

CABINET

Tuesday, 23 November 2021

Attendance:

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 Tod	– Cabinet Member for Economic Recovery

Others in attendance who addressed the meeting:

Councillors Becker, Godfrey, Horrill and Radcliffe

Others in attendance who did not address the meeting:

Councillor Tippett-Cooper

Apologies for Absence:

Councillors Thompson and Murphy

[Full audio recording and video recording](#)

1. **MEMBERSHIP OF CABINET BODIES ETC.**

There were no changes to Cabinet bodies to be made.

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 20 OCTOBER 2021.**

RESOLVED:

That the minutes of the previous meeting held on 20 October 2021 be agreed as a correct record.

4. **PUBLIC PARTICIPATION**

Esme Holding, Richard Lindley, Kim Gottlieb and Martin Wilson spoke during public participation regarding report CAB3324 as summarised under the relevant minute below.

Ian Tait spoke during general public participation as summarised briefly below. Esme Holding, Richard Lindley, Kim Gottlieb, Rose Burns and Sam Feltham spoke during public participation regarding report CAB3324 as summarised under the relevant minute below.

Ian Tait spoke during general public participation as summarised briefly below. Highlighted the numbers of street beggars and street drinkers currently in Winchester centre, particularly in the Kings Walk area. He emphasised that he had no issue with the individuals concerned, but believed it gave a negative impression of Winchester and did not reflect the efforts made by the council and other voluntary organisations to tackle homelessness.

Councillors Learney and Clear responded to the comments made.

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

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

Councillor Learney

Announced the start of consultation on the future use of the old Friarsgate Medical Centre with further details available on the Council's website [here](#).

Councillor Tod

Announced the start of the consultation on the draft Winchester Movement and Access Strategy.

Announced that National Express had resumed services from Winchester.

Councillor Gordon-Smith

Congratulated the Strategic Planning Team for winning the RTPi South East Awards for Planning Excellence.

6. **A LAND TRANSACTION IN RESPECT OF THE RIVER PARK LEISURE CENTRE SITE AND ASSOCIATED PARKING AREA (LESS EXEMPT APPENDIX)** (CAB3324)

Councillor Learney introduced the report, highlighting that the future use of the site was limited by legal covenants, the ground conditions and the resources available to the council. The proposed lease would not compromise the permeability of the park, all existing outdoor sporting facilities would be unaffected and the Indoor Bowls club could continue.

The proposal had been received from the University of Southampton and matched well with the council's own aspirations. She welcomed Richard Middleton (University of Southampton) and Professor Larry Lynch (Winchester School of Art) who were both present at the meeting and provided further details, including emphasising that further consultation would be undertaken with local residents and other interested parties and organisations.

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

Esme Holding

Spoke in opposition to the proposals as a member of the campaign group for a new Winchester lido and emphasised that the related petition was still live and had received over 3,000 signatures. Expressed concern on a number of matters including the lack of consultation, whether new facilities would be open to the public and the impact of additional students on housing in Winchester.

Richard Lindley

Spoke in support of the University suggestion that the development might include a new auditorium which might be available for use by local musical groups, such as choirs and orchestras. Believed that there would be considerable demand as there was a shortage of suitable alternative venues in the area. Offered to be involved in future consultation on this possibility.

Kim Gottlieb

Was disappointed his request for the legal advice on procurement had been refused. Expressed concern that the council was only dealing with one bidder and that the current proposal was at risk of future judicial review because of issues regarding the procurement and best consideration. He believed that the five year exclusivity agreement gave the University too much power and was not necessary. Believed that no meaningful public consultation had been undertaken. Requested that the proposal be deferred.

Rose Burns

Emphasised the legal restricted covenant on the land and that before any lease could be agreed, the Council must appropriate the site and follow the relevant statutory procedures. She considered that the proposal did not accord with the required statutory process, drew attention to report CAB3190 which had previously considered the future uses of the RPLC site and requested that the current proposal be halted.

