The Head of Access and Infrastructure noted the correction regarding Wards. The Corporate Director (Operations) advised that developers' contributions were not an appropriate means of promoting 20 mph zones as they could not be linked to particular developments.

Councillor Higgins supported Councillor Collin's comments regarding 20mph limits and argued that new developments could warrant their introduction. He queried whether it was possible for the Council to retain Section 106 monies collected up until the corresponding work was completed. He also queried the inclusion of South Winchester Park and Ride in the list of schemes. Finally, he asked whether there were any plans to increase the height and width of the Stockbridge Road railway bridge to ease congestion in the area.

The Corporate Director (Operations) advised that the Park and Ride proposals listed related to particular elements such as new bus stops etc to which developers' contributions could be sought.

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

RESOLVED:

1. That the process to adopt and maintain a list of Local Transport Schemes funded from Transport Contributions be agreed and used for assessing and determining the need for transport contributions from new development.

2. That the current draft list of Development Funded Local Transport Schemes at Appendix 1 be approved.

3. That the Head of Access and Infrastructure be authorised, in consultation with the Portfolio Holder for Planning and Access, to agree the programme of Local Transport Schemes with the County Council and subsequently to maintain the list of schemes and to add any suitable schemes that come forward in the future.

4. That an annual report be brought to the Cabinet (Traffic and Parking Committee) to approve the list of Local Transport Schemes and the operation of the system.

5. That the following be added to the terms of reference of the Cabinet (Traffic and Parking) Committee in Part 3 Section 2.1.1 (c) of the Constitution:

“to approve the list of local transport schemes to improve local transport infrastructure for which it would be reasonable to seek contributions from development proposals.”

9. **GUILDHALL – BAPSY BEQUEST AND ESSENTIAL REPAIRS (LESS EXEMPT INFORMATION)**  
(Report [CAB1859](#) refers)

The Head of Estates outlined in more detail the possible proposals for improvements to the Guildhall, including the likely difficulties caused by the building's listed status and restricted access. However, at this stage, Cabinet approval was being sought in principle for works as detailed in Paragraphs 3.1 and 3.2 of the Report. If approved, it was intended to commence works on repairs to the roof in January 2010 to ensure their completion by March 2010.

The Head of Estates confirmed that Guildhall income had reduced in recent years. This was considered to be due to the current facilities becoming increasingly out-of-date and uncompetitive. If the refurbishment was



undertaken, it was intended that income would be restored to 2000/01 levels. A detailed programme would be agreed prior to any work commencing to ensure that some facilities at the Guildhall remained open during building works.

The Head of Estates agreed to investigate whether the proposed improvements to heating and ventilation would be eligible for Salix funding.

Councillor Allgood highlighted that provision of a secure area to display the Council's civic silver would be investigated further in a future Cabinet report.

The Head of Estates advised that the possibility of relocating the café facility to the current Saxon Suite area would be examined further and include consideration of links with the Silver Hill Development.

At the invitation of the Chairman, Councillor Evans spoke generally in support of the Report. She made three specific requests:

- Appropriate recognition of the generosity of the Marchioness's Bequest within the refurbished Guildhall;
- Provision of a secure display for the civic silver;
- Consideration of making improvements to the energy efficiency of the building, including involvement of the Carbon Trust.

Councillor Allgood confirmed that all three requests would be investigated. In particular, it was proposed to include a plaque and information giving information on the Marchioness's life and works and stating the thanks of the Council.

The Head of Finance advised that Recommendation 5 requested approval of a sum towards consultancy costs which would be reported in exempt session of the meeting. Cabinet therefore agreed to defer consideration of this Recommendation until this point.

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

**RESOLVED:**

1. That further work be undertaken to progress the Bapsy Project on the basis outlined in Paragraph 3.1 of the Report.
2. That the principle be approved of considering further works at the Guildhall at the same time as the Bapsy Project is undertaken, as outlined in Paragraphs 3.2 and 3.3 of the Report.
3. That in view of their detailed knowledge and experience, a direction be made under the Contracts Procedure Rules 3.3 (a) to permit the engagement of Gentle Associates as construction and project managers to manage the refurbishment for the Council subject

to a written agreement as to fees agreed by the Head of Estates in consultation with the Portfolio Holder for Finance and Efficiency.

4. That subsequent appointments of the design team and building works packages involve competitive tendering in accordance with the Contract Procedure Rules.

5. That once detailed cost estimates have been prepared, the Head of Estates reports back with a recommendation for any additional capital funding, the impact on the revenue budget during the closure period, future projections and authority for further release under Financial Procedure Rule 6.4(iv).

