



Meeting	The Scrutiny Committee
Date and Time	Thursday, 3rd March, 2022 at 6.30 pm.
Venue	Walton Suite, Winchester Guildhall

Note: This meeting is being held in person at the location specified above. In line with relevant legislation and public health guidance the following arrangements apply. Members of the public should note that a live audio feed of the meeting will be available from the council's website (<http://www.winchester.gov.uk>) and the video recording will be publicly available on the council's YouTube channel shortly after the meeting.

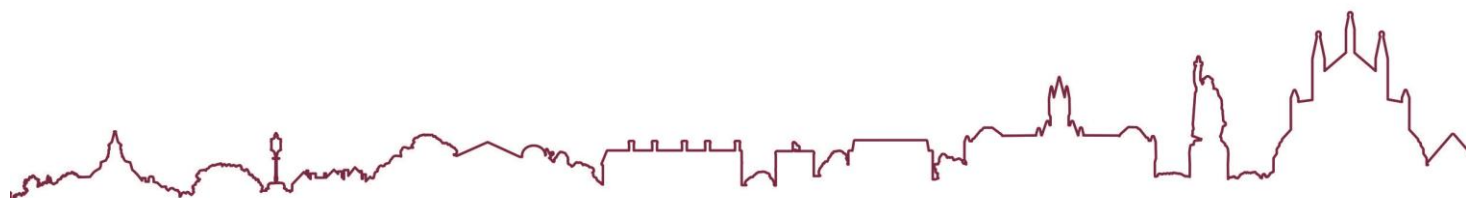
For members of the public who are unable to utilise this facility, a limited number of seats will be made available at the above named location however attendance must be notified to the council at least 3 clear working days before the meeting. Please note that priority will be given to those wishing to attend and address the meeting over those wishing to attend and observe.

AGENDA

- 1. Apologies and Deputy Members**
To note the names of apologies given and deputy members who are attending the meeting in place of appointed members.
- 2. Declarations of Interests**
To receive any disclosure of interests from Members and Officers in matters to be discussed.

Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests in accordance with legislation and the Council's Code of Conduct.

If you require advice, please contact the appropriate Democratic Services Officer, prior to the meeting.
- 3. Minutes of the meeting of the 15th February 2022 (to follow)**
That the minutes of the meeting be signed as a correct record.
- 4. Chairperson's Announcements**



5. **Public Participation**

To receive and note questions asked and statements made from members of the public on matters which fall within the remit of the Committee.

Members of the public and visiting councillors may speak at Scrutiny, provided they have registered to speak three working days in advance. Please contact Democratic Services by 5pm on 25 February 2022 via democracy@winchester.gov.uk or (01962) 848 264 to register to speak and for further details.

6. **Community Safety Partnership Performance Review** (Pages 7 - 44)
(Report Ref SC057)

RECOMMENDATION:

1. That the Committee note the work programme and agree any matters of significance to draw to the attention of the Cabinet Member for Communities and Wellbeing or cabinet generally.

7. **Land transaction in respect of the River Park Leisure Centre site and associated parking area** (Pages 45 - 150)
(Report Ref: SC065 and CAB3342)

RECOMMENDATION:

It is recommended that scrutiny committee comment on the proposals within the attached cabinet report, ref CAB3342, which will be subject to final review and amendment before being considered by cabinet at its meeting on the 9 March 2022.

8. **Q3 Finance & Performance Monitoring including a verbal update from the Chair of the Performance Panel** (Pages 151 - 252)

(Report Ref SC064 and CAB3339)

RECOMMENDATIONS

That the Scrutiny Committee:

1. Notes that the Performance Panel met on the 24 February 2022 to scrutinise the attached report, CAB3339 and its associated appendices. The minutes of the panel's meeting will be circulated to the Scrutiny Committee before it meets on the 3 March 2022 and will be included at appendix 6 of the Cabinet report.
 2. Notes that the Chairperson of Performance Panel will provide a verbal update at the Scrutiny Committee.
 3. Raises with the Leader or relevant Cabinet member any issues arising from the information in this report, ref CAB3339, which is being presented to Cabinet in May 2022 and considers whether there are any items of significance to resolve or to be drawn to the attention of Cabinet.
9. **To note a change to the membership of the Performance Panel**
To note that Councillor Cramoysan has joined the Performance Panel, replacing Councillor Williams.
10. **To note the latest Forward Plan of Key Decisions** (Pages 253 - 260)

11. **Exempt Business. Agenda item 7 - Land transaction in respect of the River Park Leisure Centre site and associated parking area – Appendix C only.** (Pages 261 - 262)

()

Exempt information within the terms of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972

RE: Agenda item 7 - Land transaction in respect of the River Park Leisure Centre site and associated parking area – Appendix C only.

To consider whether in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

If members wish to discuss any part of the above item then the following applies:

- (i) To pass a resolution 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 100 (I) and Schedule 12A to the Local Government Act 1972.

**Lisa Kirkman
Strategic Director**

All of the Council's publicly available agendas, reports and minutes are available to view and download from the Council's [Website](#) and are also open to inspection at the offices of the council. As part of our drive to minimise our use of paper we do not provide paper copies of the full agenda pack at meetings. We do however, provide a number of copies of the agenda front sheet at the meeting which contains the QR Code opposite. Scanning this code enables members of the public to easily access all of the meeting papers on their own electronic device. Please hold your device's camera or QR code App over the QR Code so that it's clearly visible within your screen and you will be redirected to the agenda pack.



23 February 2022

Agenda Contact: Matthew Watson, Democratic Services Officer
Tel: 01962 848 317 Email: mwatson@winchester.gov.uk

**With the exception of exempt items, Agenda, reports and previous minutes are available on the Council's Website www.winchester.gov.uk*

THE SCRUTINY COMMITTEE – Membership 2021/22

Chairperson: Councillor: Brook
Vice Chairperson: Councillor Lumby

Committee Members

Becker
Cook
Cramoysan
Craske
Ferguson
Horrill
Power
Weir

Quorum = 4 Members

Relevant Cabinet Members:

Having regard to the content of the agenda, the Chairperson requests that The Leader and all relevant Cabinet Members attend meetings of the committee

Public Participation

A public question and comment session is available at 6.30pm for a 15 minute period. There are few limitations on the questions you can ask. These relate to current applications, personal cases and confidential matters. Please contact Democratic Services on 01962 848 264 in advance of the meeting for further details. If there are no members of the public present at 6.30pm who wish to ask questions or make statements, then the meeting will commence.

To reserve your place to speak, you are asked to **register with Democratic Services three clear working days prior to the meeting** – please see public participation agenda item above for further details. People will be invited to speak in the order that they have registered, subject to the maximum time period allowed for speaking not being exceeded. Public Participation is at the Chairperson's discretion.

Filming and Broadcast Notification

This meeting will be recorded and broadcast live on the Council's website. The meeting may also be recorded and broadcast by the press and members of the public – please see the Access to Information Procedure Rules within the Council's Constitution for further information, which is available to view on the [Council's website](#).

Voting:

- Apart from the Chairperson, every Member has one vote when a matter before the meeting requires a decision.
- In the event of an equality of votes, the Chairperson may exercise a casting vote and that vote may be exercised in any way seen fit.
- A Member may abstain from voting or vote differently from how they may have indicated during the debate, without further explanation.

- The way each Member voted will not be recorded in the minutes, unless a motion to have a Recorded Vote has been passed.

Terms Of Reference

Included within the Council's Constitution (Part 3, Section 2) which is available [here](#)

REPORT TITLE: COMMUNITY SAFETY PARTNERSHIP – PERFORMANCE REVIEW

3 MARCH 2022

REPORT OF CABINET MEMBER: Cllr Angela Clear, Cabinet Member for Communities and Wellbeing

Contact Officer: Sandra Tuddenham Tel No: 01962 848132

Email studdenham@winchester.gov.uk

WARD(S): ALL

PURPOSE

For the purpose of Section 19 of the Police & Justice Act 2006, this Committee acts as the Council's Crime & Disorder Committee and as such is responsible for reviewing and scrutinising the decisions and work of the Community Safety Partnership (CSP).

This report provides an update on the progress made by the Partnership against the priorities and actions emerging from the Strategic Assessment 2021. It covers the period 1 April 2021 to 31 December 2021. The District Police Commander will be available at the meeting to respond to questions raised by the Committee in relation to the report and Appendices, if required a verbal update in relation to police statistics can also be provided.

The Covid pandemic has largely impacted upon crime & disorder levels throughout the last 2 years and in some cases has skewed some statistics in terms of actual crimes. This is demonstrated in some of the benchmark comparisons between 2019 and 2020.

RECOMMENDATIONS:

1. That the Committee note the work programme and agree any matters of significance to draw to the attention of the Cabinet Member for Communities and Wellbeing or cabinet generally.

IMPLICATIONS:

1. COUNCIL PLAN OUTCOME

1.1 **Tackling the Climate Emergency and Creating a Greener District**

The Neighbourhood Services Team currently have 3 electric vehicles in the fleet, with a further 3 electric vehicles on order.

The 2021 business plan for Estate Services/Improvements included greater use of flora and fauna that absorbs/neutralises carbon i.e. over 173 new trees were planted during 2021 on Winchester City Council (WCC) Housing estates (to include New Builds) and in collaboration with the Natural Environment & Recreation Team (NERT) the further development of wild flower areas.

Update: Between February and March 2022 there is an expectation that a further 51 new trees will be planted on housing land.

The appointment of the new Estate Improvement Officer within the team will inform greater discussion/consultation around improvements that include biodiversity projects and reduction of carbon emissions i.e. Electric Vehicle Charging Points.

1.2 **Homes for all**

Neighbourhood Service Officers work alongside WCC Housing Options, Tenancy Support and external housing providers when signposting for support, those who come to their attention because of their vulnerability, behaviour, substance dependency or homelessness.

1.3 **Vibrant Local Economy**

The CSP works in partnership with the BID, WCC Licensing and Hampshire Constabulary to reduce crime & disorder in relation to the night-time economy.

Neighbourhood Services and Community Safety will input to consultation opportunities around regeneration, in order that identified risks related to crime & disorder can be addressed at the design stages.

1.4 **Living Well**

Neighbourhood Services & Community Safety work alongside Housing Tenancy and Hampshire Constabulary to tackle the issues related to transient drug dealing.

Neighbourhood Services & Community Safety work collaboratively across Housing services in support of tackling homelessness, tenant involvement/support/concerns for welfare i.e. Health & Safety checks, tackling waste issues in communal areas, implementing estate improvements and managing open space contracts.

1.5 **Your Services, Your Voice**

Neighbourhood Services work alongside TACT and Community Groups to consult around estate improvements.

The CS Teamwork in collaboration with ward councillors and community representatives to understand and provide remedial action to crime & disorder concerns.

The Housing Operations and Community Safety Service is in the process of developing greater opportunity for residents to 'feedback' their views in terms of service satisfaction (includes contracted services) i.e. digital options such as QR Codes, Texting, E-mail, Mobile Apps.

2 **FINANCIAL IMPLICATIONS**

- 2.1 All work undertaken by the Community Safety Partnership is either provided using existing resources or is supported with government grant funding as commissioned projects, managed by the Office of the Police & Crime Commissioner.

The budget allocated for the delivery of the city council's Neighbourhood Service & Community Safety Team is set against a net budget of £400K.

The transfer of fly tip resources from the Neighbourhood Services & Community Safety Team across to the Service Lead for Environmental Services has resulted in a successful grant funding application of £25K from the Waste And Resources Programme (WRAP).

3 **LEGAL AND PROCUREMENT IMPLICATIONS**

- 3.1 Sections 19 and 20 of the Police & Justice Act 2006, requires the City Council to have a 'Crime & Disorder Committee' with the power to review and scrutinise decisions made and other action taken in connection with the discharge of crime & disorder functions by responsible authorities (which include the City and County Council, National Probation Service, Hampshire Constabulary, Hants Fire & Rescue Service and Clinical Commissioning Group). The Crime and Disorder (Overview and Scrutiny) Regulations 2009 compliment the provisions under section 19.
- 3.2 The Committee has a power to make reports and recommendations to the City Council and the County with regard to the discharge of those functions. A member of the City Council must be able to have a local crime & disorder matter placed on the agenda of the Committee. As the City Council operates executive arrangements (with a Cabinet), the Committee must be a Scrutiny Committee.

- 3.3 The role of the committee is as a “critical friend” of the community safety partnership, providing it with constructive challenge at a strategic level rather than adversarial operational level.

4 WORKFORCE IMPLICATIONS

- 4.1 Delivery of Community Safety work is a partnership activity, managed by the Neighbourhood Services & Community Safety Manager. Amongst their other core activity, the Team actively supports the work of the CSP and Housing Services by responding to community concerns and issues related to County Lines, Anti-Social Behaviour and Environmental issues.
- 4.2 Community Engagement is a key factor in the delivery of successful crime reduction and community empowerment opportunities. The current staffing resource does provide sufficient capacity from within the existing service to meet this objective. A proposal has been put forward for an additional 2 FTE posts whose focus will be to deliver against specific community engagement outcomes, this is subject to full council approval.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 Protecting the assets of the council is a role for Neighbourhood Services & Community Safety Officers, specifically in relation to hot spot areas of crime & disorder i.e. utilising the tools and powers related to ASB legislation and contributing to consultation processes around district regeneration i.e. Kings Walk.

6 CONSULTATION AND COMMUNICATION

- 6.1 The development of the Community Safety Strategic Assessment and the subsequent delivery plan is completed in consultation with statutory, non-statutory partners and community representatives.

The Cabinet Member for Communities and Wellbeing is the chair of the Community Safety Partnership and is fully informed of partnership activity via monthly update meetings with the Neighbourhood Services and Community Safety Manager.

Supporting the most vulnerable during the Covid-19 Pandemic has been a key function for the city council. Recognising the importance of continued education and awareness raising during this period, the Community Safety Partnership collaborated with the council's Communications Team to deliver against local and national campaigns, using social media as an engagement tool. See **Appendix 3**.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 Effective management of the Community Safety Partnership and relevant legislation i.e. Environment Protection Act 1990 promotes a positive environment approach for those who live, work or visit the district.

8 EQUALITY IMPACT (EqIA) ASSESSEMENT

- 8.1 This report provides an update on the progress made by the Partnership against the priorities and actions emerging from the Strategic Assessment 2021 and is not requesting any decisions. The report is for noting and raising issues only and therefore an EqIA is not required.
- 8.2 The council has a statutory duty under section 149 of the Equalities Act 2010 that requires all public bodies to consider the needs of all individuals in their day-to-day work and in the course of their work supporting the Partnership, officers must have due regard to the Public Sector Equality Duty (PSED).
- 8.3 More specifically, officers have an understanding of the protected characteristic groups as set out in the Equality Act 2010 and have due regard to eliminate unlawful discrimination, harassment and victimisation as well as advance equality and foster good relations between people who share a relevant protected characteristic and those who do not.
- 8.4 Completion of an EqIA was undertaken in relation to the extension of the Public Space Protection Order (PSPO) in 2020 and concluded it reasonable and proportionate for the extension to be implemented (report LR533 refers). The EqIA demonstrated that delivering the PSPO does not disadvantage anyone in the use of its power.
- 8.5 Officers will consider the council's Public Sector Equality Duty and if required complete an EqIA on any specific recommendations or future decisions to be made.

