

CABINET**Monday, 23 December 2019**

Attendance:

Councillor Thompson (Chairperson)	– Leader and Cabinet Member for Communications
Councillor Cutler (Vice-Chair)	– Deputy Leader and Cabinet Member for Finance and Risk
Councillor Learney	– Cabinet Member for Housing and Asset Management
Councillor Porter	– Cabinet Member for Built Environment and Wellbeing
Councillor Prince	– Cabinet Member for Sport, Leisure and Communities
Councillor Tod	– Cabinet Member for Service Quality and Transformation
Councillor Weir	– Cabinet Member for Local Economy

Others in attendance who addressed the meeting:

Councillors Brook, Godfrey, Lumby, Miller and Pearson

Monica Gill and Michael Fawcitt (TACT representatives)

Others in attendance who did not address the meeting:

Councillors Clementson, Cunningham and Ferguson

Apologies for Absence:

Councillors Murphy

Audio recording of the meeting

A full audio recording of this meeting is available via this link:

[Full audio recording](#)

In addition, a link to an individual item's audio recording is also available under each of respective minute headings below.

1. DISCLOSURE OF INTERESTS[\(Audio recording refers\)](#)

Councillors Porter and Tod both declared personal (but not prejudicial) interests in respect of various items on the agenda, due to their role as county councillors.

2. **MINUTES OF THE PREVIOUS MEETING HELD ON 15 NOVEMBER 2019, LESS EXEMPT MINUTE.**
 ([Audio recording refers](#))

RESOLVED:

That the minutes of the previous meeting held on 15 November 2019, less exempt minute be approved and adopted.

3. **PUBLIC PARTICIPATION**
 ([Audio recording refers](#))

Six members of the public and/or representatives from various interest groups spoke regarding specific items on the agenda and their comments are summarised under the relevant minutes below.

Jeremy Tyrell (Managing Director of T2 Architects), Ian Tait and Sam Farzam (Managing Director of a Structural and Civil Engineering firm) addressed Cabinet regarding the impact of nitrate neutrality requirements.

The Strategic Director: Services (Interim) stated that a report on this matter would be considered by Cabinet on 22 January 2020, taking account of strategies adopted by other local authorities. The council, as local planning authority, would also continue to work with Natural England. However, responsibility for delivering a nitrogen neutral development rested with the applicant.

Councillors Porter and Cutler replied that the council had written to the Government Minister highlighting the detrimental impact on development due to the uncertainty but had yet to receive a response. Discussions had also taken place within the Partnership for South Hampshire (PfSH) to try to address this complex issue. Whilst local mitigation measures could be adopted, there were questions about realistically how practical these were and it was ultimately a matter for the government to resolve.

Ian Tait also queried the effectiveness in practice of the council's Empty Homes Strategy, highlighting two examples of properties in Winchester that had remained empty for some years. The Strategic Director: Services (Interim) responded that the former council property referred to had recently exchanged contracts. Councillor Learney stated that she would investigate further the other property referred to.

4. **LEADER AND CABINET MEMBERS' ANNOUNCEMENTS**
 ([Audio recording refers](#))

On behalf of Cabinet, the Leader extended best wishes to Councillor Murphy who was currently unwell.

Councillor Learney announced that a newly renovated facility in Sussex Street, Winchester offering a block of 12 self-contained flats had been handed over to

homeless services provided Two Saints. The accommodation would help vulnerable people avoid rough sleeping and was part of the council's drive to end rough sleeping by 2023.

5. **COUNCIL PLAN 2020 - 2025**
([CAB3207 and audio recording refers](#))

Cabinet noted that the report had not been circulated within the statutory deadline. As Chairperson, the Leader agreed to accept this item onto the agenda as a matter requiring urgent consideration to enable discussion prior to determination at Council on 15 January 2020.

The Leader stated that the Plan set out the key priorities for the next five years. There had been extensive consultation on the Council Plan with over 100 responses made via the online consultation, in addition to engagement with parish councils. The Plan had also been updated to take account of comments made at Business and Housing Policy Committee and a previous cabinet meeting. There would be related performance indicators on the Plan outcomes which would be monitored by the Policy Committee and Scrutiny Committee.