Sam Feltham

Spoke as the author of a new online petition which called for the proposal to be paused to enable a six month public consultation to be undertaken. Believed that the proposal was being rushed through and there was a moral duty to consult. Suggested that after the six month consultation

asking for alternative suggestions for the area (including the University proposal), residents could vote on their preferred scheme.

At the invitation of the Chairperson, Councillors Becker, Radcliffe and Godfrey addressed the meeting as summarised briefly below.

Councillor Becker

Speaking on behalf of the ward councillors for St Bartholomew believed that the proposal could offer significant benefits to the local community and wider district. However, emphasised the importance of the area to local residents and highlighted concerns raised. Expressed disappointment in the manner the proposal had been presented and particularly, the lack of consultation. It was vital any new facility was open to all and not just university students and that the site was permeable. Requested that the existing skate park be retained and continue under council ownership. Requested that “meanwhile uses” be considered for use of the site before any new development commenced.

Councillor Radcliffe

Considered that the proposal was of such significance to warrant consideration by the wider Council to allow proper scrutiny and cross-party debate. Supported the vision set out by the University and proposals in general but had questions relating to the process, in particular why the need for haste and why offering to only one prospective buyer. Suggested that it would be more appropriate to use procurement rules rather than classing as a land transaction. Also queried the requirement for the five year exclusivity agreement.

Councillor Godfrey

Drew attention to the background to the current proposals and the public expectation that the site would be used for cultural and community uses. Welcomed in principle the proposals outlined by the University and highlighted that proposals should be implemented without undue delay. Believed that the Heads of Terms did restrict the control the council had over the use of the site and requested firm assurances that the local community would have access to the facilities. Considered that there had not been sufficient consultation on the proposals so far and decision-making to date had lacked openness and transparency.

Stephen Matthew (Browne Jacobson), acting as the council’s legal adviser, responded to the points raised regarding best consideration and procurement, including confirming that the proposal should be classified as a land transaction and not a procurement exercise. The Service Lead: Legal responded to points raised regarding the restrictive covenant, including advising that there was no immediate requirement for a decision to appropriate a portion of the site.

Councillor Learney responded to other comments made, including reiterating the various limitations regarding alternative uses for the site.

Professor Lynch and Richard Middleton also responded to comments made, including confirming the importance in which they held the skate park facility.

They confirmed the university's willingness to engage with the council and in an open and transparent manner, to provide a facility which was permeable and open to all, and to engage in a wider consultation process.

Councillor Learney and Stephen Matthew responded to questions from Cabinet Members including the on the timing of the proposals and the purpose and effect of agreeing the heads of terms with the university. The Corporate Head of Asset Management responded to questions about potential "meanwhile uses" emphasising that these would be required to pay the current rates burden.

Cabinet agreed there was no requirement to move into exempt session as they did not wish to ask any questions or have any debate on the exempt appendix.

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

RESOLVED:

1. That it be agreed that the council, as landowner of the River Park Leisure Centre, Gordon Road, Winchester, to enter into an agreement for lease to enable the University of Southampton to progress options for the extension of the neighbouring Winchester School of Art campus on the River Park Leisure Centre site.
2. That the Heads of Terms be agreed as in appendix B of the report. The Heads of Terms include a five year long 'stop date' during which time the University of Southampton will investigate and obtain planning consent for their proposed development.
3. That the land known as The River Park Leisure Centre, Gordon Road, Winchester, as identified within the red line at Appendix A be disposed, to the University of Southampton on a 150 year ground lease subject wholly to obligations set out in the Agreement for Lease.
4. That authority be delegated to the Corporate Head of Asset Management to enter into an Agreement for Lease with the University of Southampton in accordance with the heads of terms. This delegation is subject to agreeing the land price with the University of Southampton in accordance with S123 best consideration provisions and other relevant valuation assumptions.
5. That authority be delegated to the Corporate Head of Asset Management to enter into a ground Lease with the University of Southampton for the disposal of the land (identified as outlined in red in appendix A of the report), such lease to be in accordance with the above-mentioned Agreement for Lease. Disposal is subject to a 150 year Ground Lease to the university, and payment of a capital sum by the university to the council. The capital sum for the disposal is to be calculated having regard to S123 best consideration provisions and other relevant valuation assumptions.

