

CABINET**9 December 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 Achwal, Busher, Evans and Learney

Others in attendance who did not address the meeting:

Councillors Bell and Humby

1. NORTH WHITELEY DEVELOPMENT FORUM

At the last meeting on 12 November 2009, Cabinet agreed to establish a North Whiteley Development Forum, with terms of reference as set out in Report CAB1909. City Council membership was agreed as four representatives, including the Chairman of the Forum.

Mr M Evans (Chairman of Whiteley Parish Council) spoke in support of the proposed Forum and, although only an advisory body, he welcomed the opportunities it presented to work in partnership to improve facilities and infrastructure in Whiteley, both for the MDA North of Whiteley and the existing community.

Cabinet noted that nominations had been received from Councillors Achwal (Liberal Democrat Group) and Busher (Independent Group). One Member suggested that the Forum representation be increased to five representatives from the City Council, to enable three Conservative Group Members to be appointed. This was agreed.

RESOLVED:

That the City Council membership on the North Whiteley Development Forum be agreed as follows:

Councillors: Anthony (Chairman), Achwal, Allgood, Busher and Ruffell (deputy Councillor Cooper)

2. MINUTES

With regard to the decision on the Park and Ride Bus Contract (Report CAB1916(TP) refers), the Corporate Director (Governance) reported that Principal Scrutiny Committee had supported the proposal for supplementary budget approval, to increase the 2010/11 base budget for park and ride costs by £371,000. The Chief Executive had exercised his emergency powers on behalf of full Council to approve this supplementary budget.

RESOLVED:

That the minutes of the previous meeting held on 12 November 2009, less exempt items, be approved and adopted.

3. PUBLIC PARTICIPATION

Cabinet noted the comments made by Mr M Evans under the North Whiteley Development Forum item, outlined above.

4. LEADER AND PORTFOLIO HOLDER ANNOUNCEMENTS

Councillor Stallard advised that a second, very successful, Sports Award evening had been held by the City Council, in partnership with SPAA. It was intended that this would become an annual event.

Councillor Beckett reported that the Council had achieved a score of 3 out of possible 4 in the Audit Commission's Comprehensive Area Assessment and highlighted that this was a significant improvement in scores since 2003. On behalf of Cabinet, he expressed his thanks to all Council staff for their work in achieving this improvement.

Councillor Coates reported that he had attended the official opening of a rural exception site development in Swanmore, which was a high quality and attractive development. The following week, he would be attending the opening of a similar rural exception site in Littleton. These sites would increase the number of affordable housing units by approximately 26.

5.

REVISED INVESTMENT STRATEGY

(Report [CAB1931](#) refers)

This Report had not been notified for inclusion within the statutory deadline. The Chairman agreed to accept this item onto the agenda as an item requiring urgent consideration, in order that the matter could be discussed prior to its consideration by Principal Scrutiny Committee on 14 December 2009 and Council on 6 January 2010.

Councillor Allgood advised that Appendix C of the Report contained the proposed list of investment criteria and financial institutions and included a new Tier 5 for consideration. However, it was not proposed to add Tier 5, with its lower qualifying criteria, in the current review, although the institutions listed in Tier 5 could be considered for investment under the proposed Strategy if their ratings improved sufficiently to move them into Tier 4. This was because the description heading contained the criteria for qualification and the institutions listed in Appendix C were the current examples at the date of preparation of the Strategy.

The Head of Finance clarified that a “long term rating” would normally mean a time period from three to five years.

One Member suggested that the Council should consider higher levels of investment in National Westminster Bank (and other banks which were currently backed by the Government) as these institutions offered a relatively safe form of investment at higher rates of return than some others listed. Cabinet agreed that the Head of Finance be requested to investigate this suggestion further, prior to annual approval of the Investment Strategy in February 2010. This investigation should include comparison of rates of interest paid by such banks with that offered by the Debt Management Office.