Emma Back (Winchester Sport Art and Leisure Trust) spoke during public participation as summarised briefly below:

Welcomed the specific inclusion of the needs of children and young people in the Plan, together with the stronger focus on the environment and importance of sport and cultural sectors. The importance of partnership working and that council business being discussed in an open and transparent manner was key to this.

Councillor Tod responded that it was intended to develop the council's work on consultation and engagement.

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

RECOMMENDED:

THAT THE COUNCIL PLAN 2020 TO 2025 BE ADOPTED AND THAT THIS PLAN SUPERSEDES THE PREVIOUS PLAN WITH IMMEDIATE EFFECT.

6. **WINCHESTER CARBON NEUTRALITY ACTION PLAN**
([CAB3203 and audio recording refers](#))

The Leader stated that the Plan had been developed following declaration of a climate emergency in June 2019 through consultation, with key groups, the public and other councillors both through a Member Briefing and the Health and Environment Policy Committee. The Plan concentrated on three key areas, namely: transport and energy and housing. It was recognised the Plan would require partnership working but the overall aim was to put the environment at the heart of all council decisions.

Four members of the public/representatives of local interest groups spoke during public participation as summarised briefly below.

Bob Whitmarsh (WinACC)

Generally supported the Plan and offered further assistance from WinACC as it developed. However, sometimes there was confusion regarding the two target dates of trying to make the council's own emissions carbon neutral by 2024 and making the district carbon neutral by 2030 (and the latter was a far greater challenge). With regard to the district's emissions, the government data available was incomplete. Offsetting should not be regarded as a "cure" for climate change.

Rupert Pitt (Winchester Friends of the Earth)

Thanked the council for the opportunity to contribute to the Plan whose contents were generally welcomed. Tackling the district's carbon emissions was a vital importance, particularly addressing emissions from transport. Tackling emissions from housing was also vital but retrofitting existing stock could prove difficult. The council should adopt a clear pathway for how the district's emissions would be reduced.

Geoff Wright

Commented in respect of the new leisure centre, green electric tariff, monitoring the Plan and proper engagement with the Climate Emergency Open Forum.

Peter Tod (Extinction Rebellion – Winchester)

Tackling the Climate Emergency must take precedence over all other council actions. The council should be brave, invest and be specific in how it would reduce the district's carbon emissions to zero by 2030. The council must work with other bodies and should, for example, oppose any further monies being spent on motorway expansion together with opposing the current plans to expand Southampton Airport.

At the invitation of the Leader, three Councillors addressed the meeting as summarised briefly below.

Councillor Brook

General support for the Plan but did not believe it went far enough and emphasised that the cabinet should lead by example. Further work was required on education.

Councillor Godfrey

The Plan lacked any sense of urgency and did not include any new actions or clear measurable targets and comments around waste collection and the new contract.

Councillor Pearson

Generally welcomed the Plan which was well written and easy to understand. Agreed with previous councillors that the Plan lacked urgency and there was

a requirement for further education of residents. Wary of solutions using offsetting proposals.

Cabinet Members responded to comments made.

In summary, the Leader thanked those attending for their contributions and emphasised that the Plan would be a “living” document and further ideas for improvements were welcomed.

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

RESOLVED:

1. That the adoption of the Winchester Carbon Neutrality Action Plan 2020-2030 be approved.
2. That the Strategic Director - Services be given delegated authority to develop a detailed Implementation Plan.
3. That a supplementary budget estimate of £100,000 be approved to be funded from the proposed Transition Reserve for:

- Re:Fit programme	£80,000
- Project feasibility research with University of Southampton	£20,000

7. **WINCHESTER PARKING & ACCESS STRATEGY**
 ([CAB3201 and audio recording refers](#))

Councillor Tod highlighted the renaming of the Strategy to emphasise it included other means of accessing the town, not just by car. It continued to focus on three ring zones approach, with parking in the central one-way zone the most expensive (as this area generated the most carbon emissions). The council would take a pragmatic approach to introducing changes and build on experiences from other local authorities. Monies raised from any increases in parking charges would be used to invest in schemes to reduce carbon emissions.

Two representatives of local interest groups spoke during public participation as summarised briefly below.

Phil Gagg (Chair of WinACC Transport Action Group)

Welcomed the consensus regarding tackling climate change but did not consider the Strategy went far enough. He believed the consultation on the Strategy should set out meaningful choices. The assumption that the number of car parking spaces should remain the same should be challenged and a further report was required setting out additional measures to tackle the climate emergency.

