

**CABINET****8 July 2009****Attendance:**

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

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

Councillors Busher and Learney

Mr A Rickman (TACT)

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

Councillors Barratt and Higgins

Mrs B White (TACT)

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**1. MEMBERSHIP OF CABINET COMMITTEES ETC**

At its meeting on 9 July 2008, Cabinet agreed in principle to establish an Informal Member/Officer Working Group to select the Council's Key Clients for grants (Report CAB1681 refers). The Group did not meet in the 2008/09 Municipal Year.

Cabinet was therefore asked to make appointments to this Group for 2009/10 as follows: three Cabinet Members and one representative from each of the other political groups.

Cabinet agreed to the following for the reasons set out above.

RESOLVED:

That the following appointments be made to the Key Clients for Grants Informal Member/Officer Working Group for the 2009/10 Municipal Year:

Councillors Cooper, Stallard, Godfrey, Busher and Evans

2. **MINUTES**

RESOLVED:

That the minutes of the previous meeting held on 17 June 2009, less exempt items, be approved and adopted.

3. **PUBLIC PARTICIPATION**

There were no questions asked or statements made.

4. **LEADER AND PORTFOLIO HOLDER ANNOUNCEMENTS**

Councillor Beckett drew attention to item 16a on the agenda – Bapsy Bequest and Guildhall Maintenance (Report CAB1871 Refers) that would no longer be considered by Cabinet at this time.

The Corporate Director (Governance) explained that more time was required to compile the detail for Cabinet to make necessary decisions on the required supplementary estimates to allow for the scheme to progress. It was therefore likely that this Report would now be considered by the meetings of Cabinet, Principal Scrutiny Committee and a Special Council meeting in September.

Councillor Allgood advised that the Council had achieved its £250,000 efficiency savings target. It was agreed that the Leader send Cabinet's congratulations to Council staff for their hard work in achieving these savings.

Councillor Cooper reported on his recent attendance at the Bishops Waltham Citizens Advice Bureau's Annual General Meeting at which the trustees had congratulated the Council's customer service officers for their work at the Local Access Point in Bishops Waltham.

Councillor Wood congratulated officers involved in the negotiations to seek improvements to the St James Lane (Winchester) footpath. He confirmed that the possibility of lighting would be examined in the next phase, subject to planning permission.

5. **FINANCIAL STRATEGY 2010/11 TO 2014/15**  
(Report [CAB1863](#) refers)

The Chairman agreed to accept the Report onto the agenda as a matter requiring urgent consideration, in order that Cabinet could consider the contents prior to the Report's discussion at Principal Scrutiny Committee on 13 July 2009.

The Head of Finance confirmed that the forecasts could be adjusted to take account of the result of national pay award negotiations. However, she emphasised that this was just one factor in a wide range of other external influences on the Council's forecasts.

The Head of Finance confirmed that the forecast did not include any assumptions regarding possible capital receipts. A review of the Capital Programme and forecast would be submitted to Cabinet on 16 September 2009.

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

RESOLVED:

That the Financial Strategy be approved, including the key principles to be applied to the General Fund and Housing Revenue Account revenue budgets for 2010/11.

6. **DISPOSAL OF HOUSING REVENUE ACCOUNT (HRA) LAND AT WILLIS WAYE, KINGS WORTHY (LESS EXEMPT APPENDIX)**  
(Report [CAB1856](#) refers)

In response to questions, the Head of Strategic Housing confirmed that the Council would not transfer ownership of any land until the consideration had been received from the Registered Social Landlord (RSL).

At the invitation of the Chairman, Mr A Rickman (TACT) addressed Cabinet and highlighted the comments made by TACT at Paragraph 4 of the Report. He also mentioned the recent announcements by the Government which appeared to suggest a change in the management of Council Housing Revenue Accounts, which could enable greater flexibility for local authorities in providing their own affordable housing stock.

The Chairman thanked Mr Rickman for his comments and assured him that the Government's proposals would be given careful analysis.

During discussion, some Members expressed concern about the proposal to transfer a strip of land to the RSL, which would not be used for affordable housing. Members believed it would be preferable for the Council to retain ownership of this strip of land to retain an element of control in the area. The

Head of Strategic Housing explained that this strip was currently an area of scrubland and confirmed that it had not been the subject of previous planning applications. A section to the north-east of this strip would be required for alternative access to the development, however the majority of this land would remain as undeveloped 'conservation' land, as set out in Paragraph 3.6 of the Report. The Council proposed to transfer this strip of land to enable responsibility for maintenance of this land to be transferred to the RSL. He suggested that restrictions as to its future use could be imposed by covenants or Section 106 agreement. No additional representations had been received in response to the statutory advertisement.

Following further discussion, Cabinet agreed to defer consideration of this item to later in the meeting to enable more detailed site plans to be circulated. The meeting was adjourned for 15 minutes to enable this to occur.

