

CABINET**Wednesday, 21 July 2021**

Attendance:

Councillor Thompson (Chairperson)	– Leader and Cabinet Member for Partnership Working
Councillor Cutler (Vice-Chair)	– Deputy Leader and Cabinet Member for Finance and Service Quality
Councillor Clear	– Cabinet Member for Communities and Wellbeing
Councillor Gordon-Smith	– Cabinet Member for Built Environment
Councillor Learney	– Cabinet Member for Housing and Asset Management
Councillor Murphy	– Cabinet Member for Climate Emergency
Councillor Tod	– Cabinet Member for Economic Recovery

Others in attendance who addressed the meeting:

Councillors Cook, Godfrey and Horrill

[Full audio and video recording](#)

1. MEMBERSHIP OF CABINET BODIES ETC.

RESOLVED:

That it be confirmed that Newlands Parish Council is entitled to nominate two representatives to the West of Waterlooville Forum.

2. DISCLOSURE OF INTERESTS

Councillor Tod declared a personal (but not prejudicial) interest in respect of reports due to his role as a County Councillor.

3. MINUTES OF THE PREVIOUS MEETING HELD ON 23 JUNE 2021, LESS EXEMPT MINUTE.

RESOLVED:

That the minutes of the previous meeting held on 23 June 2021, less exempt minute be agreed as a correct record.

4. **PUBLIC PARTICIPATION**

Kim Gottlieb, Terry Gould and Arthur Morgan spoke during public participation regarding report CAB3303 as summarised under the relevant minute below.

Ian Tait spoke during general public participation as summarised briefly below. As a former city councillor and member of the Planning Committee that approved the North Whiteley major development area (MDA), he queried whether any of the £17.5m paid by the developer in lieu of affordable housing within the MDA had been spent? Questioned whether the item titled "Purchase of 54 homes in Whiteley" considered in exempt session at Council on 7 July 2021 related to the North Whiteley MDA?

In response, Councillor Learney stated that due to ongoing commercial negotiations, the Council item referred to remained exempt at the current time, but she would provide further information to Mr Tait as soon as she was able.

Monica Gill (TACT) spoke regarding report CAB3308 but due to a prior appointment, was unable to remain in the meeting so spoke at this point of the agenda, as summarised briefly below.

TACT were generally happy with the contents of CAB3308 and had met with the Housing Finance Officer to discuss. David Light (TACT) attended The Scrutiny Committee on 19 July 2021 and raised a number of points, including a concern that following recent changes in team structure within the Council, there was a risk that Housing Revenue Account (HRA) monies would be used for non-HRA purposes

In response, the Strategic Director confirmed that the HRA funds were ring fenced and a further meeting with TACT would be arranged to provide clarification and reassurance on this point.

5. **LEADER AND CABINET MEMBERS' ANNOUNCEMENTS**

Cabinet members made a number of announcements as summarised briefly below.

Councillor Clear

Highlighted a recent successful fly-tipping prosecution by the Council in Wickham. CCTV cameras and warning signage would shortly be installed in various road laybys throughout the district to deter and/or assist prosecution of future fly-tipping incidents.

Provided an update on the small grants scheme and reminded about its availability for local voluntary or community organisations.

Councillor Murphy

Updated on proposals for the new Climate Emergency Open Forum which would meet three times per year with its first meeting on 27 September 2021.

6. **CENTRAL WINCHESTER REGENERATION – DELIVERY (LESS EXEMPT APPENDIX)**
(CAB3303)

Councillor Learney introduced the report which sought approval for the strategic outline business case and to move into the next formal stage in plans to transform central winchester. She highlighted that the proposals had previously been publicly shared at a Central Winchester Regeneration Open Forum on 5 July 2021 and Scrutiny Committee on 19 July 2021. In addition, an all Member briefing had taken place on 5 July 2021.

The Head of Programme gave a presentation outlining the background and reasons for the current proposals. In particular, she explained the reasoning behind the proposed recommendation of a single development partner approach for the defined site. She also drew attention to paragraph 13.6 of the report which outlined why the proposed development approach was consistent with the development route envisaged by the CWR Supplementary Planning Document (SPD). The presentation was available on the Council's website [here](#).

Councillor Learney responded to the comments raised by the Scrutiny Committee, which were contained in a supplementary agenda circulated to all Members and published on the [Council's website](#) prior to the Cabinet meeting. She confirmed that the Archaeology Panel would be reconvened and the Council would continue to focus on the cultural offer through the meanwhile uses at Kings Walk and also by working with Hampshire Cultural Trust regarding their future proposals for a cultural offer. She also confirmed that the future governance arrangements for the project would also be reviewed.