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

RECOMMENDED:

THAT THE REVISED INVESTMENT STRATEGY, AS SET OUT IN APPENDIX C OF REPORT CAB1931, BE APPROVED SUBJECT TO THE DELETION OF TIER 5.

6. **RIVER PARK AND MEADOWSIDE LEISURE CENTRE MANAGEMENT CONTRACT (LESS EXEMPT APPENDICES)**
(Report [CAB1861](#) refers)

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

Councillor Achwal emphasised the achievements of the current management of Meadowside Leisure Centre and queried how the change in contract arrangements would improve this and benefit local residents. She also asked whether the proposed contract would include management of the meetings rooms and the proposed new hub development (which was the subject of consideration at Planning Development Control Committee on 17 December 2009).

Councillor Learney expressed concerns about the principle of letting the contract to the existing supplier, without going out to tender. She considered the Council had missed opportunities to meet its wider aims, such as improvements to reduce carbon emissions from the centres. In addition, she believed there had been a lack of transparency and all-Member involvement in the decision making process to date. She therefore requested that the matter be referred to Principal Scrutiny Committee for consideration.

Councillor Evans acknowledged that the Council never intended to manage the Meadowside Leisure Centre, but since taking on this role, had been operating it to a good standard. She reiterated concerns raised by Councillor Learney regarding lack of Member involvement and Councillor Achwal regarding what improvements would be offered to Meadowside Leisure Centre users under the new arrangements.

In response, the Corporate Director (Operations) confirmed that the proposed new contract would essentially be for operating the same services as currently provided, including the new hub extension at Meadowside, if approved. He also emphasised the benefits to staff and customers of the service being taken over by a larger operator, with national experience and a good proven track record.

Members noted that a report on the refurbishment of River Park Leisure Centre was intended to be submitted to the next Cabinet meeting in January 2010. This Report would include matters such as improved energy efficiency measures.

Cabinet was reminded that it had considered the proposal to combine the two Leisure Centres within a single leisure facilities management contract on 21 May 2009 (Report CAB1801 refers). Report CAB1861 provided the further detail requested by Cabinet for consideration. However, further to the request from Councillor Learney, Cabinet agreed to refer this current Report to the next available Principal Scrutiny Committee for its consideration.

Members noted that the Appendices to the Report contained exempt information regarding financial, legal and human resource issues and agreed that a decision on the Report's recommendations be taken following consideration of this exempt information.

7. **NEW ALRESFORD COMPULSORY PURCHASE ORDER (LESS EXEMPT APPENDICES)**

(Report [CAB1930](#) refers)

The Head of Legal Services advised that New Alresford Town Council had approached the City Council, regarding possible assistance in exercising compulsory purchase powers over land at Arlebury Park, New Alresford, as it had been unsuccessful in its private negotiations with the current landowner.

The Head of Legal Services confirmed that the Open Space Strategy identified a deficiency in sports provision in the New Alresford parish area. Members noted that the land was identified in the Local Plan Review for recreational purposes.

Cabinet noted that information regarding the financial and legal issues was detailed in Exempt Appendix 2 of the Report and agreed that a decision on the Report's recommendations be taken following consideration of this exempt information.

8. **SILVER HILL RENAISSANCE UPDATE**

(Report [CAB1942](#) refers)

The Corporate Director (Operations) explained that the proposed agreement by both the Council and Thornfield Properties, not to implement their rights under the long-stop provisions before 31 December 2012, was essential to ensure preparations for the scheme could continue. In particular, this would help protect access to sources of external funding, which would probably have been withdrawn if the original long-stop date of 31 December 2009 had been reached without such agreement.

He continued that the lease of the Upper Brook Street site to Thornfields was a completely separate transaction to the Silver Hill Development Agreement. The transaction had taken longer than anticipated and resulted in higher legal fees, due to the complex issues which had arisen. Therefore, the Report was requesting a supplementary budget approval.