9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 The Community Safety Partnership is governed by legislative powers in relation to the sharing of information for the purposes of managing risk around crime and disorder i.e. Section 115 of the Crime & Disorder Act 1998. The security and storage of personal data within the confines of the service is managed in line with statutory duty, council policies and service retention schedules.

Risk	Mitigation	Opportunities
<i>Property - none</i>		
<i>Community Support – Insufficient staff resource to cover the priority areas of the Town Forum.</i>	Staffing levels remain set at a minimum of 3 wherever possible to cover core hours. Resilience across the team has been built in.	The merger of two teams has improved team collaboration across the service and in doing so has identified where there are opportunities for greater community engagement.
<i>Timescales –</i>		
<i>Project capacity - none</i>		
<i>Financial / VfM - none</i>		
<ul style="list-style-type: none"> <i>Legal – statutory duty for the city council to provide the scrutiny functions set out in ss19 and 20 of the Police and Justice Act 2006.</i> 	Ensure that a report is placed before the scrutiny committee which enables feedback on the work programme	
<i>Innovation - none</i>		
<i>Reputation – Partnership working arrangements.</i>	Ensure the professional integrity of all staff/partner contact is maintained.	Increase opportunity for greater communication using social media e.g. responding to Facebook forums.
<i>Other</i>		
Financial Exposure		
Exposure to challenge		
Innovation		
Reputation – reputational risk around not resolving ASB issues.	Ensure all ward members are kept apprised of issues in hot spot locations in order to manage expectation.	Improving confidence in reporting.
Achievement of outcome		
Property		
Community Support - Reputational Risk around	Proposal put forward for additional resource to	Those living and working in Winchester will be

not being in a position to provide staffing resource to events/walkabouts.	provide community engagement opportunity.	provided with greater access to services and decision making processes.
Timescales		
Project capacity – Team cannot respond to all ASB issues, police resources limited.	Broaden the partnership collaboration.	
Other		

11 SUPPORTING INFORMATION:

11.1 For the purpose of Section 19 of the Police & Justice Act 2006, this Committee acts as the Council's Crime and Disorder Committee and as such is responsible for reviewing and scrutinising the decisions and work of the Community Safety Partnership.

11.2 The Committee is asked to consider this report as part of its role as the Council's Crime & Disorder Committee.

This report forms part of the regular performance and financial monitoring process designed to check progress in delivering the Council's Crime & Disorder Committee.

11.3 The Community Safety work plan for 2021/22 focuses on 3 priority categories, they are:

- a) Domestic Violence and Abuse
- b) Quality of Life
- c) High Harm Crime

The information listed in **Appendix 1** to this report is the Community Safety Delivery Plan update, providing a progress report against the actions and objectives the Community Safety Partnership has delivered against for the period April to December 2021.

11.4 The data in **Appendix 2** is a crime summary provided by the police district Commander Ch. Insp. Jon Turton.

11.5 The data in **Appendix 3** shows the results of collaboration between the Community Safety Partnership and the council's Communications Team.

11.6 Community Safety – Headlines

11.7 During the last year the Neighbourhood Services & Community Safety team has worked with other services across the city council and externally with statutory and voluntary partners to deliver against the priorities within the corporate strategy and associated plans. **Examples** are listed below:

- a) **Anti-Social Behaviour (ASB), Housing** – WCC housing tenancy team worked with an average of **167** live cases and **27** new cases per month. Reports of ASB and concerns around mental health and wellbeing which was shown in referrals to the assessment and Mediation Service **10** and Victim Support **9**. In addition, the data showed there were **6** Notice Seeking Possession, **1** Suspended Possession Order and **3** management moves.
- b) **Housing Case Management** – the service is hoping to implement a new case management system this year which will enable the recording and reporting of specific case details.
- c) **Fly Tip Enforcement** – the 2021 figures showed that the council received **1349** new incident reports of fly tip. **217** site visits were undertaken (unfortunately not all site visits have fly tip evidence within the rubbish so it's important to note that the number of site visits don't necessarily equate to reports coming in – without evidence and/or witnesses an investigation into the fly tip cannot be pursued), **13** investigations were opened within the reporting period as opposed to **58** in 2020.¹ During the same reporting period there were **273.70** tons of waste collected, **7** incidents were on private land (3 sites the waste was removed prior to the officer attending, 2 had no evidence and 1 site was not accessible). However, **1** was investigated and is due in court for prosecution in April 2022. Private land reports increased from the previous year (3) in 2020 as opposed to (7) in 2021 (if landowners do not have appropriate measures in place to reduce the risk of fly tip they are offered advice about securing land).
- d) **Fly Tip Resource** - in order to ensure a single service approach to the waste management and enforcement of fly tipping, responsibility has been transferred to the Service Lead Environmental Services who also has responsibility for the waste management contracts. The current staff vacancy for an enforcement officer is out to advert with an interview date booked for 8th March.
- e) **Fly Tip Education/CCTV** – a pilot project was launched in August 2021 which provided new signage and the use of cameras for hot spot locations. This is deemed to have been successful in terms of providing a deterrent to perpetrators, to date the number of fly tips have reduced in hot spots where cameras are located. The cameras are effective at taking photo's but have not caught anyone in the act yet, however a further 6 of the same type have been purchased. This will enable the installation of more cameras at a single location in order to minimise

¹ Fly Tip Data – see appendix 1 for updates related to investigation outcomes.

the chance of the fly tip being out of the range of the camera. This pilot will continue to be monitored in order to identify any gaps in provision and improve the use of cameras and signage as part of the ongoing campaign against perpetrators of fly tip.

- f) **Your Winchester online ASB Report forms** – There were **95** online reports (**34** Rural and **61** Urban areas) made within the reporting period and **113** compared with the same period in 2020. Reports consisted of Neighbourhood issues, Drug intel/paraphernalia/usage issues, ASB linked to Criminal Damage and Graffiti and rough sleeping related ASB.
- g) **Direct Reports** to the ASB lead within the reporting period totalled **103** cases compared to **71** in 2020. As a result of reports about HMO's **9** (**6** in 2020) noise visits were undertaken to student properties.
- h) **Begging stats** (As identified by CCTV) - There has been a significant reduction with the begging stats over the past year, data showed there were **43** reports in the reporting period compared to **81** in 2020. The figures reflect the fact that the majority of individuals are accommodated and support is provided via outreach, sign posting to other services and where appropriate the use of enforcement powers in line with ASB legislation i.e. Community Protection Warning Notices, Community Protection Notices and Community Banning Orders.
- i) **Community Warning Letters and Community Protection Notice's** – **10** Community Protection Warning letters were issued compared to **3** in 2020, all were linked to begging. Likewise, there was **4** Community Protection Notice issued within the data period compared to **1** in the same period for 2020.
- j) **ASB Hot Spot Locations**² – **14** within the reporting period compared to **8** in 2020. The number of reports coming in for specific locations included complaints of; rough sleepers and the associated detritus, discarded drug paraphernalia, criminal damage and drug dealing. The partnership used a variety of methods to address the issues and engage with the communities e.g. Street Briefs, Door Knocks, Patrols (joint partnership), Letter Drops, and Outreach. The Community Safety Partnership has recently supported grant funding applications to the Police & Crime Commissioners Office that would see the provision of increased outreach support throughout the day to try and encourage those causing issues to return to their accommodation.
- k) **Needle finds** – **46** unused and **115** used needles, **14** NOS Canisters were disposed of within the reporting period.
- l) **Community Trigger** – **1** application was received, it met the threshold and the case is still in review.
- m) **Community Partnership Intelligence** – data showed **22** intelligence reports were made within the reporting period. Information included; drugs, racist/offensive graffiti, safeguarding concerns (reports related to drug intelligence was the predominant issue).

² Hot Spot Locations – are identified as Hot Spots if they reach a level that requires discussion at the ASB panel for multi-agency support. Wards included Whiteley and Shedfield, St Michael, Colden Common/Twyford, Badger Farm & Oliver's Battery, St Bartholomew, St Lukes.

12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 The Council is a responsible authority within the Community Safety Partnership and has a statutory duty to deliver against crime & disorder. No other options can be considered.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

[SCO43: COMMUNITY SAFETY PARTNERSHIP – PERFORMANCE REVIEW](#)

11 MARCH 2021.

Other Background Documents:-

Winchester Community Safety Partnership Strategic Assessment 2021

<https://www.winchester.gov.uk/community-safety-and-neighbourhood-services/winchester-community-safety-partnership/current-csp-strategy>

APPENDICES:

Appendix 1. Winchester Community Safety Partnership - Annual Delivery Plan 2021/2022 (April to December Performance Update)

Appendix 2. Police District Commander Summary

Appendix 3. Community Safety – WCC Social Media Analysis

WINCHESTER COMMUNITY SAFETY PARTNERSHIP

ANNUAL DELIVERY PLAN 2021/22 – April to December 2021 Performance Update

Winchester Community Safety Partnership has a statutory duty to undertake a review of crime & disorder statistics each year. From this review an annual delivery plan is developed and actions set against thematic priorities emerging from within the report are prioritised. The focus for the 2021/22 delivery plan aimed to reduce the impact that threat, risk and harm has on individuals and society as a whole. In addition, the Partnership ensured that the priorities identified within this strategic assessment directly link to the priorities of other partner strategies i.e. Hampshire Constabulary, Hampshire & Isle of Wight Police & Crime Commissioner report, Hampshire County Community Safety Strategic Assessment.

The following themes were identified:

- Domestic Violence and Abuse
- Quality of Life
- High Harm Crime

In order to monitor progress against the actions identified in the delivery plan a review of Partnership activity took place at a 6monthly interval. A summary of those findings are available within this scrutiny report.

Each of the priority actions within the delivery plan has been monitored against performance and partnership activity. Using InterAct, a data collection tool managed within the OPCC and performance updates from the wider partnership. Performance reports are made available to the public and partners alike via the city council's website.

The following report has been produced using data extracted from InterAct¹, for the data collection period 1st April to 31st December 2021, compiled from data supplied by the Police, contextual information from our partners and as appropriate/possible we have added comparative data².

The report compares current data with data from 2020, it is recognised that due to the impact of the pandemic that comparison with data from 2019 provides a more realistic comparison in relation to recorded crime rates and that is reflected in **Appendix 2**.

¹ InterAct – is a multi-agency data collection tool which is managed by the Office of the Police and Crime Commissioner.

² Comparative data – there is not always the opportunity to provide a comparison to the data sets and this is either due to the fact that it is not available using the collection tool or because some partners have changed their recording methods. Data provided in the period 2020 is the baseline year.

Delivery Plan 2021/22

Domestic Abuse

Outcomes

- Domestic Homicide Review quality assured by the Home Office – publication date to be agreed.
- DHR SMART Action Plan – 6 recommendations equating to 36 actions. 13 achieved and 17 partially achieved to date.
- FAT outcomes for 2021/22: averaged at 6.5%.
- Hampshire Constabulary made 12 disclosures under Clares Law (8 right to ask/4 right to know).
- Snapshot provided from quarters 1-3; 3 Domestic Violence Protection Notices and 2 Domestic Violence Protection Orders.
- Domestic Abuse support group continued to be delivered virtually throughout 2021.
- 25 clients were referred to other Stop Domestic Abuse service areas and received relevant support.

Quality of Life

Outcomes

- 9 alcohol seizures carried out, most individual's dispose of alcohol voluntarily upon request.
- Summer high vis patrols undertaken in open spaces, engaged with over 500 individuals giving out educational messages around safe use of barbecues, fire safety, water safety, ASB, alcohol and drug use.
- FAT outcome for public order 201/22 averaged at 14.87%
- Fresher's Fayre attendance - engaged with over 100 students, giving advice on bins, ASB, being good neighbours, noise and staying safe.
- 9 noise visits to student properties on behalf of Environmental Health and 2 targeted waste visits following complaints were undertaken.
- 10 Community Protection Warnings and 4 Community Protection Notices were issued.
- 294 safe and well visits conducted.
- 7 incidents of fly tipping on private land reported, resulting in 1 investigation due to go to court for prosecution in April 2022.

High Harm Crime

Outcomes

- FAT outcomes for drugs 2021/22: averaged at: 91.43% (possession) and 92.63% (trafficking).
- FAT outcomes for violence against the person with injury averaged at 17.47%.
- Out of court disposals: 83 cautions, 282 community resolutions, 34 TICs
- Stop and search: 372 searches conducted with 37.6% leading to a positive outcome.
- Operation Barnacle (organised crime group) resulted in 5 offenders arrested and remanded in custody.
- Hate crime (snapshot from Jan – Dec 2021) 195 incidents – FAT outcome: 62.56%.
- Possession of weapons offences 46 incidents showed a 9.80% reduction as opposed to 51 in 2020.
- Missing, Exploited, Trafficked (MET) 5 incidents (snapshot from Jan – Dec 2021) – FAT outcome: 60%.

Headline Data April – December 2021

Violence with injury:

639 (553)*
FAT Outcome:
17.46%**

Domestic abuse

833 (792)*

Hate crime

195 (154)*
(Jan - Dec)
FAT Outcome:
62.56%**

Anti-Social Behaviour

945
(1438)*

Public Order:

800
(558)*

Violence without injury:

1507 (1215)*

Drugs Possession:

160 (123)*
FAT Outcome:
91.43%**

Drugs Trafficking:

35 (40)*
FAT Outcome:
92.63%**

Shoplifting:

222 (187)*

Bicycle Theft:

143 (71)*

Other Sexual Offences:

189 (114)*

Burglary

(business and community):
119 (130)*

Criminal Damage: 624
(482)*

Fraud:

333 (75)*
Total lost through fraud: £2,865,223.02
(7.49% of the county total)**

Arson:

26 (25)*

Key:

- FAT Outcome is Formal Action Taken
- * brackets denote 2020 data
- **BLACK is a statement of fact

Headline Data Detail: April – December 2021

HMIC Crime Tree	Winchester 2020	Hampshire 2020	Hampshire Average 2020	Winchester 2021	Hampshire 2021	Hampshire Average 2021	Winchester % Change 2020 vs 2021
1a Homicide	0	7	0.41	0	14	0.82	N/A
1b Violence with Injury	553	13724	807.29	639	16437	966.88	15.55%
1c Violence without Injury	1215	29439	1,731.71	1507	40872	2,404.24	24.03%
2a Rape	81	1548	91.06	107	2040	120.00	32.10%
2b Other Sexual Offences	114	2434	143.18	189	3491	205.35	65.79%
3a Robbery of Business Property	1	111	6.53	1	81	4.76	0.00%
3b Robbery of Personal Property	20	848	49.88	26	958	56.35	30.00%
4a1 Burglary Residential	249	4293	252.53	319	4531	266.53	28.11%
4a2 Burglary Business and Community	130	1906	112.12	119	1668	98.12	-8.46%
4b Vehicle Offences	281	5447	320.41	696	7323	430.76	147.69%
4c Theft from the Person	25	510	30.00	38	768	45.18	52.00%
4d Bicycle Theft	71	1846	108.59	143	2073	121.94	101.41%
4e Shoplifting	187	5963	350.76	222	6896	405.65	18.72%
4f All Other Theft Offences	365	6264	368.47	388	8252	485.41	6.30%
5a Criminal Damage	482	10443	614.29	624	11810	694.71	29.46%
5b Arson	25	463	27.24	26	432	25.41	4.00%
6a Trafficking of Drugs	40	960	56.47	35	865	50.88	-12.50%
6b Possession of Drugs	123	3446	202.71	160	3352	197.18	30.08%
7 Possession of Weapons Offences	51	1439	84.65	46	1554	91.41	-9.80%
8 Public Order Offences	588	13173	774.88	800	17913	1,053.71	36.05%
9 Miscellaneous Crimes Against Society	133	1951	114.76	119	2045	120.29	-10.53%
Historical Code	0	0	0.00	0	1	0.06	N/A
NOT STATED	1	6	0.35	16	113	6.65	N/A
Total	4,735	106,221	6,248	6,220	133,489	7,852	

Figure 1: All recorded crime for the period April - December 2021, compared to the same period in 2020

trend towards overall increases across all crime types. In respect of the first 3 quarters of 2021 data showed an increase in reported crime of 31.36% (6220) when compared to the same reporting period on 2020 (4735). In the main this increase can be attributed to the impact of Covid19 and the relaxing of restrictions that resulted in greater opportunity for increases in certain crime types such as violence, vehicle offences and public order offences. Despite these increases there has been some notable reductions in business and community burglary, trafficking of drugs and miscellaneous crimes against society. **Overall recorded crime is currently 5.71% lower when compared with the same period in 2019³.**

Data provided by Hampshire Probation Service shows that they worked with 192 individuals between October 2020 and September 2021. At the end of June 2021, Community Rehabilitation Company contracts ended and a new unified model for Probation Services was introduced in England and Wales. Under the new model, all sentence management for low, medium and high-risk offenders is now carried out by the Probation Service rather than contracted providers. Therefore it is not possible to compare the number of offenders managed by the new combined service with previous years and 2021 will be the baseline year.