Councillors Learney and Tod also responded to matters raised at the Scrutiny Committee regarding archaeology and the bus station by a member of the public.

Three representations were made during public participation as summarised briefly below.

Kim Gottlieb

With regard to archaeology, important point to establish what was located within the site and where and it had recently been stated by a local archaeology expert that this could only be achieved by excavation of the area to the east of Tanner Street and therefore believed that progress of the development could continue in areas to the west. Outlined the advantages he believed to the Council of undertaking the excavation works itself, prior to the selection of a development partner.

Terry Gould

Concurred with the points raised by Mr Gottlieb regarding the importance of acting now to protect the site archaeology. Questioned when an urban design master plan would be produced. Considered that the defined site area deviated from that set out in the SPD and queried the omission of the Broadway. Also queried the inclusion of proposals for Kings Walk as it was an unattractive building with limited income stream opportunities.

Arthur Morgan (on behalf of Richard Baker, City of Winchester Trust)

Cabinet members had been sent a letter from the Trust expressing its strong concerns regarding the current proposals and the length of time taken to progress the scheme. The Trust requested two actions to get the project back on track and ensure compliance with the SPD, namely to engage with multiple developers (rather than a single developer) and to develop a master plan to set out a planning and urban design framework, which should be subject to public consultation.

At the invitation of the Leader, Councillors Horrill and Cook addressed Cabinet as summarised briefly below.

Councillor Horrill

In general welcomed the report and the opportunity for a thorough review of its contents at Scrutiny Committee on 19 July 2021. Raised various issues regarding the proposed future governance arrangements and requested that Council be given the opportunity to review the full business case. Considered that the current proposals did not fully deliver on the SPD, partly due to the redrawing of the site boundaries, and requested that Cabinet commit to the other parallel projects of Woolstapler's Hall and related Hampshire Cultural Trust initiatives. Believed there was general support for the cultural quarter initiative but the plans for Kings Walk were misguided. Challenged the investment objectives and believed fundamental elements were missing.

Councillor Cook

Requested full transparency for all members and the public on the consultants' fees. Disappointed that the business case did not include a bus hub although noted the wider implications of the Winchester Movement and Access Strategy. Believed that the proposals regarding archaeology fell short of what was required and the potential significant impact on the scheme's viability had been insufficiently set out. Requested that full council be given the opportunity to assist in the decision-making for such an important project.

Councillor Learney responded to comments made regarding archaeology, Kings Walk, external fees, procuring a development partner, requests for a master plan for the CWR area and the governance of the scheme. She drew attention to the recommendations of the independent report of the archaeology panel which were available on the council's website.

Councillor Tod responded to comments regarding the Broadway and the bus hub and emphasised that future proposals went further than the CWR scheme itself and would require a partnership approach with the County Council and possible further applications for government funding, for example through the Local Enterprise Partnership scheme.

Cabinet then moved into exempt session to consider the exempt appendix to the report before returning to open session to agree the recommendations as set out below.

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

RESOLVED:

1. That the Strategic Outline Business Case be approved and that officers prepare the Outline Business Case for consideration by Cabinet in autumn 2021.
2. That revenue expenditure of up to a further £525,000 be approved from the £2m CWR revenue budget to:
 - a. Prepare and complete the Outline Business Case for Cabinet approval in autumn 2021.
 - b. Prepare and produce draft procurement and marketing documents for the Defined Site, for Cabinet approval in autumn 2021, subject to approval of the Outline Business Case as referred to in Rec 1 above.
 - c. Research, prepare and submit funding bids to support delivery of the Defined Site.
 - d. Implement the meanwhile uses strategy for Kings Walk as outlined in this report at paragraphs 13.24 to 13.26.
3. That a supplementary revenue budget of £275,000 to carry out essential repair and maintenance requirements associated with Kings Walk be approved, funded from the Asset Management Reserve.
4. That a supplementary increase of £185,000 to the Kings Walk improvements capital scheme budget be approved and its spend be authorised to undertake the additional works, to activate the Kings Walk area in accordance with the meanwhile uses strategy.
5. That authority be delegated to the Strategic Director, in consultation with the Cabinet Member for Housing and Asset Management, to prepare, finalise and procure services to carry out improvement works and deliver the meanwhile uses strategy at Kings Walk.
6. That authority be delegated to the Service Lead – Legal to enter into contractual arrangements to carry out improvement works and deliver the meanwhile uses strategy at Kings Walk and any necessary ancillary agreements.
7. That the Strategic Director, in consultation with the Cabinet Member for Housing and Asset Management, be instructed to agree and implement governance arrangements for the next stage of the project.