Rupert Pitt (Winchester Friends of the Earth)

Disappointed with the Strategy’s limited scope and focus primarily on parking. It should include more about public transport together with

encouraging cycling and walking. Increasing the use of park and ride was not a sufficient to tackle the overall issues. Car parks were effectively subsidised as the areas could offer higher value alternative uses, such as housing.

At the invitation of the Leader, three councillors addressed the meeting, as summarised briefly below:

Councillor Lumby

It was vital that the Movement Strategy was progressed alongside the Council's Parking and Access Strategy. The impact on the local economy of evening and Sunday parking charges and potential consequential reduction in income from business rates should be considered. Rural residents had little choice but to rely on travelling by car.

Councillor Miller

Thanked officers for improvements to car parking in the market towns (particularly at Jubilee Hall, Bishops Waltham). He highlighted that it sometimes took too long time for traffic regulation orders to be implemented.

Councillor Godfrey

Believed that the Strategy was substantially similar in content to previous years and that apart from the proposal to introduce Sunday and evening car parking charges it was unclear what was being consulted upon.

In response, the Leader clarified that the council was consulting on the contents of the Strategy itself. Councillor Tod emphasised that the Strategy had to adopt a balanced approach and consider all parts of the district, including links to other local authority areas. He agreed that the Movement Strategy was a key element, with most of its major projects being led by the County Council.

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

RESOLVED:

That the Draft Parking & Access Strategy be approved for consultation purposes from the end of December 2019 and will then be reported back to Cabinet in March 2020.

8. **Q2 FINANCIAL AND PERFORMANCE MONITORING REPORT**
([CAB3199 and audio recording refers](#))

Cabinet noted that the indicators would be amended to reflect the emerging new Council Plan as soon as possible.

At the invitation of the Leader, Councillor Brook addressed Cabinet as summarised briefly below:

Considered that the council's finances were being negatively impacted by a lack of action on both new strategic purchases and other council projects

(including the Local Plan, St Maurice's Covert and proposals for the Guildhall).

The Leader responded that there was a report on the agenda for this meeting which considered options for the future of the Guildhall café (Report CAB3204 refers) and work on St Maurice's Covert was due to start in January 2020 post Christmas trading.

Councillor Cutler confirmed that the operation of the Strategic Asset Purchase Scheme had been reviewed and was found to be currently costing the council monies, with the government increase in the public works loans board rate by 1% making future purchases more risky. Future investment opportunities would be considered, provided they were affordable and offered a real prospect of future revenue.

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

RESOLVED:

1. That the progress achieved during the second quarter of 2019/20 be noted and the contents of the report be endorsed.
2. That capital expenditure of £350,000 be approved in respect of capital works on Chesil Multi-Storey car park.
3. That a supplementary capital budget and authority to incur expenditure of £350,000 in respect of the Durngate Flood Relief Scheme be approved.
4. That a supplementary capital budget and authority to incur expenditure of £135,000 in respect of Chilcomb Sports Ground Pavilion improvement be approved.

9. **WINNALL FLATS - APPROVAL OF OUTLINE BUSINESS CASE & PROCUREMENT PROCESS**
([CAB3198 and audio recording refers](#))

Councillor Learney welcomed the proposals which would provide 75 new units of housing by working in partnership with Pocket Living. Further consultation would be undertaken as part of the planning process. The final decision as to whether the project would be financed through the new Housing Company or through the Housing Revenue Account would be taken at a later date.

As representatives of TACT, Monica Gill and Michael Fawcitt were invited to the table to participate in discussion regarding this item. Mrs Gill stated that the proposals were generally supported by TACT however they requested that one of the blocks be designated for social housing. Mr Fawcitt noted that there were three possible models for revenue for the new development and TACT would wish to know how models other than social housing could be of benefit for tenants.

Councillor Learney confirmed that the TACT request for one block to be social housing would be considered further.

At the invitation of the Leader, Councillor Lumby addressed Cabinet as summarised briefly below:

Supported the proposals and requested that the decision as to price/quality split was a Member rather than an Officer decision.