Priority1: Domestic Abuse

³ 2019 - Pre pandemic which provides more of a realistic comparison of the crime data.

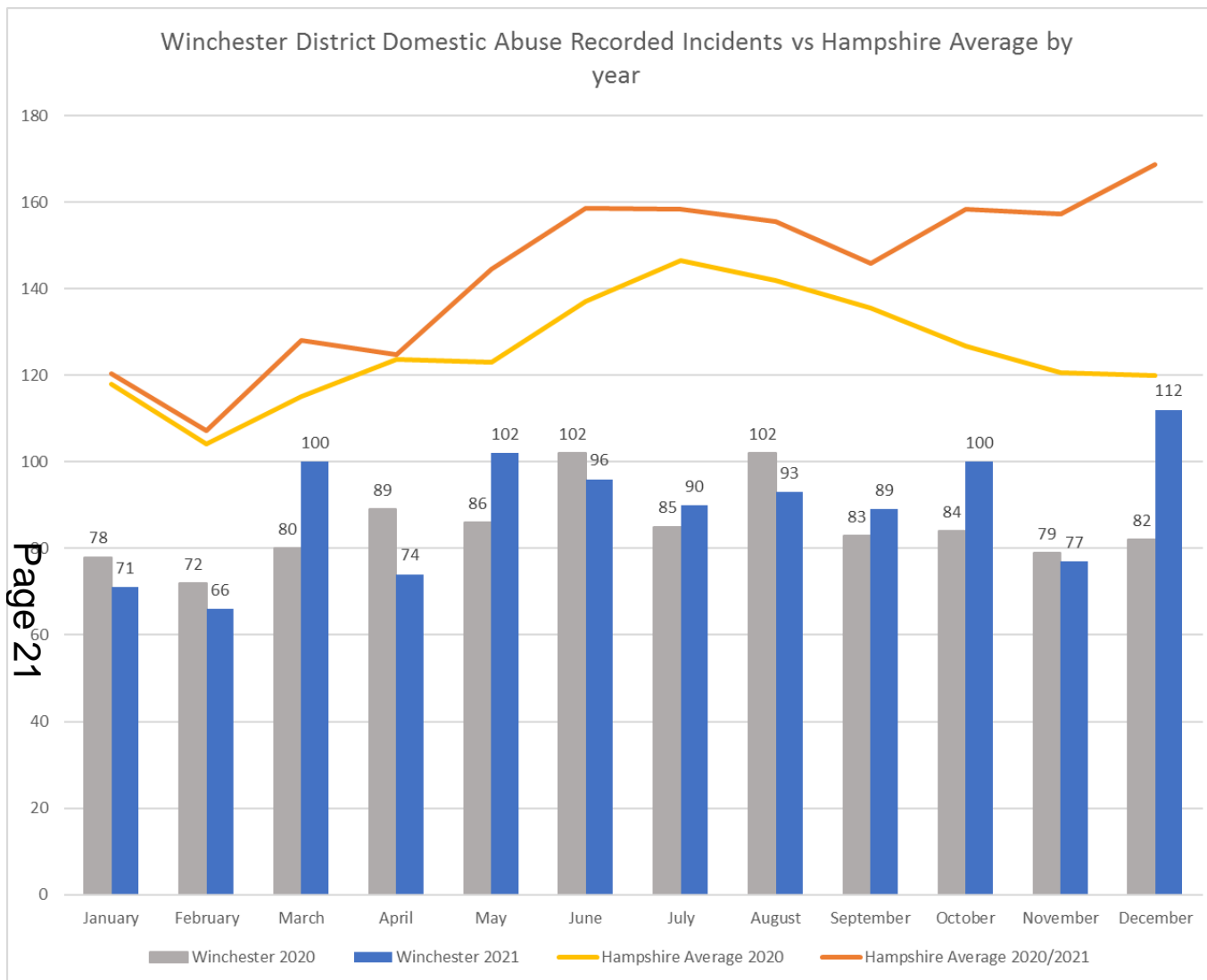


Figure 2 Domestic abuse recorded incidents by year

Overall there has been a 4.70%⁴ increase in reported domestic abuse incidents from 2020 compared to 2021. Despite this Winchester remains below the Hampshire average for this offence type.

Seasonal and social trends i.e. Christmas, can often be linked to domestic violence and abuse rates and some investigations can be difficult to pursue if they are not supported by the victim. The graph is a good example of the impact that the seasons can have on recorded incidents.

Winchester Council Housing Officers in the Tenancy Team work with both the victims and perpetrators of domestic abuse and alongside other professional agencies and support services. They have taken relevant tenancy action on a case by case basis, for example installing additional security, collating information for urgent management moves and in house joint to sole applications ensuring protective measures are in place.

Hampshire Constabulary issued 3 Domestic Violence Protection Notices and 2 orders in the reporting period. They made 12 disclosures under Clares Law (Right to know / Right to ask) between April and September 2021 compared to 15 in the same period in 2020.

⁴ Data -4.70% is the year to date as a posed to the above headline data at 5.18% which is the 1st 3 quarters of the financial year. (April to December)

Stop Domestic Abuse

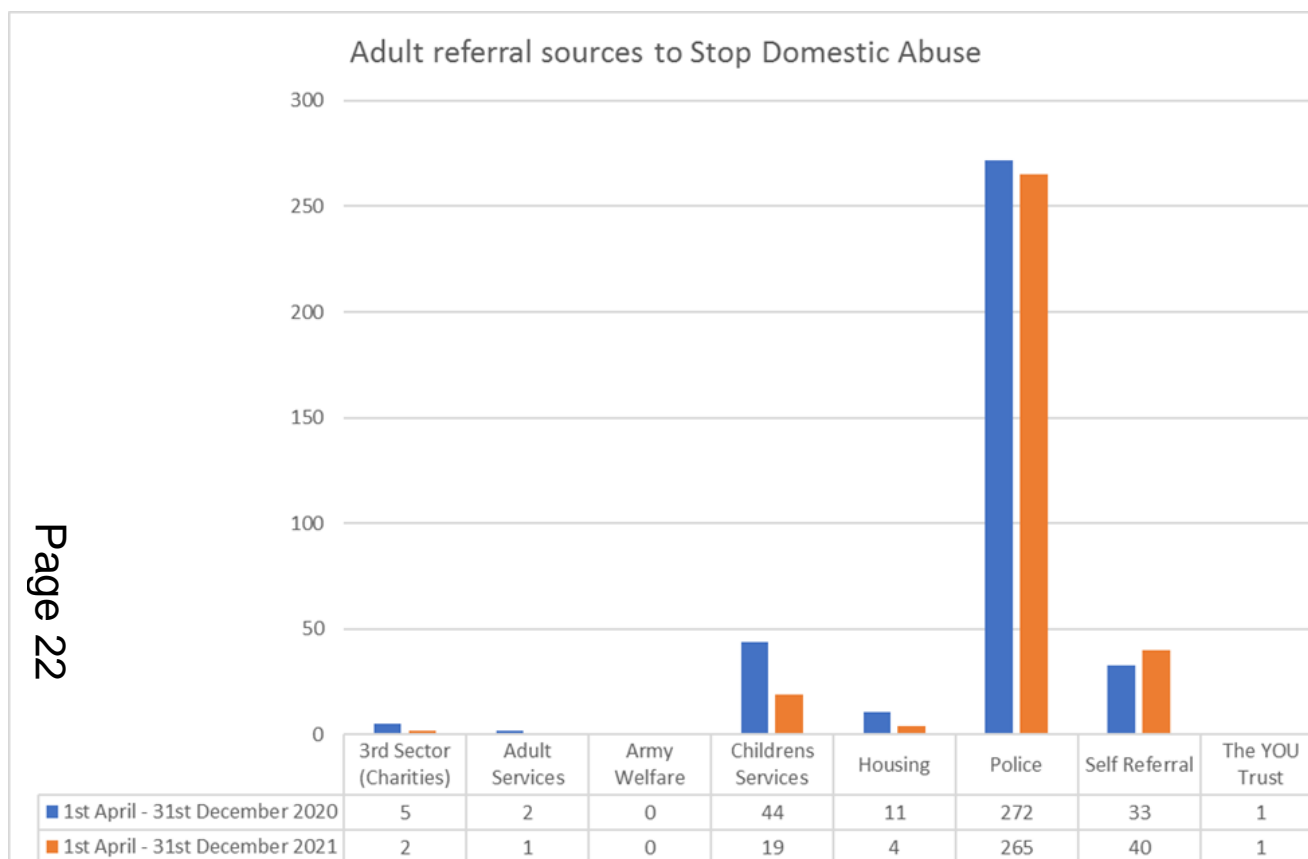


Figure 3 Adult referrals to Stop Domestic Abuse services by year

There has been an 13.69% reduction in referrals to all Stop Domestic Abuse services (adults and children) in 2021 compared to the same period in 2020 (454 to 526). It should be noted that Covid19 has had an impact on referral levels i.e. referrals from housing providers reduced by 63.63% which could be attributed to remote working practices resulting in difficulties in access. Referrals into Winchester IDVA service decreased by 26% when compared to the same period in 2020. Some of this decrease could be attributed to the fact that the police process for handling medium risk cases changed on 1st August which resulted in a decrease in medium risk referrals. Despite a reduction in referrals Stop Domestic Abuse have not experienced a decrease in

engagement from clients and referrals to this service are slightly higher than pre pandemic levels.

This service continued to deliver group work virtually during 2021. A face to face freedom programme was trialled in Winchester, however the uptake was not as expected and client's preference still seems to be towards virtual group work. The service have also noted that there has been a significant increase in the need for longer interventions in both 2020 and 2021 when compared to pre pandemic levels with adults spending 92.49% longer in service than in 2019.

The graph details the referral source during April – December 2021 compared with the previous year. Referrals from Children's Services have reduced by 56.81% compared to 2020 levels and now are more comparable with those seen in 2019. Referrals from the 3rd sector remain low seeing a 60% decrease. The police remain the predominate referral source with referrals decreasing by 2.57% in 2021 compared with 2020, however they remain 81.51% higher than pre pandemic levels due to changes in police processes. Self-referrals increased by 21.21% but are still significantly lower than those seen pre pandemic.

Priority 2: Quality of Life

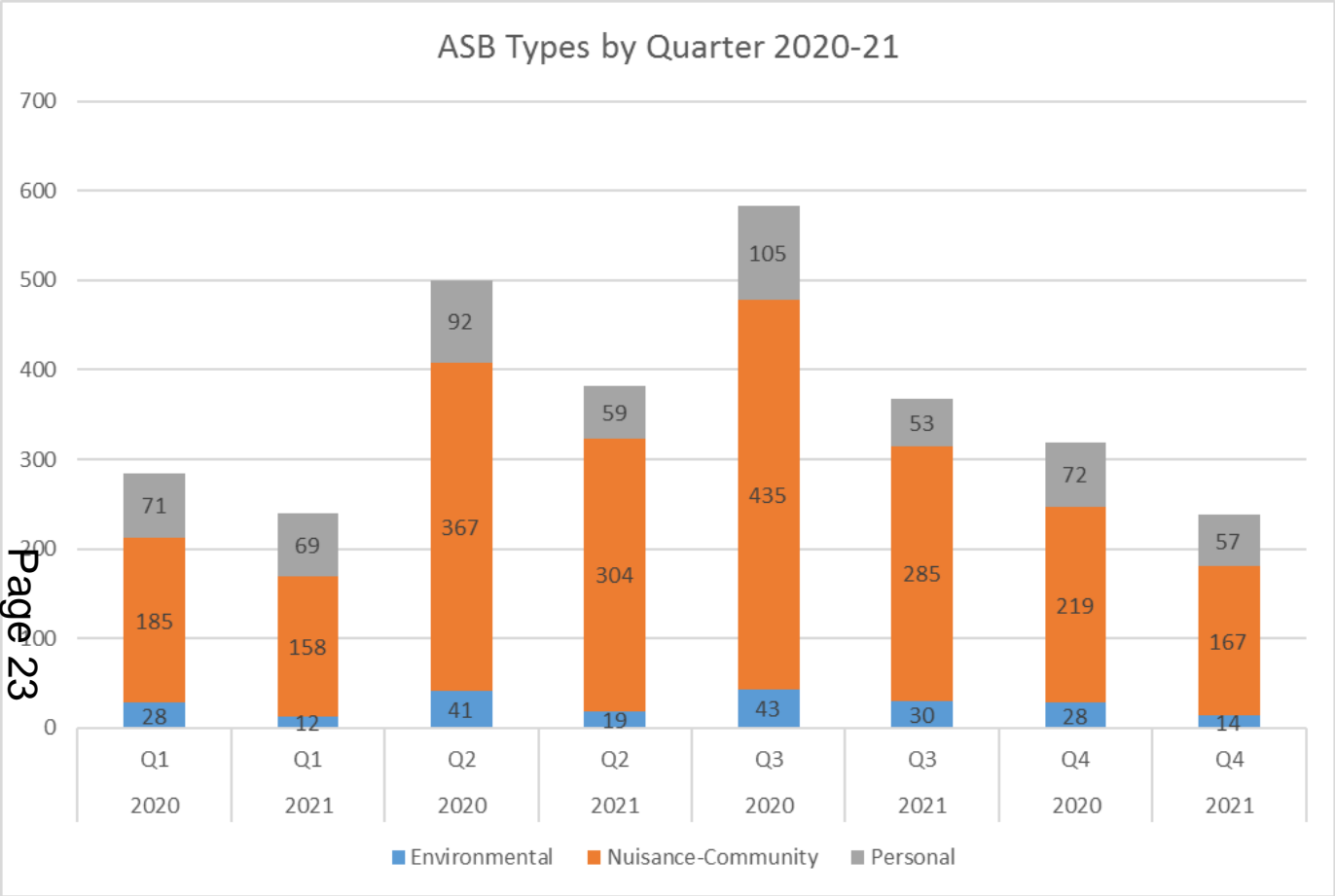


Figure 4 Hampshire Constabulary ASB recorded incidents by quarter 2021-21

Recorded incidents of anti-social behaviour saw a 28.55% reduction in 2021 from 1657 incidents in 2020 compared to 1184 in 2021. This follows trends seen in previous years of an ongoing reduction in ASB reports which continued to decline despite the impact of Covid 19⁵. The

⁵ Covid-19 – you could expect increased report because more people were at home however this is not reflected in the data.