10. **MAINTENANCE WORKS TO WINCHESTER CITY COUNCIL OWNED BRIDGES**

(Report [WTF133](#) refers)

The Committee noted that the Winchester Town Forum had, at its meeting held on 10 June 2009, recommended to Cabinet that £30,000 be charged to the 2009/10 Town Account, under Section 35 Local Government Finance Act 1992 (special expenses), for the repairs to the urgent works to the bridges identified, subject to Principal Scrutiny Committee satisfying itself that the bridges were the responsibility of the Town Account.

However, the Head of Finance advised that subsequent to the Town Forum meeting, she and the Head of Contracts and Property Services had undertaken further investigations and had confirmed that the bridges were the responsibility of the Town Account. Further information on this would be provided for the Principal Scrutiny Committee to consider at its meeting on 22 June 2009.

At the invitation of the Chairman, Councillor Learney expressed concern that the Winchester Town Forum had not been given adequate warning about the possibility of the requirement for these repairs to be financed. She emphasised that Cabinet had the overall responsibility for managing the Council's budget.

Councillor Allgood responded that it had only recently, on receipt of additional information regarding the required repairs, become apparent that the repairs should be classified as revenue expenditure, which had the effect of bringing forward the charges to the Town Account.

Cabinet noted that the Report would be considered by Principal Scrutiny Committee at its meeting on 22 June 2009 under its powers of call-in.

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

## RESOLVED:

That the virement of £100,000 be approved from the capital programme to the revenue budget for 2009/10, of which £40,000 would be funded by a release from the Property Repairs and Renewals Reserve, and £30,000 for the highest priority work identified in 2.3 and 2.4 of Report WTF133 together with further investigation work will be charged to the Town Account under s.35 Local Government Finance Act 1992 (special expenses) with a report brought back for any further works required in relation to the remaining £30,000 to be spent in the Town area, subject to the decision not being called in by the Principal Scrutiny Committee.

11. **REVENUE FUNDING FOR THE ENGLISH PROJECT**  
(Report [CAB1853](#) refers)

At the invitation of the Chairman, Councillor Evans spoke in support of the project and the Report's proposals.

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

## RESOLVED:

That a grant of £10,000 be made to The English Project in 2009/10, taken from unallocated LABGI reserves, to support the initiatives outlined in paragraphs 3.2 and 3.3 of the Report.

12. **CORPORATE BUSINESS PLAN – FOURTH QUARTER MONITORING**  
(Report [CAB1852](#) refers)

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

## RESOLVED:

That the outturn for the delivery of the Council's Corporate Business Plan be noted and that no issues of significance be raised.

13. **REPRESENTATION ON OUTSIDE BODIES**

(Report [CAB1854](#) refers)

Cabinet noted that an additional nomination from Councillor Love had been received in relation to the appointment to the WinACC group.

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) Winchester Action on Climate Change (WinACC) – Councillor Pearson (for the remainder of the 2009/10 Municipal Year)
- b) North Solent Shoreline Management Panel – Councillor Pearson (for the remainder of the 2009/10 Municipal Year)

14. **FUTURE ITEMS FOR CONSIDERATION**

RESOLVED:

That the list of future items, as set out in the Forward Plan for July 2009, be noted.

15. **DECISIONS TAKEN BY PORTFOLIO HOLDERS UNDER THEIR DELEGATED POWERS**

RESOLVED:

That the decisions taken by Portfolio Holders under their delegated powers since the last Cabinet meeting, as set out on the agenda sheet, be noted.

16. **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 minutes of the previous meeting	) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)
##	Guildhall – Bapsy Bequest & Essential Repairs (exempt information)	)
##	Revenues Partnership Working with Test Valley Borough Council	) Information relating to any individual. (Para 1 Schedule 12A refers)
		) Information which is likely to reveal the identity of an individual. (Para 2 Schedule 12A refers)
		) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority. (Para 4 Schedule 12A refers)

17. **EXEMPT MINUTES**

RESOLVED:

That the exempt minutes of the previous meeting, held on 21 May 2009 be approved and adopted.

18. **REVENUES PARTNERSHIP WORKING WITH TEST VALLEY BOROUGH COUNCIL**

(Report PER166 refers)

Cabinet thanked the Head of Revenues for her work in progressing partnership working.

Cabinet considered the above report which set out proposals regarding partnership working with Test Valley Borough Council (detail in exempt minute).

19. **GUILDHALL – BAPSY BEQUEST AND ESSENTIAL REPAIRS - EXEMPT INFORMATION**

(Report CAB1859 refers)

The Head of Estates provided further information to Cabinet regarding the consultancy support costs in relation to Recommendation 5 of the Report (detail in exempt minute).

Cabinet noted that a further report was due to be submitted to its next meeting on 7 July 2009 regarding proposals for work to be undertaken. The Chairman noted that because of the tight timescale, this report was likely to be late and agreed to accept it onto the agenda as an item requiring urgent consideration, should this be necessary.

The meeting commenced at 10.00am and concluded at 1.40pm

Chairman