7. **REVISED LOCAL DEVELOPMENT SCHEME**
(CAB3302)

Councillor Gordon-Smith introduced the report and emphasised the large number of responses received to the consultation, many of which were very detailed. In addition, the process had been further complicated by the uncertainties relating to the government's Planning White paper and in particular, housing numbers.

At the invitation of the Leader, Councillor Horrill addressed Cabinet as summarised briefly below.

Welcomed the report but drew attention to the potential issues resulting from the delays. In particular, she considered that by not adopting the Local Plan until 2024 the council risked being unable to stop unwanted developments and meet its 2030 climate emergency target as planning permissions would be granted without the proposed "green credentials".

Councillor Gordon-Smith and the Strategic Planning Manager responded to the points raised including emphasising that the council was in a strong position to resist unwanted developments as it currently had a five year land supply. In addition, the commitment through the local plan of tackling the climate emergency was confirmed.

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

RESOLVED:

1. That the revised Local Development Scheme July 2021 be approved, as set out in Appendix 1 to report CAB3302; and
2. That authority be delegated to the Strategic Planning Manager, in consultation with the Portfolio Holder for Built Environment & Well Being, to undertake minor updating and drafting of any amendments required prior to publication.

8. **NUTRIENT (NITRATE) NEUTRALITY UPDATE**
(CAB3301)

Councillor Gordon-Smith introduced the report which set up a proposed way forward to tackle the current high levels of nitrates and highlighted the recommendations had also been approved by English Nature.

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

RESOLVED:

1. That the s151 Officer be authorised to:
 - a) Purchase credits if required to meet immediate demand from smaller developers, subject to being able to agree suitable

acquisition terms and prevailing market conditions making the purchase by the Council necessary; and subject to a maximum financial exposure of £250,000 at any time.

- b) Price and sell credits to suitable purchasers in accordance with market conditions at the time of sale subject to being able to agree suitable terms; and set an administration fee to recover reasonable costs.

2. That the Service Lead Legal be authorised to enter into suitable legal arrangements for the council to undertake the monitoring and enforcement of mitigation sites (or delegate the function to the mitigation land authority) to ensure the land is managed so that mitigation is delivered in perpetuity; subject to the Corporate Head of Regulatory agreeing suitable terms with mitigation landowners for application sites located within the council's area as local planning authority, including a commuted sum to cover the resourcing of this activity,

3. That the Corporate Head of Regulatory be approved to pursue the option of a joint purchase of Test/Itchen catchment nitrate credits with neighbouring local planning authorities through Partnership for South Hampshire, subject to suitable terms being agreed with mitigation landowners and prevailing market conditions making the purchase of such credits appropriate and necessary.

4. That the schemes listed in table A of report CAB3301 be approved as being able to provide suitable mitigation for residential development schemes in the three catchment areas of the district, subject to consultation with Natural England as required and satisfactory monitoring and enforcement arrangements being in place to ensure mitigation is delivered in perpetuity, and authority be delegated to the Corporate Head of Regulatory to amend the list by removing or adding schemes to the list as appropriate.

9. **GENERAL FUND OUTTURN 20/21**
(CAB3309)

Councillor Cutler introduced the report and highlighted the significant pressures faced by the council over the last year due to the Covid pandemic. However, he highlighted that the outturn was £1.2m greater than modelled in the emergency budget of September 2020.

At the invitation of the Leader, Councillor Godfrey addressed Cabinet as summarised briefly below.

Highlighted that Members had not been given the opportunity to consider the report at Scrutiny Committee on 19 July 2021 and therefore requested that any decision of Cabinet be subject to future consideration by Scrutiny Committee. Requested assurances that the report would be considered as soon as possible by the Scrutiny Committee. In general, considered that better use could be made of the £1.2m rather than transferring to reserves.

Councillor Cutler and the Strategic Director responded to the comments made, including clarifying that the budget agreed by Council in February 2021 was based on the forecast of £1.2m contribution to reserves. Councillor Learney highlighted a key recommendation of the report was to facilitate expenditure of the Homelessness Prevention Grant and the implications if this was delayed.

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

RESOLVED:

1. That the General Fund Revenue Outturn and Capital Programme Outturn as set out in the report be noted.

2. That the transfers to/from the Major Investment Reserve and other earmarked reserves be agreed and the reserves and closing balances at 31 March 2021 be noted (as set out in appendix 2 of the report).