⁵ Voluntary disposals – are not currently recorded in data collection.

breakdown by quarters demonstrates the seasonal trends which recur on an annual basis. The most prevalent type reported continues to be ASB linked to nuisance/community. Police undertook 9 alcohol seizures however voluntary disposals⁶ far outweighed the number of formal actions recorded in relation to alcohol.

Dispersal orders have been utilised effectively by Police in some ASB hotspot locations i.e. Kings Walk and A33 trap racing on the highway.

Winchester City Council’s Housing Tenancy team have noticed an increase in reports of ASB and concerns around mental health and wellbeing, and continued to complete essential home visits where required for tenancy enforcement and welfare concerns. The increase in reports are mainly low level noise nuisance reports and reports of cannabis use. There has also been a notable number of tenants requiring additional support/intervention from the service as a result of the pandemic restrictions.

Between April and December Winchester BID Rangers dealt with 584 ASB related incidents both reactively and proactively including begging, drug use, public disorder and theft incidents occurring in the Winchester BID area.

Neighbourhood Services Fly Tip Enforcement

Outcomes achieved related to investigations undertaken during the reporting period: 1 st April – 31 st December 2021	
Outcome	Quantity
FPN issued	1
File prepared for Legal	1
Case closed due to lack of evidence	4
Cases ongoing	7
TOTAL	13

Figure 5 Outcomes achieved related to investigations in reporting period

Outcomes achieved during the reporting period related to investigations undertaken during a previous reporting period	
Outcome	Quantity
FPN issued	2
Caution	3
Court outcomes – not guilty	1
Court outcomes - guilty	7
TOTAL	13

Figure 6 Outcomes achieved related to investigations in previous reporting periods

The Council's fly tip enforcement officer undertook 13 investigations during the reporting period. The table at figure 5 details the outcomes arising from the investigations. 7 cases are currently ongoing and the outcomes achieved for these will be reported in a future quarter.

In addition the table at figure 6 details the 13 outcomes achieved, linked to investigations undertaken in 2020. Of those, 7 cases went to court for incidents that occurred on public land in Soberton, Wickham, Durley, Hambledon, Micheldever, Colden Common and 1 incident on private land in Durley. In each of these cases, the defendant was found guilty resulting in a total of £6,633.63 in penalties; fines, custodial sentence, costs, victim surcharges and compensation.

The overt camera pilot aims to deter fly tipping in key hot spot locations. A small number of cameras were installed in August, which have worked successfully as a deterrent, alongside a larger number of signs which warn of the use of cameras. To date no active fly tippers have been identified. Overall the number of fly tips has reduced since the deployment of signs and cameras however it is not known if this reduction can be attributed to the cameras and signage or the effect of seasonality. The Council has now purchased a further 6 cameras of the same type which will enable increased camera coverage at a single location.

A successful bid has been made for £25K grant funding to improve IT systems that allow the process of reporting and recording of fly tips to be more streamlined and simplified.

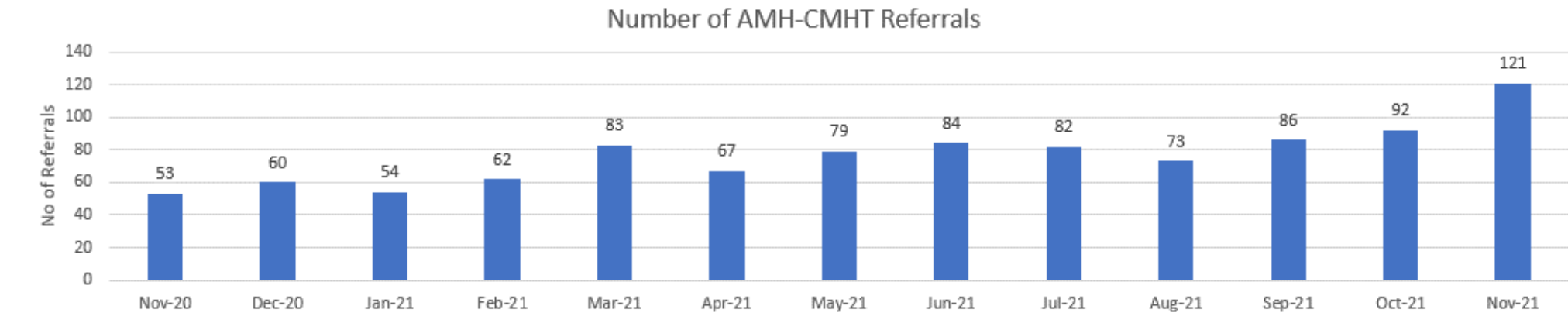


Figure 7 Adult Mental Health Referrals to Community Mental Health Teams

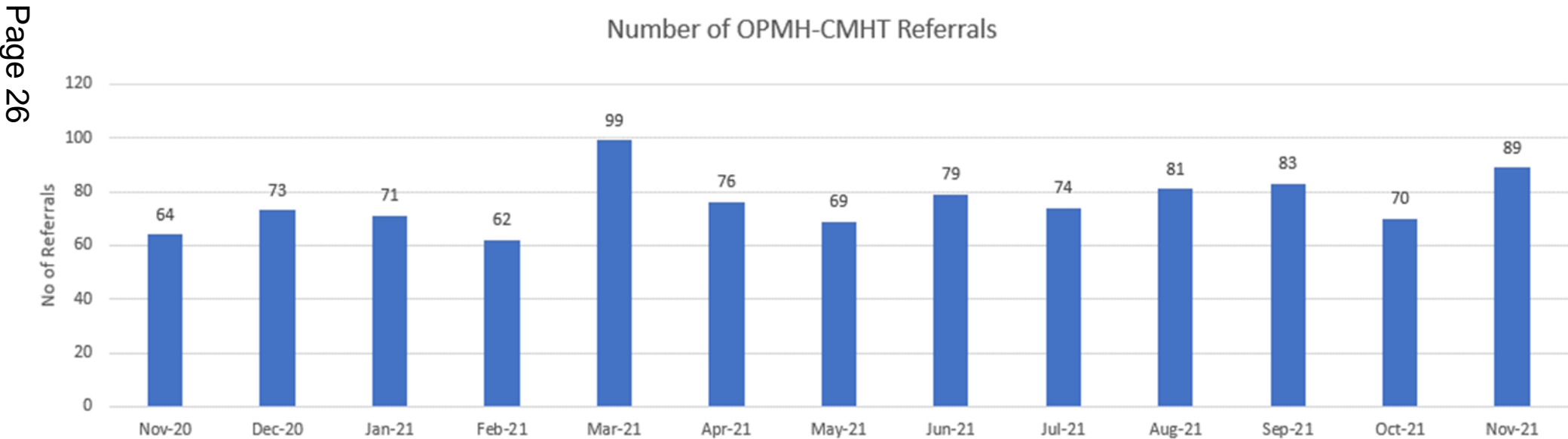


Figure 8 Older Persons Mental Health Referrals to Community Mental Health Teams

⁷ AMT – Adult Mental Health, CMHT - Community Mental Health teams, OPMH – Older Persons Mental Health.

The two charts above indicate that there has been an increase in the number of referrals to the Community Mental Health teams (CMHT), but this is below the modelling numbers predicted in the first year of the pandemic. Referrals from Winchester Rural South to adult CMHT have seen the biggest increase and this is likely due to CMHT-s lining up with the Primary Care Networks (PCN), which meant that some patients who would have been referred to South East Hants area CMHT, are now referred to Winchester CMHT.

Figures are not available for Mental Health contacts at PCN level, but it is hoped that data will be available in the near future due to the Community Mental Health transformation programme being developed. Winchester City PCN mental health team (part of the No Wrong Door/community transformation programme) capacity is increasing due to extra funding and there are plans for the other two PCN-s to start building their Mental Health primary care teams from April 2022.

Two new crisis services have been developed and are now open for the North and Mid Hampshire population: Crisis House in Littleton and the Safe Haven service in Basingstoke.

Hampshire & Isle of Wight Fire & Rescue Service

There were 294 safe and well visits completed during 1st April – 31st December 2021, a 22% reduction compared to 2020 (377 to 294) 24 safeguarding referrals made by staff in 2021 compared to 28 in 2020, a 14.3% reduction.⁸

Due to the impact of the pandemic throughout the year a number of safe and well visits were initially undertaken as telephone risk assessments and later visited when restrictions lifted. It is also important to note that many of the services' activities actually had a positive impact on the community. These included voluntary vaccinators and ambulance driving for example. So far from being adversely impacted Fire Officers interaction with and for the community actually increased. They continue with these activities and although the predicted impacts of Covid are less than first feared. Overall, with the exception of a 10 day period at the end of Dec/ beginning of January, the number of shifts lost to Covid have remained lower than anticipated, and the Service' degradation plan has allowed them to maintain good levels of fire cover.

⁸ Safeguarding referrals - The outcome of these referrals is dependent on what level of concern was raised at point of referral and in some cases HIFRS will not be advised of the outcome

Priority 3: High Harm Crime

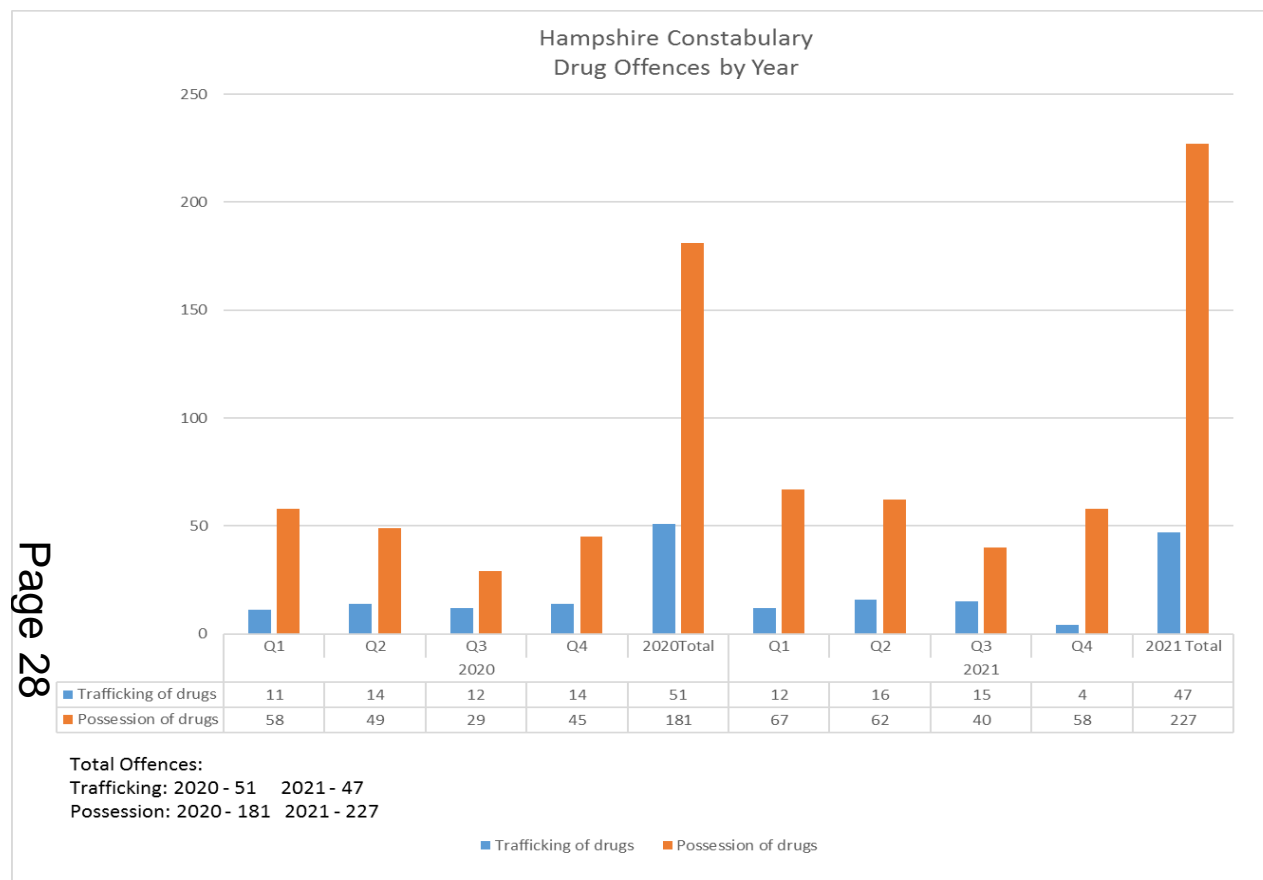


Figure 9 Drug offences by year

There has been a 7.84%⁹ reduction in trafficking of drugs offences from 51 in 2020 to 47 in 2021. Possession of drugs offences increased by 25.41% over the reporting period from 181 in 2020 to 227 in 2021. Overall the trends remain consistent across both reporting periods. Hampshire police continue to take a proactive approach to tackling drug issues and collaborative partnership working with the Operation Fortress meeting continuing to operate virtually throughout the reporting period. This meeting encourages the sharing of intelligence

⁹ Data – 12.5% reduction is the year to date as a posed to the above headline data at 7.84% reduction which is the 1st 3 quarters of the financial year. (April to December)

between partners to allow the police to take enforcement action and safeguard vulnerable individuals where required. Since March 2020 meeting frequency increased from monthly to fortnightly to ensure activity is closely aligned to a targeted operation schedule allowing police to be more reactive to intelligence or information that requires immediate intervention work. The development of a dedicated 'High Harm' police team has allowed officers to undertake daily checks of the addresses of individuals identified as vulnerable to exploitation of cuckooing and targeting the offenders, utilising a variety of tactical options. Planned operations are conducted routinely on a fortnightly basis which is complimented by spontaneous activity as required.

During the reporting period police conducted 372 searches were conducted with 37.6% of those leading to a positive outcome. 83 Cautions were issued along with 282 Community Resolutions and 34 taken into considerations (TICs)¹⁰

The Council's Housing Tenancy Team continued to work closely with partnership agencies to prevent and detect drug related ASB. Intervention from the Housing Officers has ranged from issuing low level warnings following reports of alleged cannabis smoking in housing properties to high level tenancy enforcement action.

¹⁰ TICs are offences "taken into consideration" at the time of sentencing.

Conclusion

The CSP remains committed to reducing crime and disorder across the district in collaboration with the broader partnership and other local authority CSP's. The current climate remains challenging for all organisations, however, throughout the pandemic the partnership continued to focus their efforts on delivering against drug related harm, supporting the most vulnerable and encouraging referral for those needing help by signposting them to support services.