Cabinet considered the detailed plans of the proposed development site, which included an outline of the strip of land in question, which was directly behind properties 31 to 36 Willis Waye. To address Members' concerns regarding the benefits of the Council retaining maximum control over this section of land, it was proposed that the option of leasing a section of this strip of land (up to the proposed new access road) to the RSL be pursued. The lease should be for a period of up to 99 years and for a peppercorn rent, with covenants requiring the RSL to undertake maintenance. However, the overall financial consideration to the Council should not be reduced. In addition, Cabinet stressed the importance of not delaying the proposals and welcomed the overall intention to provide affordable housing.

The Head of Estates confirmed that any transfer would include terms restricting the use of the dwellings to affordable housing (with the exception of the one private ownership dwelling proposed to be located on the site). Restrictions would also be imposed in the transfer and lease to prevent the use of the land as access to any further development of third party land not envisaged by the current transaction.

Cabinet agreed to grant authority to the Head of Estates, in consultation with the Leader, to agree revised terms with the RSL, as outlined above.

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

**RECOMMENDED**

**THAT SUBJECT TO THE MATTER NOT BEING CALLED IN BY PRINCIPAL SCRUTINY COMMITTEE, UP TO £150,000 OF THE CAPITAL RECEIPT DETAILED IN THE EXEMPT APPENDIX TO REPORT CAB1856 BE USED TO SUPPORT THE SUPPLEMENTARY HOUSING REPAIRS PROGRAMME ALREADY APPROVED (CAB1820 DATED 18 MARCH 2009 REFERS) AND INCLUDED IN THE COUNCIL'S CAPITAL PROGRAMME (CAB1775 DATED 14 JANUARY 2009 REFERS), BUT WHICH IS SUBJECT TO RECEIPTS GENERATED FROM ASSET SALES AND THAT ANY ADDITIONAL AMOUNT ACHIEVED THROUGH CLAWBACK ARRANGEMENTS BE USED TO SUPPORT THE AFFORDABLE HOUSING PROGRAMME.**

**RESOLVED:**

That, subject to the matter not being called in by Principal Scrutiny Committee:

1. The disposal of the land at Willis Way, Kings Worthy, as outlined on the plan attached as Appendix 1 to the Report, to a Registered Social Landlord, be approved, subject to:

- (a) terms and conditions to be agreed by the Head of Estates, in consultation with the Leader, based on the matters set out in the Report and amended above, but if it is not possible for the scheme to proceed on the basis of a lease for the part of the land to be managed for 'conservation' purposes, then the matter be brought back to Cabinet;
- (b) compliance with the requirements of General Consent A (Disposal of Land to Registered Social Landlords) 2005 under Section 25 of the Local Government Act 1988;
- (c) the obtaining of a special consent from the Secretary of State if the terms of the disposal should fall outside of the ambit of the General Consents under Section 25 of the Local Government Act 1988;
- (d) that the representations received in relation to the disposal of open space under Section 123 of the Local Government Act 1972 be noted and the amended proposals for the future management of the 'conservation' part of the site be as set out above;
- (e) a planning consent being granted on the site;

(f) nomination rights to each affordable home being granted to the Council.

2. The Head of Landlord Services be authorised to take appropriate action to terminate any tenancies of garages affected by the scheme.

3. Approval be given for the restrictive covenants on any of the properties in Willis Waye or adjacent to the development site, to be removed as necessary, to enable the development of the site for the purpose outlined in the Report.

4. The Head of Strategic Housing, in consultation with the Portfolio Holder for Housing, be authorised to agree any minor amendments to the project that may be required to ensure its viability and obtain a planning consent.

7. **PLANNING FOR GYPSY, TRAVELLER AND TRAVELLING SHOWPEOPLES' ACCOMMODATION NEEDS: SUBMISSION OF THE PARTIAL REVIEW TO THE SOUTH EAST PLAN BY THE SOUTH EAST ENGLAND PARTNERSHIP BOARD**

(Report [CAB1867](#) refers)

The Head of Strategic Planning confirmed that he had contacted nearby local authorities and they had, with one possible exception, indicated their response would be along similar lines to that proposed in the Report.

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

RESOLVED:

1. That the pitch numbers and regional distribution for these in the South East England Partnership Board's public consultation document "Partial Review of the Regional Spatial Strategy for the South East: Provision for Gypsies, Travellers and Travelling Show People" be noted.

2. That representations be made on the Submission document to the Planning Inspectorate, to inform the Examination stage of the Partial Review of the South East Plan, as set out in paragraph 4.1 of the Report.

8. **AREA BASED GRANTS – PPS1 CLIMATE CHANGE GRANT AND HABITATS REGULATIONS ASSESSMENT GRANT**

(Report [CAB1869](#) refers)

At the invitation of the Chairman, Councillor Learney spoke in support of the approach suggested in the Report. In particular, she requested that work should be undertaken as soon as possible on developing sustainable building guidance. In addition, the feasibility study on District Heating/Cooling

Network(s) for the District should begin as a matter of priority as there were a number of developments due to commence shortly, such as the Winchester High Street refurbishment, which could be affected if such a scheme went ahead. Councillor Learney also requested that the possibility of sharing expertise with other local authorities be examined and questioned the proposal to contribute towards assessment of impacts on the New Forest.