3. That the detailed budget allocations of the 2021/22 Homelessness Prevention Grant be agreed, shown in section 17 of the report.

4. That the revised 2021/22 capital programme detailed in appendix 5 of the report be approved, including the removal of the Digital Signage Pilot budget as set out in paragraph 21.3 and subject to the outcome of report CAB3303 regarding Central Winchester Regeneration, elsewhere on the agenda.

5. That the revised 2021-2031 capital programme as set out in appendix 6 of the report be noted.

10. **HOUSING REVENUE ACCOUNT (HRA) OUTTURN 20/21**
(CAB3308)

Councillor Learney introduced the report and stated that David Light (Chair of TACT) had raised a number of points at Scrutiny Committee on 19 July 2021, including the matter also raised by Monica Gill earlier in the Cabinet meeting and responded to by the Strategic Director. Councillor Learney also responded to the request made by Mr Light that conventional council houses be prioritised within the new homes building programme.

At the invitation of the Leader, Councillor Horrill addressed Cabinet as summarised briefly below.

Emphasised the importance of the report being considered in detail at a future Scrutiny Committee and asked a number of detailed questions relating to the housing service provided by the HRA. These included possible staffing shortfalls, delays in the expenditure of the disabled adaptations grant and the proposed response to the County Council's budget consultation.

Councillor Learney and the Strategic Director responded to the comments made including confirming that the report would be submitted to a future Scrutiny Committee. The Leader also stated that she had responded on behalf of the Council to the County Council consultation and would make a copy of the response available to all Members.

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

RESOLVED:

1. That the provisional HRA Outturn figures for 2020/21 be noted, these are provisional subject to audit as detailed in Appendices 1 and 2 of the report CAB3308;
2. That the carry forward of £0.044m of HRA revenue funding from 2020/21 be approved as detailed in Paragraph 11.4 of report CAB3308;
3. That the Housing capital programme outturn for Major Works and New Build developments be approved as detailed in Paragraphs 11.5 to 11.8 and Appendices 3 & 4 of report CAB3308;
4. That the funding of the 2020/21 HRA capital programme be approved as detailed in Paragraph 11.9 & 11.10 and Appendix 5 of report CAB3308;
5. That the re-forecast capital programme budget of £28.402m for 2021/22 be approved as detailed in Paragraphs 11.12 & 11.13 and Appendix 6 & 7 of report CAB3308 that takes account of potential programme slippage;
6. That the drawdown of £0.412m of the agreed £0.500m HRA reserve balances set aside to fund the specific welfare support initiatives be approved as identified in paragraph 12 of report CAB3308 over the next two years. Which was agreed by full Council to provide additional targeted support for tenants during this difficult period. This includes the appointment of two temporary full time tenancy sustainment officers and one temporary admin support for a period of up to 24 months to provide the needed additional capacity to deliver these support measures.

11. **Q4 PERFORMANCE MONITORING**
(CAB3297)

Councillor Cutler introduced the report and stated that its contents had been considered by a meeting of the Performance Panel on 14 June 2021 and also informally at a pre-meeting of Scrutiny Committee. He noted that the notes of the Performance Panel had inadvertently been omitted from the Cabinet agenda pack (although they had been included with the papers for Scrutiny Committee on 19 July 2021) and requested that this be rectified.

At the invitation of the Leader, Councillor Horrill addressed Cabinet as summarised briefly below.

Emphasised the questions raised by the Performance Panel for further consideration by the Scrutiny Committee which had not yet taken place. She believed that it was important the Committee be given this opportunity at a future date.

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

RESOLVED:

That the progress achieved during Q4 of 2019/20 be noted and the contents of the report be endorsed.

12. **FUTURE ITEMS FOR CONSIDERATION**

RESOLVED:

That the list of future items, as set out in the Forward Plan for August 2021, be noted.

13. **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>
14	Exempt minutes of 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)
16	CWR delivery (exempt appendix)) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)

14. **EXEMPT MINUTE OF THE PREVIOUS MEETING**

RESOLVED:

That the exempt minutes of the previous meeting held 23 June 2021 be agreed as a correct record.

15. **CENTRAL WINCHESTER REGENERATION - DELIVERY (EXEMPT APPENDIX)**

Cabinet considered the above exempt appendix which contained an extract of financial information regarding the CWR Strategic Outline case (detail in exempt minute).

The meeting commenced at 9.00 am and concluded at 11.40 am

Chairperson