Throughout the year the Community Safety Partnership has:

- **Delivered** against the priority actions within this report and the recommendations emerging from the domestic homicide review
- **Continued** to support the City Council's Strategic Vision, Police & Crime Commissioner and County Strategic Plans
- **Overseen** and implemented the delivery of any change in legislation/new statutory duty
- **Provided** a strategic and operational response to crime and disorder issues in collaboration with Parish & Town Councils, Ward Members and Statutory bodies
- **Investigated** Community related issues that impacted upon the environment and feelings of safety i.e. Fly Tip and ASB

There is a recognition across the Strategic Community Safety Group that there is still a lot of work to do if we are to deliver a proactive Community Safety Partnership response to Government directives, local concerns and those most at risk of becoming either a victim and/or offender of crime or disorder.

This page is intentionally left blank

Winchester Neighbourhood Policing Team

Crime Summary

When I was sitting at home last year, presenting my report to the Scrutiny Board I don't think that any of us thought that we'd still be living and working in such challenging times a year on, but here we are!

We've been utilising the data sets from 2019 as a more realistic benchmark for comparisons, so not a perfect measure but more realistic than last year when we were in periods of lockdown or restrictions.

Our frontline response has delivered remarkably well throughout the pandemic but the team have been incredibly careful with PPE, sanitising and distancing to ensure they are doing all that they can to minimise infection. Many of the other departments have made the most of technology and continued to work remotely from home. Partnership meetings have been largely on the virtual platform but this has actually started to feel like the norm. It has certainly not detracted from the close working relationships that continue to grow from strength-to-strength.

It's no surprise to see that crime has increased this year, but perhaps encouraging to say that we are still 6.6% lower when compared with the 2019 figures. The increase in the number of sexual offences is something that I am paying close attention towards. Whilst a number of those reports are for non-recent offences, I'm keen to maximise preventative opportunities with other agencies and we have already delivered some local initiatives.

In May, an internal review of our domestic abuse identified some areas for improvement. I've been working closely with other districts and commands to develop those areas. I was pleased to see such a huge improvement in our November review and that we are actually leading the force in many areas.

Although you will see a steady reduction of ASB, there are still challenges associated with the management of our 'street attached' community. A bespoke partnership group has formed to focus upon this in more detail with the intention of influencing change, but also to better understand some of the barriers and blocks that may make this process more difficult.

The officer uplift initiative has certainly started to land and it's great to be able to say that my team is now up-to-strength. Furthermore, I've secured an additional Sgt position that has provided me with the opportunity to build a proactive team to support the district. This team has only been operational since September, but we are already seeing the benefits.

A particularly nasty organised crime group (OCG) has been responsible for over 20 high value burglaries and extreme violence has been offered towards the home owners when they were present at the time of the crimes. This OCG is managed under Operation Barnacle. The group were incredibly organised, forensically aware and operated utilising tactics that maximised their opportunity to

evade capture. Nevertheless, after a fantastic response to a crime in action that culminated in a dangerous pursuit, 5 offenders were arrested and remanded in custody.

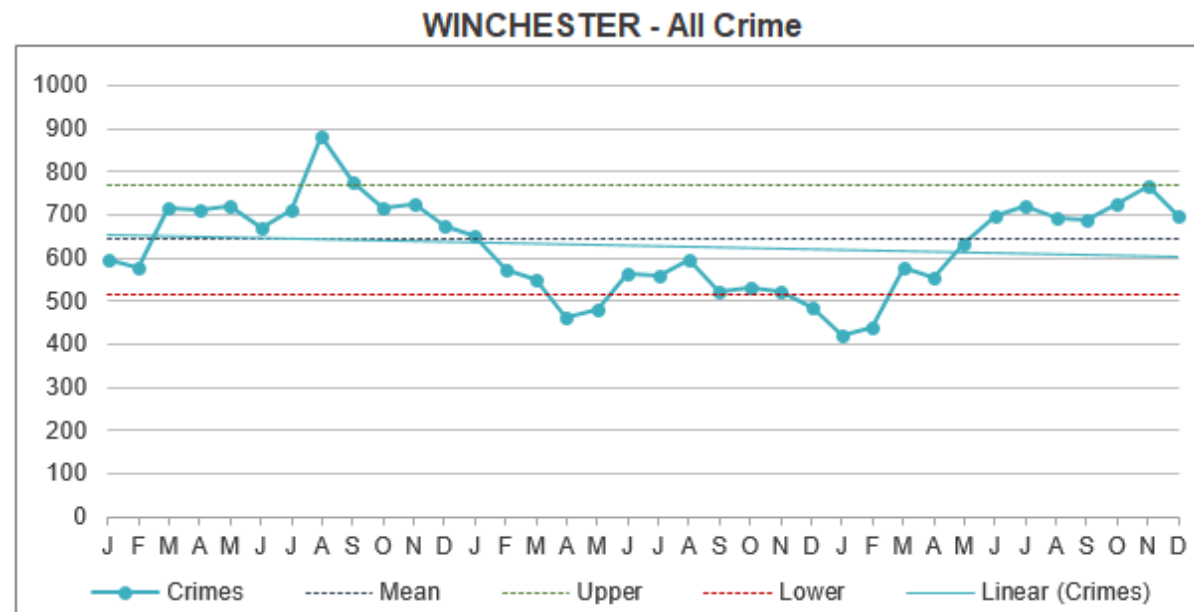
I want to share some facts with you that speak for themselves in terms of our Force performance:

Fact 1: Since April 2021 we have recorded and dealt with almost 120,000 crimes. That is an increase of 10,000 on 2019.

Fact 2: During that time we arrested 2,000 more people than in the previous year. 714 more arrests in cases where violence has caused injury. 165 more arrests for sexual offences. 66 more arrests for rape. These are impressive numbers and can give us some real confidence.

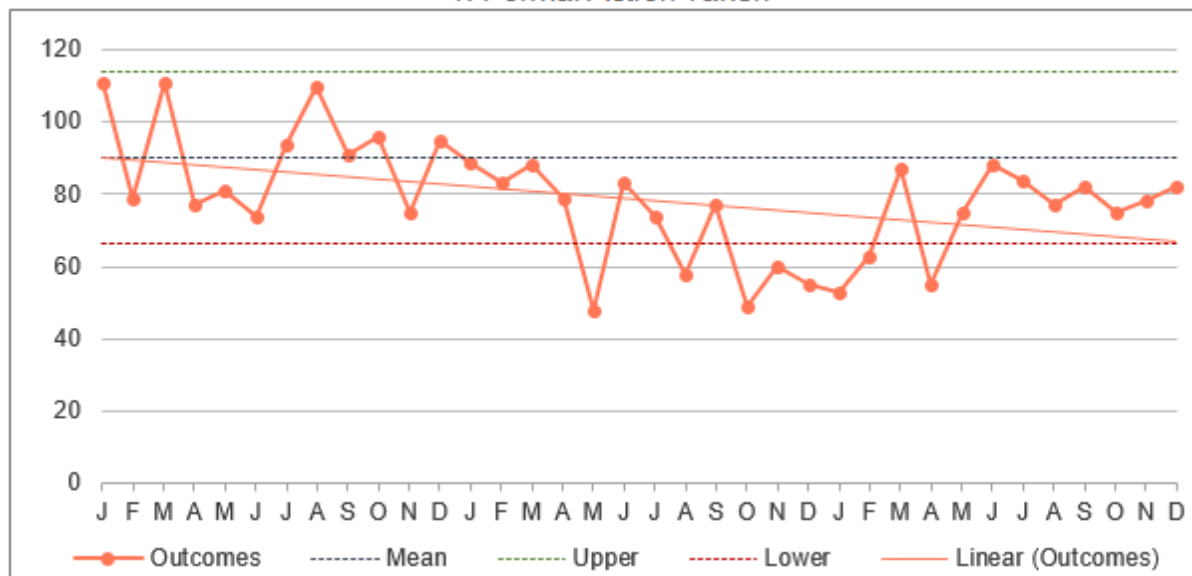
Fact 3: In the same time period, we have safeguarded more vulnerable people (thousands) and we have had (compared with 2019) 128 fewer robberies; 1,260 fewer residential burglaries; and 2,082 fewer theft of or theft from vehicles.

Fact 4: Our officer strength is up by 410 since April 2020. That is substantial. These are real numbers and additional officers, not replacements (the number recruited is more than 700). However, many of these new officers remain in training.

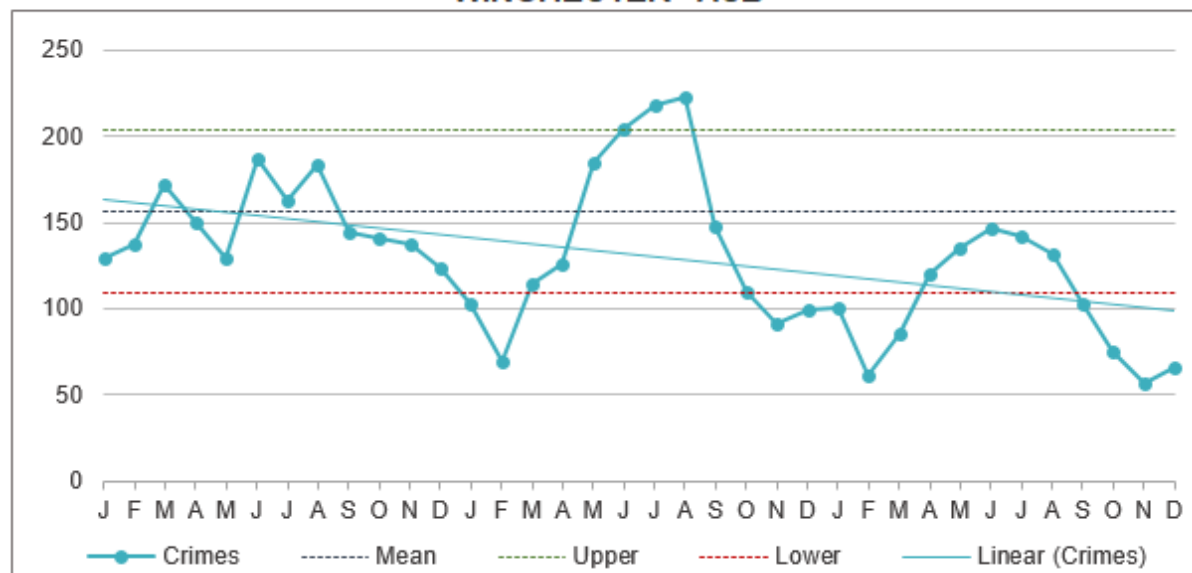


WINCHESTER - All Crime

1. Formal Action Taken



WINCHESTER - ASB



Winchester District Crime Performance 1st April 2021 – 31st December 2021 (compared to the same period in 2019)

Current period	WINCHESTER CITY ↑	WINCHESTER GREATER ↑	WINCHESTER RURAL ↑	TOTAL
1 Violence Against the Person ↑	1,180	658	294	2,132
2 Sexual Offences ↑	139	92	63	294
3 Robbery ↑	17	6	4	27
4 Theft Offences ↑	936	602	374	1,912
5 Criminal Damage and Arson Offences ↑	302	233	112	647
6 Drug Offences ↑	115	41	37	193
7 Possession of Weapons Offences ↑	30	9	5	44
8 Public Order Offences ↑	461	215	117	793
9 Miscellaneous Crimes Against Society ↑	71	20	27	118
Total	3,251	1,876	1,033	6,160

Previous period	WINCHESTER CITY ↑	WINCHESTER GREATER ↑	WINCHESTER RURAL ↑	TOTAL
1 Violence Against the Person ↑	1,107	588	319	2,014
2 Sexual Offences ↑	131	39	53	223
3 Robbery ↑	33	4	5	42
4 Theft Offences ↑	1,299	847	617	2,763
5 Criminal Damage and Arson Offences ↑	276	227	87	590
6 Drug Offences ↑	96	42	57	195
7 Possession of Weapons Offences ↑	23	7	8	38
8 Public Order Offences ↑	326	175	81	582
9 Miscellaneous Crimes Against Society ↑	97	41	12	150
Total	3,388	1,970	1,239	6,597

Variance (current - previous)	WINCHESTER CITY ↑	WINCHESTER GREATER ↑	WINCHESTER RURAL ↑	TOTAL
1 Violence Against the Person ↑	73	70	-25	118
2 Sexual Offences ↑	8	53	10	71
3 Robbery ↑	-16	2	-1	-15
4 Theft Offences ↑	-363	-245	-243	-851
5 Criminal Damage and Arson Offences ↑	26	6	25	57
6 Drug Offences ↑	19	-1	-20	-2
7 Possession of Weapons Offences ↑	7	2	-3	6
8 Public Order Offences ↑	135	40	36	211
9 Miscellaneous Crimes Against Society ↑	-26	-21	15	-32
Total	-137	-94	-206	-437

% Change (current - previous)	WINCHESTER CITY ↑	WINCHESTER GREATER ↑	WINCHESTER RURAL ↑	TOTAL
1 Violence Against the Person ↑	6.6%	11.9%	-7.8%	5.9%
2 Sexual Offences ↑	6.1%	135.9%	18.9%	31.8%
3 Robbery ↑	-48.5%	50.0%	-20.0%	-35.7%
4 Theft Offences ↑	-27.9%	-28.9%	-39.4%	-30.8%
5 Criminal Damage and Arson Offences ↑	9.4%	2.6%	28.7%	9.7%
6 Drug Offences ↑	19.8%	-2.4%	-35.1%	-1.0%
7 Possession of Weapons Offences ↑	30.4%	28.6%	-37.5%	15.8%
8 Public Order Offences ↑	41.4%	22.9%	44.4%	36.3%
9 Miscellaneous Crimes Against Society ↑	-26.8%	-51.2%	125.0%	-21.3%
Total	-4.0%	-4.8%	-16.6%	-6.6%

This page is intentionally left blank

Community Safety – Social Media Analysis

The communications team have supported the promotion of several campaigns via our social media channels and e-newsletters. We've re-shared/retweeted several posts from other organisations such as Hampshire Constabulary and Neighbourhood Watch to build greater awareness.

Social media:

Campaigns including national trending hashtags, images and tags to other organisations have performed the best. When we give it the 'WCC' angle it gives messaging a more personal touch and engages residents more – great for local residents.

Engagement with Facebook and Twitter posts varies but in general impressions on Twitter are greater than views of Facebook in most cases. This could be due to our larger following on this platform, or the demographic of a slightly younger audience.