The Corporate Director (Operations) advised that the Risk Management section of the Report outlined further details regarding the risk of the scheme not progressing, for various reasons. However, he emphasised that the Council's consultants (Drivers Jonas) had given assurances that at the present time, the scheme still remained viable, despite the current economic climate.

At the invitation of the Chairman, Councillor Learney queried why a supplementary estimate was required for additional legal fees, when she understood the work had been given on a fixed fee basis? She also asked whether the £34,000 requested was inclusive of the £18,000 already approved for those fees?

The Corporate Director (Operations) confirmed that CAB1942 showed an estimate of £20,000 for those fees which was included within the £34,000 total, but the Head of Finance had requested that the whole sum be granted in 2009/10, to ensure accurate accounting treatment. He advised that the legal fee had been negotiated as circumstances had changed and the work was greater than envisaged when the original estimate had been prepared.

One Member raised a number of questions regarding the long-stop date and it was agreed that answers be given in the exempt session of the meeting.

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

RESOLVED:

That supplementary approval for a revenue budget of £34,000 be granted for legal fees in 2009/10.

9. **CORPORATE BUSINESS PLAN 2010-2015**
(Report [CAB1935](#) refers)

One Member suggested that the "Community Level Outcomes" heading be renamed "Community Priorities" to reflect that the high level matters listed, by their very nature, could not be measured as being completely achieved.

The Chief Executive noted that suggestion, but explained the philosophy behind the terminology used and its links with the expected programme outcomes. He also highlighted that the Audit Commission approved of the Council's planning processes.

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

RECOMMENDED:

1. THAT THE CORPORATE BUSINESS PLAN 2010-2015 BE APPROVED AS AMENDED.

2. THAT ANY FURTHER SUGGESTED AMENDMENTS BE INCLUDED IN A FINAL REPORT TO COUNCIL IN JANUARY 2010.

10. **COMMUNITY REVENUE GRANT KEY CLIENT STATUS**
(Report [CAB1932](#) refers)

Councillor Pearson declared a personal and prejudicial interest in respect of this item as the Chairman of Bishops Waltham Citizen Advice Bureau. He left the room and took no part in the debate or decision made thereon.

Councillor Cooper proposed an additional Recommendation, as follows:

“2. That the organisations granted ‘key client’ status in Resolution 1 be advised that, while financial support from the City Council was guaranteed for three years, in the current economic climate the level of that support might be altered, in light of the overall financial position of the Council at the time.”

Councillor Cooper emphasised that whilst the Council would aim to ensure the level of funding remained, the new recommendation was proposed to ensure it retained flexibility to take action in the light of changing economic circumstances. He confirmed that, by agreeing key client status, these five organisations would have priority over other organisations seeking grants from the Council. However, he was aware of the need to ensure a balance of funding between the bigger and smaller voluntary organisations. Cabinet requested that the Head of Partnerships, Communications and Improvements examine the percentage of grants awarded to ‘key clients’, as opposed to other organisations.

At the invitation of the Chairman, Councillors Evans and Busher addressed Cabinet, as summarised below.

Councillor Evans disputed the reasons for the decision not to award Home Start Meon Valley ‘key client’ status, as she believed the organisation did provide a service across the southern parishes of the District. She suggested that this organisation could be encouraged to join with Home Start Winchester in order to seek ‘key client’ status on a joint basis. She also expressed concern that the proposed new resolution removed the protection and security intended behind the award of ‘key client’ status.

Councillor Busher declared a personal but not prejudicial interest as the City Council’s representative on Bishops Waltham Citizens Advice Bureau. She requested that organisations be given as much notice as possible of any reduction in their grant level. She also queried whether the current Council use of the Bishops Waltham Citizens Advice Bureau office one day each week would be affected.

Councillor Cooper agreed to pass on Councillor Evan’s suggestion to both Home Starts organisations. He also emphasised that there was no intention to reduce grant levels for key clients, but if this became necessary, organisations would be informed as early as possible.