The Chief Executive advised that the council procurement rules stipulated a usual price/quality split of 60/40 but this could be amended if there was good rationale for doing so. The report proposed that a 50/50 split on price/quality be applied. Cabinet noted that the Southern Construction Framework (SCF) was procured via a process whereby firms and prices for works to be undertaken are accepted at the time of acceptance onto the Framework. The usual price/quality split on the SCF is 30/70. As the Council proposed to use the SCF to enable progression of the Winnall Flats Development, given the pre-accepted prices, cost was not as great a variable consideration as it would be should the Framework not be utilised but best value must still be achieved. Therefore that a 50/50 split on price/quality was recommended. Cabinet agreed to this approach.

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

RESOLVED:

1. That the Strategic Director - Services be authorised to sign up to and use the Southern Construction Framework to seek Tenders to enter into a contract with a building contractor for the construction of the Winnall Flats site.
2. That price/quality split for the purposes of the mini competition tender to be carried out under a Framework be 50/50.
3. That the Strategic Director - Services be authorised to prepare and submit a planning application to the Statutory Planning Authority to obtain planning permission for the project.
4. That public consultation be approved, which includes an advertisement, of the intention to proceed to dispose of the Open Space land.
5. That disposal of the land and built units to Pocket Living as the preferred partner to acquire the discounted market sale flats be approved, subject to Pocket Living achieving best consideration.
6. That the Strategic Director – Services be authorised in consultation with the Service Lead to seek the consent of the Secretary of State for Housing, Communities and Local Government for the disposal of the land referred to in recommendation 5, should it not be possible after making enquiry with MHCLG to rely on the 2013 General Consent.

7. That the Strategic Director – Services be authorised to approve the appropriation of the land to be built upon from HRA to planning purposes or general fund if required.

8. That the expenditure on the pre-construction costs of up to £800,000 in accordance with Financial Procedure Rule 7.4 financed by Housing Revenue Account Contributions to Capital be authorised and that this work proceeds at a financial risk to the council.

9. That it be agreed that a Full Business Case report is brought back to Cabinet in 2021 when the final tender price is known to seek authority to enter into a build contract with the successful Tenderer and the draft contractual heads of terms with Pocket Living.

10. **SOUTHERN PARISHES SPORTS FACILITIES (LESS EXEMPT APPENDIX)**
([CAB3192 and audio recording refers](#))

Councillor Prince introduced the report and summarised that provision of a new four court sports facility in the southern parishes was not considered to be affordable and therefore proposals were to improve the provision at Meadowside Leisure Centre.

Emma Back (Winchester SALT) spoke during public participation as summarised briefly below:

Considered that a four court facility was still required and the assessment of the current supply of leisure facilities in the southern parishes was inaccurate. Many sports clubs were already having difficulties finding suitable venues and affordable hire.

At the invitation of the Leader, Councillor Brook addressed Cabinet as summarised briefly below:

Believed that there was a desperate need for an additional four court sports hall provision in the southern parishes. Meadowside Leisure Centre was not in a conveniently located for many southern parishes residents. There had been a lack of consultation with other organisations and a belief central Winchester provision had been prioritised.

In response, Cabinet noted that there were currently three secondary schools in the area (and a new school at Whiteley was under construction with completion expected 2024) which would offer sports and leisure facilities for the wider community. Some southern parishes' residents might have sports and leisure facilities located nearby, but outside of the Winchester district (for example at Waterlooville and Havant).

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

RESOLVED:

1. That the Strategic Director – Place be authorised to enter into the procurement process and to seek and evaluate tenders for the Council to enter into a contract for the operation of Meadowside Leisure Centre and to report the results of the evaluation back to a future Cabinet.

2. That the Strategic Director – Place be authorised to appoint The Sports Consultancy to support the procurement process and to utilise the remaining budget allocation approved in 2018 for this purpose.

3. That discussions with Whiteley Town Council continue and that their occupation of the office space on the first floor of Meadowside Leisure Centre be considered and factored into the tendering specification.

4. That expenditure under the Asset Management Plan to maintain Meadowside Leisure Centre in line with the condition survey recommendations be approved.

5. That a supplementary capital estimate and expenditure of £40,000, financed by the Property Reserve be approved, to strengthen the upper floor of Meadowside Leisure Centre to provide greater flexibility in its use and its commercial value to a potential operator.