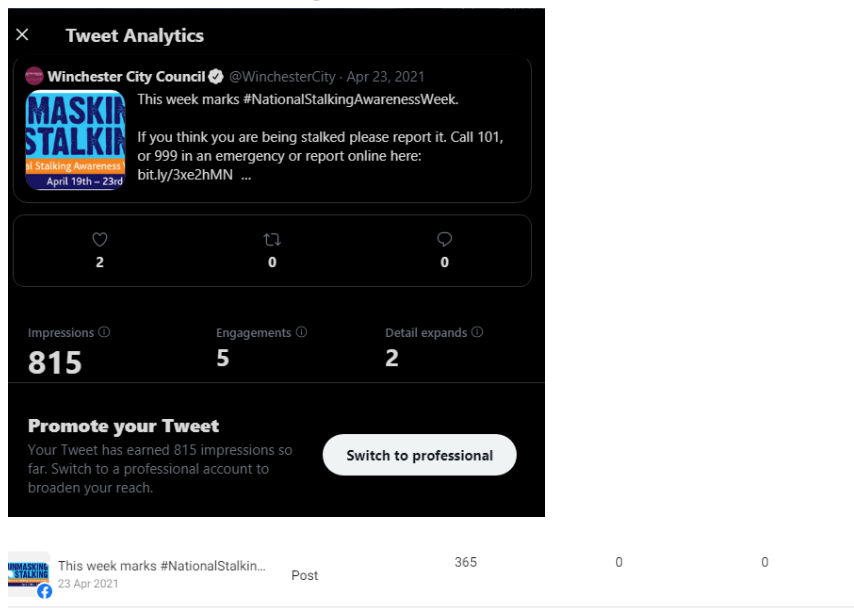
There has been ongoing collaboration between Hampshire Domestic Abuse Partnership and the city council in terms of the development of future domestic abuse awareness raising campaigns.

The Neighbourhood Services and Community Safety team developed and implemented an annual communications plan to support the delivery of targeted engagement. During April to December 2021 activity has included:

- high visibility patrols aimed at providing education and enforcement in ASB hot spot locations. Update reports provided as appropriate.
- attendance at multi-agency partnership meetings and street meets with business and members of the public to provide education, advice and reassurance
- door to door visits to ASB hotspot locations to deliver 'Report It' fliers (how to report ASB) to encourage reporting and provide reassurance, gather intelligence and provide a high visibility presence
- providing information via flyer's and attendance at student focused events i.e. Fresher's Fayre giving advice on bins, how to be good neighbours, noise/ASB and personal safety
- attending Police beat surgeries and drop in events i.e. in support of knife crime awareness week.
- supporting national and local campaigns and awareness raising events using social media.

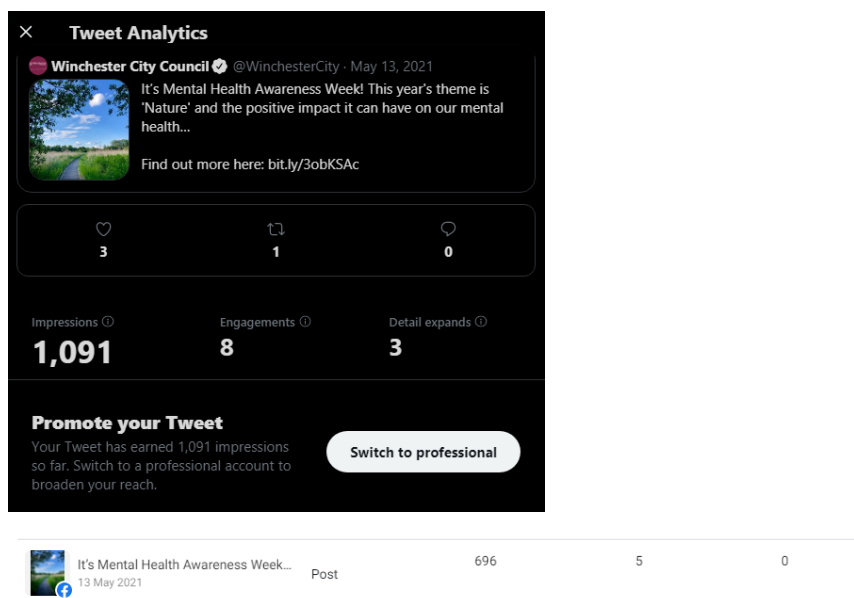
Campaigns the Communication Team supported/promoted and their engagement:

National Stalking Awareness Week:



- 815 impressions¹, 2 likes, 5 engagements², and 2 detail expands³ on Twitter
- 365 views, 0 reactions, 0 comments on Facebook

Mental Health Awareness Week:



- 1,091 impressions, 3 likes, 8 engagements, 3 detail expands on Twitter

¹ Impressions on Twitter is a total tally of all the times the Tweet has been seen

² Engagements: Total number of times a user interacted with a Tweet

³ Detail expands: Clicks on the Tweet to view more details

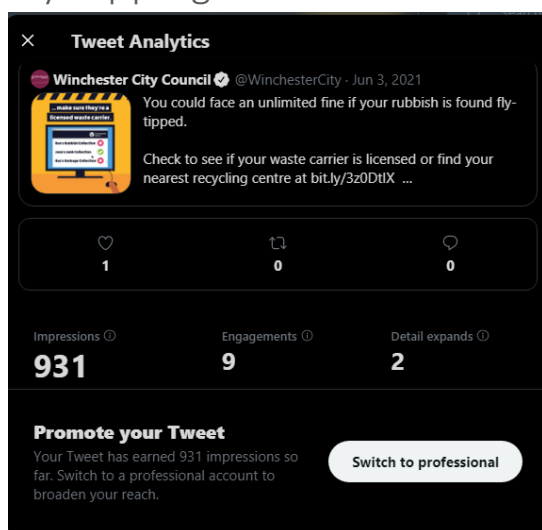
- 696 views, 5 reactions, 0 comments on Facebook

World Mental Health Day:



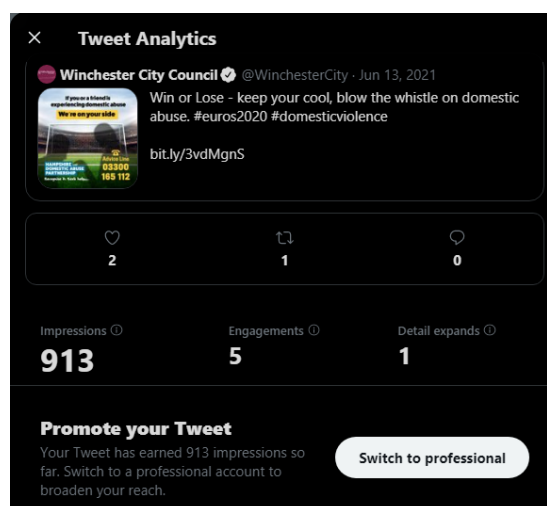
- 396 impressions, 1 like, 10 engagements, 4 detail expands on Twitter
- 503 views, 0 reactions, 0 comments on Facebook

Fly Tipping:



- 931 impressions, 1 like, 9 engagements, 2 detail expands on Twitter
- 507 views, 0 reactions, 0 comments on Facebook

Domestic abuse:



	Win or Lose - keep your cool, blow t...	Post	439	0	0
	13 Jun 2021				

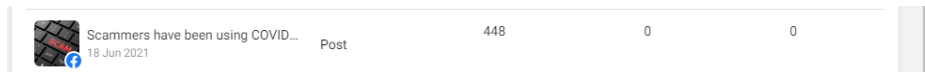
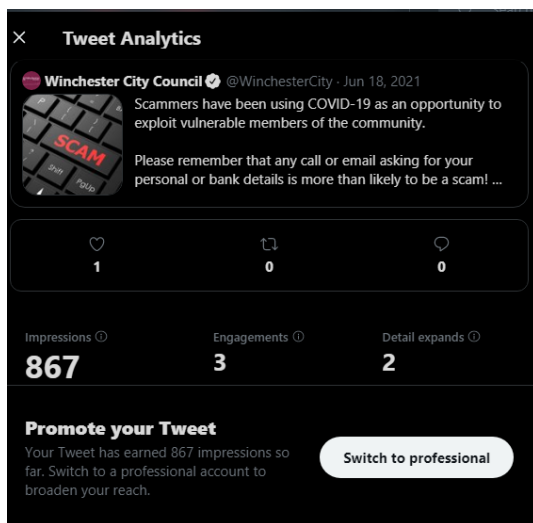
- 913 impressions, 2 likes, 1 retweet, 5 engagements, 2 detail expands on Twitter
- 439 views, 0 reactions, 0 comments on Facebook

White Ribbon Campaign:

Tweet activity						✕	
<p>Winchester City Council @WinchesterCity Today is #WhiteRibbonDay. In 2020, we showed our commitment by signing up to the @EIDAorg membership charter to help support employees who have been affected by domestic abuse. This year, we're encouraging our partners and local businesses to do the same: https://bit.ly/39eUPHD pic.twitter.com/vIQAtiRXdX</p>						<p>Impressions 831</p> <p>Total engagements 8</p> <p>Likes 4</p> <p>Link clicks 2</p> <p>Retweets 1</p> <p>Profile clicks 1</p>	
Recent content ↓	Type	↕ Reach ⓘ	↕ Likes and reactions	↕ Comments ⓘ	↕		
Stagecoach is offering the chance ... 26 Nov 2021	Post	952	0	1			
Our leaf clearance programme is w... 25 Nov 2021	Post	1.6K	8	5			
Today is #WhiteRibbonDay – a glo... 25 Nov 2021	Post	419	3	0			

- 831 impressions, 4 likes, 2 link clicks, 1 retweet, 8 engagements, 1 profile clicks on Twitter
- 419 views, 3 reactions, 0 comments on Facebook

Scams:



- 867 impressions, 1 like, 3 engagements, 2 detail expands on Twitter
- 448 views, 0 reactions, 0 comments on Facebook


Hate Crime:



- 865 impressions, 1 like, 7 engagements, 4 detail expands on Twitter
- 453 views, 0 reaction, 0 comments on Facebook

National Hate Crime Awareness Week:



	This week is National Hate Crime A... 11 Oct 2021	Post	506	1	0
---	--	------	-----	---	---

- 512 impressions, 2 likes, 7 engagements, 3 detail expands on Twitter
- 506 views, 1 reaction, 0 comments on Facebook

Halloween:



Recent content ↓	Type	↕ Reach ⓘ	↕ Likes and reactions	↕ Comments ⓘ	↕ Sha
	Happy Halloween! Remember to st... 31 Oct 2021	Post	909	0	0

- 527 impressions, 1 like, 14 engagements, 7 detail expands on Twitter
- 909 views, 0 reactions, 0 comments on Facebook

Counter Terrorism:



Winchester City Council @WinchesterCity · Mar 16
#ACTEarly is a new website launched by
@TerrorismPolice to provide advice, support and
guidance to families and friends worried that a loved one is
vulnerable to radicalisation.

To find out more, visit: bit.ly/36T2Gcq
pic.twitter.com/ZQ4f1LiEwX

[View Tweet activity](#)

880

6

0.7%



#ACTEarly is a new website launch...

16 Mar 2021

Post

234

0

0

- 880 impressions, 6 likes, 0.7% engagement rate
- 234 views, 0 reactions, 0 comments on Facebook

This page is intentionally left blank

REPORT TITLE: A LAND TRANSACTION IN RESPECT OF THE RIVER PARK
LEISURE CENTRE SITE AND ASSOCIATED PARKING AREA

3 MARCH 2022

REPORT OF CABINET MEMBER: Councillor Kelsie Learney Cabinet Member for
Housing and Asset Management

Contact Officer: Dawn Adey Tel No: 07879 110 109 Email
dadey@winchester.gov.uk

WARD(S): ST BARTHOLOMEW

RECOMMENDATION:

It is recommended that scrutiny committee comment on the proposals within the attached cabinet report, ref CAB3342, which will be subject to final review and amendment before being considered by cabinet at its meeting on the 9 March 2022.

This page is intentionally left blank

REPORT TITLE: A LAND TRANSACTION IN RESPECT OF THE RIVER PARK
LEISURE CENTRE SITE AND ASSOCIATED PARKING AREA, BOWLS CLUB AND
SKATE PARK

9 MARCH 2022

REPORT OF CABINET MEMBER: Councillor Kelsie Learney Cabinet Member for
Housing and Asset Management

Contact Officer: Dawn Adey Tel No: 07879 110 109 Email
dadey@winchester.gov.uk

WARD(S): ST BARTHOLOMEW

PURPOSE

The University of Southampton has approached the council to express an interest in acquiring the former and now decommissioned River Park Leisure Centre, bowls club and skate park hereinafter collectively referred to as “the Site”.

This report summarises the objections received in response to the statutory advertisement required for the disposal of open space and then proposes entering into an agreement for the disposal of the Site to the University of Southampton (“the Agreement for Lease”). The objections have been considered and an agreement to amend the Heads of Terms has been secured in order to ensure that the skatepark is leased back to the council so that the continuation of the skate park is secured under the council’s management.

If the report is agreed, there is a five year period during which the University must use reasonable endeavours to bring forward their proposal for a transformational development to the existing Winchester School of Art campus, working with local residents and partners to secure the best outcome for Winchester.

RECOMMENDATIONS:**It is recommended that Cabinet:**

1. Having considered the objections received as a result of the public notice under s123(2A) of the Local Government Act 1972, approval is given to enter into an agreement to dispose of the land known as River Park Leisure Centre, Gordon Road, Winchester, as identified by the red line on the plan at Appendix A ("the Site"), to the University of Southampton on a 150 year lease.
2. Agree the Heads of Terms as set out in Appendix B, subject to an amendment in order to ensure that the skatepark is leased back to the council. The Heads of Terms include a five year 'longstop date' during which period the University of Southampton will investigate and apply for planning consent, with the usual public notices, for their proposed development.
3. Delegate authority to the Corporate Head of Asset Management to enter into an Agreement for Lease with the University of Southampton in keeping with the Heads of Terms and the above amendment in respect of the skate park, including authority to agree the purchase price with The University of Southampton on terms that satisfy S123(2) of the Local Government Act 1972.
4. Subject to further decisions by the council as to the grant of planning permission for the University of Southampton's proposed campus scheme and as to the appropriation of those parts of the Site required for the scheme, delegate authority to the Corporate Head of Asset Management to enter into a lease of the Site with The University of Southampton in accordance with the above-mentioned Agreement for Lease.
5. Delegate to the Service Lead Legal the drafting of the Agreement for Lease and the lease, and any relevant ancillary agreements as are necessary to implement the recommendations above.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

1.1 Tackling the Climate Emergency and Creating a Greener District

The council has declared a Climate Emergency and is committed to sustainable development. Our Carbon Neutrality Action Plan ensures all council activity is undertaken with a view to supporting our commitment to achieving net zero carbon. We are actively working with partners to ensure that development in the district is undertaken sustainably.

The University of Southampton shares this commitment to sustainability, and their ambitions for development of their sites are set out in The University of Southampton Sustainability Strategy: 2020-2025. Their strategy aligns with our own ambitions.

The re-use of this previously developed site which provides economic, social and community benefits supports this aim.

Homes for All

1.2 This site would not be developed to provide housing which includes student housing and any other form of residential building. The Heads of Terms preclude the University using the land for housing, and the Heads of Terms form the basis of the Agreement for Lease and Lease. Housing for students using the facilities would be provided as part of the university's full development programme and any development of housing would be subject to planning approval. The council would work with the university to assist them to identify suitable sites for the provision of new purpose-built student accommodation.

1.3 Vibrant Local Economy

The UK creative industry sector is valued at £11.7bn GVA and in Winchester is growing almost 5 times faster than other areas of the economy in terms of Gross Value Added. Winchester is already well known for its strength in this area and in the architectural sector in particular. The council's Green Economic Development Strategy sets out the opportunity to build a cluster of national significance in creativity, design and related heritage and nature/land based professional services along with the opportunity to deepen a creative network of scale. This development would therefore support the economic development of the city in line with the council's already stated ambitions.

The University of Southampton is a globally top ranked business incubator. Their 'Future Worlds' initiative works with aspiring founders to launch products and services and then to scale their businesses introducing them to funders, useful contacts and advisors.