The Corporate Director (Operations) advised that the Council’s use of the Bishops Waltham CAB offices would not be affected by the proposals.

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

RESOLVED:

1. That the following organisations be awarded 'key client' status for three years from 1 April 2010 to 31 March 2013:

- i) Bishops Waltham Citizens Advice Bureau;
- ii) Hat Fair;
- iii) Trinity, Winchester;
- iv) Winchester Area Community Action;
- v) Winchester Citizens Advice Bureau.

2. That the organisations granted 'key client' status in Resolution 1 be advised that, while financial support from the City Council was guaranteed for three years, in the current economic climate the level of that support might be altered, in light of the overall financial position of the Council at the time.

11. **COUNCIL TAX BASE 2010/2011**
(Report [CAB1933](#) refers)

The Head of Revenues advised that it was not possible to submit the Report earlier in the year because the required timing was set out in legislation.

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

RECOMMENDED:

1. THAT THE CALCULATIONS CONTAINED IN REPORT CAB1933 FOR THE COUNCIL TAX BASE FOR 2010/2011 BE APPROVED.

2. THAT IN ACCORDANCE WITH THE LOCAL AUTHORITIES (CALCULATION OF TAX BASE) REGULATIONS 1992, THE AMOUNT CALCULATED BY WINCHESTER CITY COUNCIL FOR THE YEAR 2010/2011 IS 47,692.11 PROPERTIES AT BAND D EQUIVALENT.

3. THAT THE AMOUNT CALCULATED AS THE COUNCIL TAX BASE FOR EACH PARISH WITHIN THE AREA OF WINCHESTER CITY COUNCIL AND FOR WINCHESTER TOWN SHALL BE AS STATED IN APPENDIX C TO REPORT CAB1933.

12.

NON-DOMESTIC RATES – RURAL SETTLEMENT LIST 2010/2011

(Report [CAB1896](#) refers)

The Head of Revenues confirmed that the list of Rural Settlements contained in Appendix A had not changed since the previous year.

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

RESOLVED:

That the list of Rural Settlements shown in Appendix A of the Report be approved for the year 2010/11.

13. **MINUTES OF THE CABINET (TRAFFIC AND PARKING) COMMITTEE HELD 5 NOVEMBER 2009 (LESS EXEMPT MINUTE)**

(Report [CAB1936](#) refers)

Cabinet noted that the recommendations in respect of Report CAB1916(TP) were approved at its last meeting held on 12 November 2009.

Councillor Wood expressed his thanks to the Wickham Ward Members for their assistance in introducing the new residents' parking scheme. He advised that he hoped to be able to encourage other areas to introduce such schemes and intended to start discussions with New Alresford Town Council on this matter.

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

RESOLVED:

That the minutes of the Cabinet (Traffic and Parking) Committee held 5 November 2009 be received (as attached as Appendix A to these minutes).

14. **MINUTES OF THE WEST OF WATERLOOVILLE FORUM HELD 30 SEPTEMBER 2009**

(Report [CAB1937](#) refers)

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

RESOLVED:

That the minutes of the West of Waterlooville Forum held 30 September 2009 be received.

15. **MINUTES OF THE SOCIAL ISSUES SCRUTINY PANEL HELD 10 NOVEMBER 2009**

(Report [CAB1938](#) refers)

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

RESOLVED:

That the minutes of the Social Scrutiny Panel held 10 November 2009 be received.

16. **MINUTES OF THE ENVIRONMENT SCRUTINY PANEL HELD 11 NOVEMBER 2009**

(Report [CAB1939](#) refers)

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

RESOLVED:

That the remaining minutes of the Environment Scrutiny Panel held 11 November 2009 be received.

17. **MINUTES OF THE LOCAL ECONOMY SCRUTINY PANEL HELD 17 NOVEMBER 2009**

(Report [CAB1940](#) refers)

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

RESOLVED:

That the minutes of the Local Economy Scrutiny Panel held 17 November 2009 be received.