6. That the completion of the Agreement for Lease and the ground Lease, and any relevant ancillary agreements as are necessary to implement the recommendations above be delegated to the Service Lead Legal.

7. **HOUSING REVENUE ACCOUNT (HRA) BUSINESS PLAN AND BUDGET OPTIONS**
(CAB3325)

Councillor Learney introduced the report and stated that following comments made by TACT and Scrutiny Committee (which had considered the report at its meeting on 15 November 2021), it was proposed that the recommended rent increase be 3.1% (rather than the national guideline for social housing rents of CPI+1%).

At the invitation of the Chairperson, David Light (TACT) and Councillor Horrill addressed the meeting as summarised briefly below.

David Light (TACT)

TACT members had met with the Strategic Director and the majority were in favour of the proposed rent increase of 3.1%.

Councillor Horrill

Welcomed the revised recommendation regarding the lower rent level increase but queried why the last minute change and believed this would have caused additional stress to tenants in the current financial circumstances. Endorsed the continued commitments in the business plan to the new homes programme.

Councillor Learney responded to comments made.

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

RESOLVED:

1. That the HRA Business 30 year Business Plan for 2021-22 to 2050-51 be approved, as summarised in the Operating Account included as appendix 4 to the report.

2. That the projected 30 year HRA capital programme of £873m be supported, an increase of £41m on the present plan, subject to the approval of individual schemes, and the proposed long term funding strategy that will see overall borrowing of £368m in year 30 subject to the final detailed HRA budget and the Capital Strategy being approved by Council in February 2021.

3. That it be noted that the business plan is viable and sustainable and will support the council's ambitious delivery of 1,000 new affordable homes over the next ten years. The proposed plan provides

sufficient funds over the 30 years to deliver in total over 1,700 new affordable homes in total.

4. That the proposal to fund £0.3m new initiatives around the Housing White Paper – “The charter for social housing residents” be supported and additional resources be invested in the capacity of the new homes delivery team, the decent homes team and Neighbourhood/Estate Management.

5. That the proposal to increase the revenue funding for planned and reactive repairs by £0.5m be supported, to reflect both increased budget pressures and the cost of delivering an improved void standard to properties prior to letting.

That Cabinet recommend that Council at the February Budget meeting:

6. Approve a dwelling rent increase in accordance with option 2 as set out in the report CAB3325, based upon September Consumer Price Index, resulting in a rent increase of 3.1% from April 2022 (rather than the national guideline for social housing rents of CPI+1%).

8. **FEES AND CHARGES 2022/23**
(CAB3326)

Councillor Cutler introduced the report and stated that the report had been considered by Scrutiny Committee at its meeting on 15 November 2021 where members had raised a number of points for clarification.

The Strategic Director outlined the matters raised at Scrutiny Committee and provided a response to each point. He advised that appendix 1 of the report required correction to reflect the narrative text in the report which recommended that garage rents in central Winchester increase by 3%. Cabinet agreed to this change.

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

RESOLVED:

That the fees and charges for 2022/23 be approved, as set out in appendix 1 of the report, subject to an amendment to agree that garage rents in central Winchester increase by 3%.

9. **FUTURE ITEMS FOR CONSIDERATION**

RESOLVED:

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

10. **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>
11	RPLC land transaction (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)

11. **A LAND TRANSACTION IN RESPECT OF THE RIVER PARK LEISURE CENTRE SITE AND ASSOCIATED PARKING AREA (EXEMPT APPENDIX)**

RESOLVED:

That the contents of the exempt appendix be noted.

The meeting commenced at 9.30 am and concluded at 11.40 am

Chairperson