The University of Southampton is an exempt charity under the Charities Act 2011. It is a chartered corporation, established by Royal Charter in 1952.

The university has founded 15 new 'spinout' companies since 2015, with £117m invested in these concerns in 2020/21 (up from £65 million in 2019/20). These companies cover a wide range of sectors producing a range of materials and developing innovative processes (including creating non-clay gel for bone, cartilage and skin regeneration, to gamma radiation detection and brewing carbon neutral beer).

The University of Southampton shares their existing cultural expertise with other leading academic bodies to create new products, services and companies that are nurtured through the organisation's renowned business incubators.

The university is committed to providing a high-quality student experience which would deliver direct community advantage through an 'open campus' ethic. This new, innovative approach to Campus design could bring a vibrancy to the area with the provision of libraries, eat/drink venues, a flexible performance and events infrastructure, a considerate landscape and greenspace stewardship and a greatly enhanced offer to young people.

Once the development is defined, it would bring construction and professional jobs to the area. The value of these jobs can only be quantified once the masterplan is known.

In short, the university has stated that it looks to 'bring new ideas, opportunities and resources to Winchester that will complement existing efforts and build a creative cluster that will make a substantial contribution to the vibrant Winchester economy'.

1.4 Living Well

The university is already an active partner in the city, offering creative opportunities to a range of residents as part of their commitment as a Civic University. The university is seeking to deepen and widen the opportunities for local people to experience international standard creative opportunities.

At all times free public access to North Walls Recreation Ground and the Skate Park would be maintained.

There is no impact on the surrounding outdoor sports facilities on this site which would remain in place and managed by the council

1.5 Your Services, Your Voice

The River Park site is of special importance to local people and a Petition was presented at Full Council asking that the council consider the arrangements for the Skate Park.

The University have met with ward members to closely understand their views and those of the residents they represent regarding the proposal and the council and university have met with the skate park community.

The council and university have an established partnership and this proposal enhances the opportunities for people local to Winchester and district to experience world class creative opportunities.

2 OTHER STRATEGIC IMPLICATIONS

- 2.1 Vision for Winchester 2030 sets out our ambitions around promoting culture and supporting creative endeavour, supporting our post-pandemic recovery, the environmental sustainability of our economy and the long-term employability of young people.
- 2.2 The council received feedback from local people when consulting on the development of the Strategic Planning Document for the neighbouring Central Winchester Regeneration (CWR) site. The responses showed a desire locally for a greater accent on culture and an improved offering for younger people. While the CWR programme will see culture take a more prominent role in the centre of the city, the university campus potentially could enhance this being so close in proximity, whilst bringing an influx of young people who would support local shops and business and young talent to support the vibrancy of the city as a whole.
- 2.3 The council's Green Economic Development Strategy looks to support environmentally sustainable enterprise and recognises that young people are looking for opportunities to explore careers in the green economy and creative and innovative technology sectors.

3 FINANCIAL IMPLICATIONS

- 3.1 The land disposal will generate a capital receipt based on an independent assessment of "the best consideration reasonably obtainable". Under the Heads of Terms, the purchase price is to be agreed prior to executing the Agreement for Lease and paid upon the grant of the lease. Negotiation with the university will continue to arrive at a final agreed position regarding the purchase price. This decision is to be delegated to the Head of Corporate Asset Management, to be taken with the benefit of independent valuation advice.
- 3.2 The potential for a capital receipt was identified in previous reports concerning this site. These are:
 - a) CAB3093 (Future use of site dated 31 October 2018) Risk section identified an opportunity as 'An exciting use for the site might come forward generating a capital receipt or income stream' and 'A creative solution could provide a positive financial position for council tax

payers, as well as enhance the built environment, and meet community aspirations'

- b) CAB3190 (Future use of site dated 23 October 2019) risk section identified 'An exciting use for the site might come forward generating a capital receipt or income stream'
- c) CAB3242 (RPLC Decommissioning Report dated 24 June 2020) Section 2.8 identified 'The challenge of the COVID-19 pandemic will present budgetary pressures for the council. This may make straightforward sale of the RPLC site an attractive option. This would provide a significant capital receipt and limit expenditure of the council directly driving forward a development.'

The approach by the University of Southampton would fit as an exciting proposal as anticipated in these previous reports.

- 3.3 The financial terms for this disposal are confidential and are detailed in Appendix C which is exempt from publication. The valuation process has involved both parties appointing their own external Surveyors to prepare a valuation report. These valuation reports form the basis of ongoing negotiations between the parties in order to ensure that the council secures the best consideration that is reasonably obtainable
- 3.4 The council can use capital receipts to fund capital expenditure either for future projects or to reduce the borrowing requirement for previous unfinanced capital projects. The capacity for the council to resource future investment in its capital programme is limited, particularly for projects that would not generate income to support prudential borrowing. Capital receipts will therefore play a crucial role in funding the future capital programme, such as the "North Walls Park Plan" and other currently unfunded schemes to improve community facilities. Every additional £1m of capital receipt equates to a positive annual revenue impact of around £40,000 per annum (in the form of reduced borrowing costs).
- 3.5 The council would retain part of the car park (comprising 77 spaces). It is expected that displaced car park users will park elsewhere in the city centre and at Park & Ride facilities which may result in a small amount of lost income overall. The estimated net income for the retained spaces is £55,000 per annum. Reducing car movement in the city centre is in line with the aims of Winchester Movement Strategy.
- 3.6 The closure of the leisure centre has meant that all running costs associated with the buildings have become the council's responsibility. Prior to sale, the council will therefore have ongoing maintenance, utilities and possibly repairing obligations estimated to be circa £80,000 per annum. Under the Agreement for Lease, the council would also be liable for demolition and remediation costs estimated at £2 million (current day prices).

- 3.7 The council also has a current business rates liability of circa £155,000 per annum for the leisure centre; although work is in progress to de-list the building. If the Site is not delisted by the time the lease is granted any ongoing liability will cease in any event.
- 3.8 Existing and ongoing maintenance costs in relation to the Skate Park are estimated at £15,000 per year. As part of the “leaseback” proposal, this liability will remain with the council for the period of the lease. These costs are already provided for in the current budget provision.

4 LEGAL AND PROCUREMENT IMPLICATIONS

Open space

- 4.1 The council has the power to agree to dispose of the Site under sections 111 and 123 of the Local Government Act 1972. Case law establishes that entering into the Agreement for Lease would not amount to a “disposal”, but that granting the lease would amount to a “disposal” for these purposes.
- 4.2 Under section 123(2A) of the 1972 Act a council may not dispose of open space unless before doing so they cause notice to be published of the intention to do so, specifying the land in question, and advertised for two consecutive weeks in a local newspaper. The council must then consider any objections to the proposed disposal.
- 4.3 Section 123(2A) defines open space by reference to the definition given in S336(1), Town and Country Planning Act 1990, as follows: “any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground”.
- 4.4 Section 13 of this report provides further detail of the process carried out to meet this obligation.
- 4.5 Careful consideration was given to the areas of the Site meeting the definition of open space for the purposes of S123(2A) Local Government Act 1972 having regard to case law including *Whitstable Society v Canterbury City Council* [2017] EWHC 254 (Admin). Officers were satisfied that the closed leisure centre itself and the leisure centre car park do not qualify as open space. This is because the leisure centre has been closed and has not been used for public recreation since late 2020, and since closure the principal use of the leisure centre car park has been as a free car park for people visiting local shops and businesses and it is not an area used for recreational purposes.
- 4.6 It is noted that the Friends of the River Park submitted that the plans attached to the notices were erroneous in omitting the above areas. This is considered to be incorrect. But, even if this point was correct, it would have no real effect on the decision-making process. Respondents, including the Friends of the River Park, appear to have had no difficulty in objecting to a change of use of the whole Site, including the leisure centre. Further, the current decision

relates to entering into an Agreement for Lease with the university to allow them to bring forward development proposals. Prior to the grant of the lease there will be substantial further opportunities for the public and stakeholders to express their views in relation to the future use of the whole Site insofar as it is affected by the proposed campus scheme, both in response to the university's application for planning permission and in response to a proposed appropriation of those parts of the Site required for the proposed campus scheme.

- 4.7 The relevant advertisement pursuant to s.123(2A) of the Local Government Act 1972, was placed in the Hampshire Chronicle from 5 January, lasting for two weeks and the Mid Hampshire Observer from Friday 7 January, also lasting for two weeks. The objections received must be considered before making any decision to dispose of the Site. The objections are summarised in section 13 of this report and at Appendices H - I.
- 4.8 The objections have been carefully considered and this has resulted in a proposed change to the Heads of Terms. This change would secure the continuation of the skate park under the council's management by way of a lease back to the council (for the same term as the university's lease).

Best consideration reasonably obtainable

- 4.9 Authority would be delegated to the Corporate Head of Asset Management to enter into an agreement for lease with the University of Southampton in keeping with the current Heads of Terms at Appendix B, which will be subject to an amendment in order to ensure that the skate park is leased back to the council, including authority to agree the purchase price with The University of Southampton on terms that satisfy S123(2) of the Local Government Act 1972.
- 4.10 When disposing of land the council has an obligation to obtain the 'best consideration reasonably obtainable' (section 123(2) Local Government Act 1972). The best consideration reasonably obtainable can be established by way of a competitive process or by a valuation exercise (or both). In this case the council may rely on independent valuation advice as to the market value of the Site. This is a tried and tested method of ensuring compliance with the section 123(2) obligation and is supported by case law. Further, it is considered to be in accordance with standard commercial practice and reasonable to agree the purchase price upon entering into the Agreement for Lease, but in final negotiation with the University it will be agreed whether or not to introduce a re-valuation mechanism prior to grant of the lease.
- 4.11 The appropriate level at which to agree the purchase price (capital receipt) will be assessed by an independent valuer in accordance with S123 'Best Consideration' principles.

Terms of the Agreement for Lease

- 4.12 A full copy of the Heads of Terms can be found at Appendix B.
- 4.13 The grant of the lease is to be conditional upon the university obtaining a planning permission satisfactory to the university for the new campus scheme together with any associated planning or statutory agreements required to implement the planning permission. There is a five year long stop date during which time the university is obliged to use reasonable endeavours to progress and seek planning consent. If this does not happen for whatever reason including if planning permission is refused, the Agreement for Lease may be terminated by either party.
- 4.14 The statutory agreements required before the grant of the lease will include a further decision by the council to appropriate those parts of the Site required for the new campus scheme: see the section below headed Statutory Trust and Appropriation. This point has been agreed with the university.
- 4.15 Under the Agreement for Lease, if a satisfactory planning permission is obtained for the university scheme, the Council commits to demolish the leisure centre building and remediate the Site, prior to granting the 150 year lease.
- 4.16 If a satisfactory planning permission is granted by the council as Local Planning Authority, and the council decides to appropriate those parts of the Site required for the new campus scheme, the council, as landowner, and the university would enter into a 150 year lease, subject to the payment of a capital sum. The capital sum for the disposal will be negotiated in accordance with the requirement to obtain the best consideration reasonably obtainable as noted above.
- 4.17 Under the Heads of Terms, the university have a further 5 years from commencement of the lease before work starts on site, failing which, the council has the opportunity to buy the site back for the same consideration paid by the university.
- 4.18 The lease would be granted subject to the existing lease to the Riverside Indoor Bowling Club, unless the university is able to relocate them to an alternative suitable location on terms acceptable to the club, but otherwise with vacant possession. The club's existing lease is dated 19 November 1997 and is for a term of 90 years commencing on 1 September 1997. It is not contracted out of security of tenure under Part II of the Landlord and Tenant Act 1954. Therefore, the club would continue to have the right to remain in its current location, notwithstanding the grant of the lease to the university.
- 4.19 Under the terms of the university's lease, the use of the Site would be restricted for the first 35 years of the term to the principal use of or in connection with tertiary education and ancillary purposes only. Throughout the term of the lease, use for residential accommodation (including student residences) or for state education or secondary provision will be prohibited.

- 4.20 A change is proposed to the Heads of Terms to secure the continuation of the skate park under the council's management, by way of a lease back of the skate park to the council (for the same term as the university's lease).

Public Procurement Regulations 2015

- 4.21 The council is not specifying the works to be carried out or otherwise contracting on terms which engage a requirement on the council to go through a procurement exercise under the Public Contracts Regulations 2015 (PCR). The council will not be specifying works to be carried out by the university or imposing an obligation on the university to carry out its development (or having any decisive influence on the design (as landowner). The council will carry out the demolition (and contract for that in accordance with the PCR and contract standing orders). The buy-back provision under the Heads of Terms operates where the University does not implement the planning permission within 5 years form being obtained and does not impose an obligation on the university to carry out works so as to bring the Agreement for Lease within the scope of the PCR.

Public consultation

- 4.22 There is no statutory requirement for a formal public consultation before entering into a leasehold disposal, and nor has the council made a clear commitment to formal public consultation prior to any disposal of the Site. However, prior to the completion of the lease there will be substantial further opportunities for the public and stakeholders to express their views, both in response to the university's application for planning permission and the proposed appropriation of those parts of the Site required for the new campus scheme (see below under the heading Statutory Trust and Appropriation).

Best value obligations

- 4.23 Under S3 of the Local Government Act 1999, a best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. For the purpose of deciding how to fulfil this duty, an authority must consult specified representatives. Case law establishes that the duty to consult is triggered by decisions about high-level issues concerning the approach to the performance of an authority's functions, and it is about those and not about particular implementation that consultation is required. It is not considered that the proposed decision falls into the category requiring such consultation.

Statutory Trust and Appropriation

- 4.24 The Site forms part of the council's freehold title no. HP3062 which also includes the North Walls Recreation Ground and the site of the Ancient Gateway of Hyde Abbey. This freehold title was acquired under an Indenture dated 3 July 1902 made between William Barrow Simonds and the Urban District Council of the City of Winchester, being the Winchester City Council's

statutory predecessor. The conveyance was made “for the purpose of a Public Park and Recreation Ground”.

- 4.25 In consequence, a statutory trust arose under section 164 of the Public Health Act 1875, which required the land including the whole Site to be used as “public walks or pleasure grounds”. This statutory trust would potentially bind a purchaser of the Site, including the university. However, it is open to the council to bring the statutory trust to an end, insofar as this is required to allow the new campus scheme to proceed, by means of appropriating the relevant part of the Site under S122 Local Government Act 1972 and/or by the exercise of the power under S203 Housing and Planning Act 2016 which permits works notwithstanding that they interfere with adverse rights or breach a contractual restriction.
- 4.26 More detailed consideration of these matters would be undertaken once the details of the proposed campus scheme were known, and a further decision by the council would be required for those parts of the Site required for the new campus scheme to be appropriated to enable the university’s development proposals to move forward.
- 4.27 It should however be emphasised that not only would the skate park and bowls club to continue on the Site, but that continued public access to and recreational use of areas outside the Site, including Hyde Abbey Gardens, the North Walks Recreation Ground and the tennis courts, would be unaffected by the university’s new campus scheme. Further, there are footways around all four sides of the Site which allow public access to Hyde Abbey Gardens, the North Walks Recreation Ground and the tennis courts from Gordon Road and Park Avenue.
- 4.28 The appropriation decision would be informed by a report, based on worked out development proposals, addressing the central issue under S122(1) Local Government Act 1972 of whether the relevant part of the Site “is no longer required for the purpose for which it is held”. This is a comparative test that involves consideration of whether there is a greater public need for development for the proposed new use than the current use.
- 4.29 Because the Site comprises or includes open space, any such appropriation would need to be preceded by an advertisement in two consecutive weeks in a newspaper circulating in the area, and consideration of any objections to the proposed appropriation: S122(2A) of the Local Government Act 1972. Accordingly, entering into the Agreement for Lease would not of itself change the restrictions on the use to which the Site may lawfully be put; that would require a further decision by the council to appropriate the relevant part of the Site as referred to above.