18. **MINUTES OF THE RESOURCES SCRUTINY PANEL HELD 18 NOVEMBER 2009**

(Report [CAB1941](#) refers)

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

RESOLVED:

That the minutes of the Resources Scrutiny Panel held 18 November 2009 be received.

19. **FUTURE ITEMS FOR CONSIDERATION**

RESOLVED:

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

20. **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.

21. **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)	
##	River Park & Meadowside Leisure Centre Management Contract – exempt appendices		
##	New Alresford CPO – Exempt Appendix		
##	Exempt Minutes of Cabinet (Traffic & Parking) Committee held 5 November 2009		
##	Silver Hill Development Update		
##	River Park & Meadowside Leisure Centre Management Contract – exempt appendices) 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)
##	River Park & Meadowside Leisure Centre Management Contract – exempt appendices)	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (Para 5 Schedule 12A refers)
##	New Alresford CPO – Exempt Appendix)	
##	Silver Hill Development Update)	

22. **EXEMPT MINUTES**

With regard to the decision on the Avalon House, Winchester (Report CAB1927 refers), the Corporate Director (Governance) reported that the Chief Executive had exercised his emergency powers on behalf of full Council to approve the supplementary budget outlined in the Report.

RESOLVED:

That the exempt minutes of the previous meeting, held on 12 November 2009 be approved and adopted.

23. **RIVER PARK AND MEADOWSIDE LEISURE CENTRE MANAGEMENT CONTRACT - EXEMPT APPENDICES**

(Report CAB1861 refers)

Councillor Allgood declared a personal (but not prejudicial) interest in respect of this item as he was a governing trustee of the County Council pension fund.

Cabinet received an Addendum to Report CAB1861 which contained the UNISON response to the Report, in addition to the Council's response to UNISON's comments.

Cabinet agreed to the following for the reasons set out in the open minute above, the exempt minute below and outlined in the Report .

RESOLVED:

That, subject to consideration by Principal Scrutiny Committee:

1. The terms of an extended leisure management contract with DC Leisure for the management of River Park Leisure Centre from 1 April 2011 to 31 March 2023 and Meadowside Leisure Centre from 1 April 2010 to 31 March 2023 be agreed, subject to:-

- no material issues arising from the staff consultation process currently under way;
- approval of the capital works needed to refurbish River Park Leisure Centre to ensure the building is fit for purpose throughout the proposed extended contract term (to be considered by Cabinet in January 2010);
- agreement with DC Leisure on their contribution for improvements to River Park Leisure Centre, as set out in Exempt Appendix 1 of the Report.

2. That the Head of Economic and Cultural Services, in consultation with the Head of Legal Services, Head of Finance and the Portfolio Holder for Heritage, Culture and Sport, be authorised to determine the final detail of the contract terms and conditions, based on the details set out in Exempt Appendix 2 of the Report and subject to the considerations set out in Exempt Appendix 1 of the Report.

24. **NEW ALRESFORD COMPULSORY PURCHASE ORDER - EXEMPT APPENDICES**

(Report CAB1930 refers)

Cabinet considered the information contained in the exempt appendices (detail in exempt minute) and agreed to further discussions with the New Alresford Town Council to progress the proposed Compulsory Purchase Order.

25. **EXEMPT MINUTES OF THE CABINET (TRAFFIC AND PARKING) COMMITTEE HELD 5 NOVEMBER 2009**

(Report CAB1936 refers)

RESOLVED:

That the exempt minutes of the Cabinet (Traffic and Parking) Committee held 5 November 2009 be received (as attached as Appendix A to these minutes).

26. **SILVER HILL RENAISSANCE UPDATE**

(Report CAB1942 refers)

Officers responded to questions regarding the legal implications of the proposals in the Report, and in particular the effect of the long-stop date.

The meeting commenced at 10.00am and concluded at 1.20pm

Chairman