6. That no further work is undertaken with respect to the provision of a four court hall in the southern parishes of the district.

11. **GUILDHALL CAFÉ OPTIONS (LESS EXEMPT APPENDICES)**
([CAB3204 and audio recording refers](#))

Councillor Learney highlighted that the Guildhall was currently operating at a loss, with the café operation forming a significant element of this. Soft market testing had indicated a strong level of interest from other café providers. Cabinet were aware that a number of groups made informal use of the café for their meetings and consideration would be given to how these groups could be accommodated in the future.

At the invitation of the Leader, Councillor Miller addressed Cabinet in support of the proposals.

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

RESOLVED:

1. That the business case be agreed (Appendix 1 of Report CAB3204), which includes for capital investment to convert eighteen71 café to a self contained unit for lease to a food and beverage tenant.

2. That capital budget and expenditure by the council of £130,000 to convert café eighteen71 to a self contained unit for lease to a food and beverage tenant be approved.

3. That the council cease trading café eighteen71 café from 1 April 2020.

4. That the procurement of a new catering contract(s) be approved.

5. That the Strategic Director – Place be authorised to undertake the necessary arrangements to cease the trading of the eighteen71 café from 1 April 2020.

6. That the Service Lead – Legal be authorised to prepare, negotiate and complete the necessary notices and agreements to put in place arrangement to cease the trading of eighteen café from 1 April 2020.

7. That the Strategic Director – Place be authorised, in compliance with Contract Procedure Rules, to seek tenders to undertake the capital works to convert café eighteen71 into unit independent of the Council; to accept tenders received and to appoint, award and enter into contracts to undertake the capital works.

8. That the Strategic Director – Place be authorised to seek best and final offers for the lease of café eighteen71 to a food and beverage tenant, and to accept offers received and to appoint, award and enter into contracts to enable the lease of café eighteen71 to a food and beverage tenant.

9. That the Strategic Director – Place be authorised to select the procedure to be used (including the evaluation model and the any frameworks if appropriate), to seek tenders for the catering contract(s).

10. That the Service Lead – Legal be authorised to prepare, negotiate and enter into the necessary agreements with service providers following a tender in compliance with the Contract Procedure Rules to enable implementation of the recommendations above.

12. **BISHOPS WALTHAM DEPOT (LESS EXEMPT APPENDIX)**
([CAB3205 and audio recording refers](#))

Councillor Learney introduced the report and expressed confidence that once redeveloped, the units would be let.

At the invitation of the Leader, Councillor Miller addressed Cabinet in support of the proposals which would provide much needed business accommodation in the area.

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

RESOLVED:

1. That redevelopment of the former council depot site at Bishops Waltham prior to the proposed new units being let be approved.

2. That authority be delegated to the Corporate Head of Asset Management, in consultation with the Cabinet Member for Housing and Asset Management, to agree tenants and terms for the letting of the three units.

3. That authority be delegated to the Service Lead Legal to prepare, complete and enter into the necessary agreements such as the lease and construction contracts to give effect to the agreed heads and terms.

13. **TO NOTE THE FUTURE ITEMS FOR CONSIDERATION**
([Audio recording refers](#))

RESOLVED:

That the list of future items, as set out in the Forward Plan for January 2020, 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>
15	Exempt minute of the previous meeting) Information relating to the financial or business affairs of
16	Southern Parishes Sports Facilities (exempt appendix)) any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)
17	Guildhall Café Options (exempt appendices))
18	Bishops Waltham Depot (exempt appendix))

15. **EXEMPT MINUTE OF THE PREVIOUS MEETING HELD ON 15 NOVEMBER 2019**

RESOLVED:

That the exempt minute of the previous meeting be approved and adopted.

16. **SOUTHERN PARISHES SPORTS FACILITIES (EXEMPT APPENDIX)**
(CAB3192)

RESOLVED:

That the contents of the exempt appendix be noted.

17. **GUILDHALL CAFÉ OPTIONS (EXEMPT APPENDICES)**
(CAB3204)

RESOLVED:

That the contents of the exempt appendices be noted.

18. **BISHOPS WALTHAM DEPOT (EXEMPT APPENDIX)**
(CAB3205)

RESOLVED:

That the contents of the exempt appendix be noted.

The meeting commenced at 9.30 am and concluded at 12.15 pm

Chairperson