The Chairman thanked Councillor Learney for her contribution and advised that concerns raised were being given further consideration. The Chief Executive also confirmed that the possibility of sharing expertise with other local authorities was being considered.

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

RESOLVED:

1. That the Area Based Grant 'carry-forwards' in CAB1848 be agreed, for the priority projects listed in Appendices 1 and 2 of Report CAB1869.
2. That priority be given in the use of the Area Based Grants to the other projects listed in Appendices 1 and 2.
3. That the Head of Partnerships, Communications and Improvement, in consultation with the Portfolio Holder for Environment, be authorised to agree the release of the climate change grants in Appendices 1 and 2.
4. That the Head of Strategic Planning, in consultation with the Portfolio Holder for Planning and Access, be authorised to agree the release of the Habitat Regulations Assessment grants in Appendices 1 and 2.
5. That the principle of release of any further grants be the subject of further reports under the portfolio holder decision making scheme.

9. **GUIDANCE FOR THE SCRUTINY OF CRIME AND DISORDER PARTNERSHIPS**

(Report [PS372](#) refers)

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

**RECOMMENDED:**

**THAT THE FOLLOWING CHANGE TO THE TERMS OF REFERENCE OF THE SOCIAL ISSUES SCRUTINY PANEL (PART 4 – PAGE 56 OF THE CONSTITUTION) BE AGREED:**

**'TO ACT AS THE CRIME AND DISORDER COMMITTEE FOR THE PURPOSES OF SECTION 19 OF THE POLICE AND JUSTICE ACT 2006 AND ASSOCIATED REGULATIONS AND ACCORDINGLY:-**

- A) TO REVIEW OR SCRUTINISE THE DECISIONS MADE, OR OTHER ACTION TAKEN, IN CONNECTION WITH THE DISCHARGE BY THE RESPONSIBLE AUTHORITIES OF THEIR CRIME AND DISORDER FUNCTIONS; AND**
- B) TO MAKE REPORTS OR RECOMMENDATIONS TO THE COUNCIL WITH RESPECT TO THE DISCHARGE OF THOSE FUNCTIONS.'**

10. **MINUTES OF THE CABINET (TRAFFIC AND PARKING) COMMITTEE HELD 10 JUNE 2009**

(Report [CAB1865](#) refers)

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

**RESOLVED:**

That the minutes of the Cabinet (Traffic and Parking) Committee held 10 June 2009 be received (as attached as Appendix A to these minutes).

11. **MINUTES OF THE WINCHESTER TOWN FORUM HELD 10 JUNE 2009**

(Report [CAB1866](#) refers)

Cabinet noted that the Recommendation 7 (Report WTF133 refers) had been considered at its previous meeting on 17 June 2009.

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

**RESOLVED:**

That the minutes of the Winchester Town Forum held 10 June 2009 be received.



12. **FUTURE ITEMS FOR CONSIDERATION**

RESOLVED:

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

13. **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.

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>
##	Exempt minutes of the previous meeting	) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
##	Disposal of HRA Land at Willis Way – Exempt Appendix	) (Para 3 Schedule 12A refers)
##	Environment Services Contract Renewal	)
##	IT Managed Service Contract	)
##	Upgrade to Financial Management System	)
##	Abbey Mill Refurbishment Contract	)
##	Guildhall Catering Contract	)

##	Environment Services Contract Renewal	)	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (Para 5 Schedule 12A refers)
##	Upgrade to Financial Management System	)	
##	Guildhall Catering Contract	)	
##	Exempt minutes of the previous meeting	)	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)

15. **EXEMPT MINUTES**

RESOLVED:

That the exempt minutes of the previous meeting, held on 17 June 2009 be approved and adopted.

16. **DISPOSAL OF HOUSING REVENUE ACCOUNT (HRA) LAND AT WILLIS WAYE, KINGS WORTHY - EXEMPT APPENDIX**  
(Report CAB1856 refers)

Cabinet considered the information contained within the exempt Appendix to the Report outlining the financial details of the proposed disposal of land (detail in exempt minute).

17. **ENVIRONMENT SERVICES CONTRACT RENEWAL**  
(Report CAB1862 refers)

Cabinet considered the above Report which set out proposals regarding the renewal of the Environment Services Contract (detail in exempt minute).

18. **IT MANAGED SERVICES CONTRACT**

(Report CAB1868 refers)

Cabinet considered the above Report which set out proposals regarding the IT Managed Services Contract (detail in exempt minute).

19. **UPGRADE TO FINANCIAL MANAGEMENT SYSTEM**

(Report CAB1864 refers)

Cabinet discussed the above Report which set out proposals regarding the upgrade to the Financial Management System (detail in exempt minute).

20. **ABBNEY MILL – REFURBISHMENT CONTRACT**

(Report CAB1870 refers)

Cabinet discussed the above Report which updated Members on the current situation regarding the Abbey Mill refurbishment contract (detail in exempt minute).

21. **GUILDHALL CATERING CONTRACT**

(Report CAB1857 refers)

Cabinet discussed the above Report which set out proposals regarding the Guildhall catering contract (detail in exempt minute).

The meeting commenced at 9.00am and concluded at 12.50pm