5 WORKFORCE IMPLICATIONS

- 5.1 Teams from across the council are engaged in this proposal but it is anticipated no further staffing is required other than external legal, communication and valuation advice. Ongoing staffing for all services, including regeneration projects, are included in annual budgets or individual business cases.

6 PROPERTY AND ASSET IMPLICATIONS

- 6.1 The opening of Winchester Sport & Leisure Park has offered the council an opportunity to consider options for use of the now decommissioned River Park Leisure Centre (RPLC) building and the land immediately around it. The North Walls site is an important part of the City and public access will be retained to North Walls. Pedestrian access is maintained along the side of the car park and along Gordon Road. The council will also retain some of the car park for public use so visitors who need to travel to the Site by car can continue to do so. The play park is retained in council ownership.

7 CONSULTATION AND COMMUNICATION

- 7.1 The University of Southampton and the council set out proposals for the development of the Winchester School of Art campus at a Member Briefing on 20 October 2021 and at a Public Briefing on 1 November 2021 which attracted 191 attendees. Questions raised during these sessions are summarised into 'Questions and Answers' which were published on the council's website.
- 7.2 In addition to a public meeting, individual meetings were held with the Bowls Club and Ward Members.
- 7.3 A petition was submitted in support of a lido at the North Walls Park. Members and officers met with the petition organisers to understand their ideas and shared information concerning the suitability of the Site. The petition was then presented to Full Council on 12 January 2022. The benefits of open water swimming were discussed. The response to the petition was that the council supports open water swimming but due to the current affordability and likely constraints on the Site (which can be found in the 2013 'River Park Leisure Centre Flood Risk Design Note'), the Site was not considered appropriate for a lido. Winchester Town Forum Members have offered to work with the petition organisers to look at outdoor swimming opportunities in and around Winchester Town.
- 7.4 A petition was presented at Full Council concerning the future of the skate park and was debated on the 23 February 2022. [Drafting note: update this section post Full Council]

- 7.5 An Ordinary Petition asking the council to delay this decision for six months and seek further consultation with the public has been received and will be considered by Cabinet on 9 March 2022. Please see the legal section above under the heading Public consultation.
- 7.6 The potential for disposal has been referenced in prior Cabinet reports either through sale or lease. The recommended option of a long lease means that the council maintains rights as freeholder after the end of the term of the lease, which would not be available compared with a sale of the freehold.
- 7.7 The council's previous consultations and engagement relating to the Site (and the wider area) include engagement around:
- North Walls Recreation Ground – March 2019
 - Central Winchester Regeneration – November 2020 to January 2021
 - Vision for Winchester (Winchester Town Forum) – December 2020
 - The Green Economic Development Strategy – May 2021, and
 - Winchester Movement Strategy (part of Hampshire County Council's broader Movement Strategy). – Action plan consultation December 2021 to January 2022
 - Local Plan design workshops. Autumn Winter 2021 – outputs to be published as part of the Local Plan in due course

Although these consultations and engagements did not ask for specific comment on the possible future use of the RPLC site, ideas, suggestions and proposals were received and recorded. These are set out in para 12.8.

- 7.8 The Winchester School of Art is in a unique location in our city centre, bounded by residential housing and our city centre green space. The University recognise the importance working with local people to ensure that our community play a role in the development proposals. In developing its new University Strategy, this proposed development by the Winchester School of Art forms part of a wider campus enhancement aligned with the overall development plans for the university as a whole which includes a commitment to work to the principles of a Civic University.
- 7.9 Informal engagement has taken place with skate park users, and a joint meeting between the skate park users, the university and the council has taken place to give assurance that the skate park is recognised as a valuable community asset that will/can be accommodated in the development proposals.

- 7.10 As set out in the broad outline below in paragraph 15.2, the university will engage with local residents and groups from feasibility stage onwards to hear local aspirations. Local residents and stakeholders will have an opportunity to contribute as the site is masterplanned prior to planning applications being submitted for the development of individual elements of the site.

8 ENVIRONMENTAL CONSIDERATIONS

- 8.1 The university has demonstrated that their commitment to the environment is aligned with that of the council. They would aim to provide sustainable assets in terms of design as well as use. This would be tested within the masterplan and during the full business case phases of their development programme.
- 8.2 The University of Southampton's Sustainability Strategy: 2020-2025 defines their ambition to attain net zero emissions by 2030 for Scope 1 and 2 emissions. The organisation is making sustainability part of every university education programme by 2025 and has committed to make it a cornerstone of the research by and impact of the university's programmes. This would extend to any courses and research activity undertaken following any development on this site. The university aims for BREEAM excellence and over the last decade their new building projects have employed methods such as grey water re-use, photovoltaic cells and passive cooling to maximise the sustainability of various new buildings.

9 PUBLIC SECTOR EQUALITY DUTY

- 9.1 Under s149 (1) of the Equality Act the council must have due regard, in the exercise of its functions, (and Cabinet must, as the decision maker in respect of the proposed decision, have due regard) to the need to:
- a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
 - b) Advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share them.
 - c) Foster good relations between persons who share relevant protected characteristics and persons who do not share them.
- 9.2 An Equality Impact assessment has been completed to assess the Impact of this decision. The Impact assessment is found at Appendix D.
- 9.3 The proposed decision would create educational opportunities and employment opportunities for younger people.
- 9.4 Ensuring the skate park stays open and providing increased access to diverse creative forms of education benefits the younger generation of Winchester.

- 9.5 Maintaining public access to the grass area and hence recreational activities such as walking, picnics and running benefits a wide group of residents particularly parents with young children, children and the elderly.
 - 9.6 The Heads of Terms include maintaining the bowls club benefitting an older segment of residents and retaining access to disabled sports facilities.
 - 9.7 The Agreement for Lease will ensure that public access to the North Walls Recreation Ground would be retained and that a number of onsite parking spaces are available to ensure those with protected characteristics can still easily visit the adjacent public open space.
 - 9.8 Cabinet should refer to the equality impact assessment at Appendix D. Overall, the proposed decision is considered to contribute towards advancing equality of opportunity and, insofar as there may be negative impacts on some persons with protected characteristics which it is not practicable to mitigate fully, it is considered that these are outweighed by the potential benefits described at section 12 below.
- 10 DATA PROTECTION IMPACT ASSESSMENT
- 10.1 Having had regard to the Council's obligations under the Data Protection Act 2018 and General Data Protection Regulation (GDPR) 2018, it is considered that a Data Processing Impact Assessment (DPIA) is not required for this report.
 - 10.2 Any data collected as a result of, any event, consultation and engagement with the project is held in accordance with the Data Protection Act 2018 and General Data Protection Regulations 2018.

11 RISK MANAGEMENT

Risk	Mitigation	Opportunities
Financial Exposure Best Consideration (S123) not achieved	The Heads of Terms are not legally binding and an agreement for lease will not be entered into if Best Consideration is not achieved.	Development of tertiary education on this site represents an opportunity to make best use of council assets.
Financial Exposure The site is sold on or left in poor repair on handback	<p>The University will not be able to dispose of their interest in the Agreement for Lease. However, they will be able to dispose of their interest in the 150-year Lease once granted. Having invested substantial capital in new educational buildings, and with the Lease being subject to user restrictions, this is considered to be an unlikely risk.</p> <p>The repair of property held on long leases is subject to the provisions of the Leasehold Property Repairs Act which limits the freeholder's ability to enforce repairing covenants. It is also important to recognise that over the term of the 150-year lease there are likely to be multiple iterations of buildings on the site.</p>	The Council Is proposing a long leasehold disposal instead of a freehold disposal to better safeguard the Councils future long-term interest in this site.
Risk of legal challenge	Risk of legal challenge is mitigated because due consideration has been given to whether the proposed lease arrangements fall within	

	<p>the Public Contracts Regulation 2015; it being concluded that no procurement exercise is required under the PCR.</p> <p>There would be an exposure to potential legal risk if the council failed to secure best consideration, but that risk has been mitigated by taking appropriate valuation advice.</p> <p>Procedural errors or omissions are mitigated with oversight by an appointed QC, including in relation to the later appropriation steps referred to in the report.</p>	
<p>Reputation</p> <p>Risk of reputational damage by lack of consultation</p>	<p>Public consultation by the University and the formal planning process will inform the public of future plans, maintaining the reputation of the site as a positive and exciting benefit to the city.</p>	<p>The expansion of a Russell Group university in Winchester enhances the reputation of the city locally, nationally and internationally.</p>
<p>Achievement of outcome</p> <p>Planning consent is not obtained. Development is not delivered.</p>	<p>The agreement for lease will contain a 5 year long stop date, at which point if planning permission has not been secured the agreement will be liable to termination by either party. Once planning permission is obtained, the University are subject to a further 5 year long stop for implementation under the lease (and failure will trigger the council's buy-back right)..</p>	

Property Business rates costs	A business rates de-listing application is being made to mitigate ongoing costs to the council. The building has been secured and is monitored with security.	
Community Support Risk of losing community support	<p>The North Walls Recreation Ground is an important local green space and the Park is not at risk through this disposal</p> <p>The increased numbers of students who may study in the city may lead to concerns regarding housing. The university is clear that appropriate provision must be made off site.</p>	There is significant opportunity for the economic, academic and arts communities if the UoS proposal is realised.
Timescales Risk that the agreement for lease ties up the site for a long period prior to planning consent being granted.	To minimise the risk the Heads of terms include a 5 year long-stop date which will be incorporated in the Agreement for Lease.	This is an opportunity to design and build an important new addition to the city and create a facility fit for the future. It will take time and investment to work through feasibility and design options with input from stakeholders.
Project capacity University and council lack capacity to move the scheme forward	The university will be deploying a full professional team to design and manage the engagement, planning application and construction processes. The council will require resources to demolish the existing structure and manage the pre-application and formal	

	planning application process.	
Failure to secure planning permission for the redevelopment of the site in the requisite time scale.	<p>There is a risk relating to the granting of planning permissions. This applies to all development proposals.</p> <p>To mitigate this, proposals would need to be developed as early as possible, and in pre-application consultation with the council, as Local Planning Authority, to ensure that the development which is subject of an application has the best opportunity to receive planning permission.</p>	

12 SUPPORTING INFORMATION:

- 12.1 The Winchester School of Art is located in the heart of the City and has, in various forms, been part of the City for over 150 years. The School is located next to North Walls Recreation Ground, a much loved and vital piece of green space for the City, along side other recreation facilities including the skate park, play park and bowls club. Until May 2021 with the opening of the Winchester Sport and Leisure Park, the River Park Leisure Centre served the City. Our historic City is compact and walkable and development proposals must sit well within the heritage context as well as provide opportunity for our residents, and future generations to live, work and play in Winchester and district.
- 12.2 The Winchester School of Art is a part of the University of Southampton, a founder member of the Russell Group of Universities. The university wishes to develop the creative offer at the Winchester School of Art to build 'a nationally and internationally recognised significant centre for art, design and creative industries education, research and innovation'.
- 12.3 With proposals to enhance the old Police Station site and the River Park Leisure Centre Site, the university has plans to expand and has identified Winchester as having the potential to be a national 'seat of learning', renowned as an international 'beacon city' of academic excellence on a level with Oxford and Cambridge.

- 12.4 Over recent months the council has been in dialogue with the University of Southampton regarding development of the Site.
- 12.5 The university has had a relationship with the city and its council for decades, largely through the presence of the art school, Winchester School of Art which itself has been a part of the city for over 150 years. Recently, in the context of shaping its plans for the growth of WSA and the improving of its campus, the university's new institutional strategy has been and approved by its governing body (the University Council). In this context, the possibility of acquiring the Site has prompted some ambitious and compelling discussions around the vision that the city of Winchester and the University can be more strategically intertwined.
- 12.6 The new University Strategy is set to support growth – not just in numbers of students, but in research and enterprise reach and impact, and in its civic role as a regional 'anchor institution', delivering significant socio-cultural and economic value. This does not immediately generate a fixed and specific plan (to move a particular activity/faculty to Winchester, for example), but rather, has suggested that the Site could provide the opportunity to do something newly creative, different and multidisciplinary in a new facility, which would have a cultural, entrepreneurial, publicly engaging presence, as well as being a centre for research and learning.
- 12.7 Considering this proposal from the University of Southampton supports the Council Plan, such that it provides a use for this land asset which is anticipated to bring considerable benefits to the city. Other options for redeveloping the Site are limited. This proposal offers the council:
- a) Delivery of a development that is in line with economic and social ambitions for the future of the city whilst preserving the skate park, bowls club and North Walls Park.
 - b) The prospect of securing a significant capital receipt.
 - c) The opportunity to secure a development which will contribute towards economic prosperity of the city.
 - d) An enhancement of the city's tertiary educational offer and the related potential long-term reputational enhancements.
- 12.8 The potential benefits to the people of Winchester and District include:
- The provision of facilities and opportunities for younger people;
 - Improved economic benefits from a (planned for) increase in student population;
 - Potential for significant economic benefit as identified in section 1.3 of this report

- The establishment of a central hub for our already well established creative, digital/technical sector;
- The enhancement of the city's cultural offer in an area of considerable historic importance (the heritage site of Hyde Abbey and the Hyde Gateway are adjacent to the area). The provision of an accessible cultural resource within the development could therefore meet local demands around promoting vibrancy in this area and also garner possible economic benefits from the visitor economy.

12.9 Through various engagement and communications channels the public have provided the council with the following ideas for use of the site:

- Housing/affordable housing
- Care setting for the elderly
- Primary school
- Start-up spaces for businesses
- Community centre
- Theatre/concert hall
- Open air theatre
- Arts centre
- Museum
- Adult Education College
- Café and toilets
- Council offices
- Reinstate as a sports centre
- Lido
- Outside gym
- Artificial turf pitch/football ground
- Indoor tennis club/tennis courts

12.10 A number of the above suggestions have been adopted and are anticipated to be brought forward through other projects such as the North Walls Park Plan which includes a café and toilets. Additionally, the university's proposal includes a publicly accessible performance space.

12.11 The university propose to take a contextually astute approach to any development, considering carefully with the city council, the local and regional context— environmentally, culturally, and economically— to ensure new activities will be well-tuned to needs, opportunities and challenges. A development on the RPLC site, alongside a developing art school, would deliver tangible benefits, not just in terms of longer-term economic impact (jobs, skills, business support etc), but also would deliver direct community advantage through an 'permeable campus' ethic, libraries, eat/drink venues, flexible performance and events infrastructure, considerate landscape and greenspace stewardship, and a greatly enhanced offer to local citizens, of all ages, including young people.

- 12.12 This proposal to expand teaching at the Winchester School of Art would lead to an increased number of students attending the Winchester campus to study. The university understand that appropriate numbers of student housing units will be required but cannot be provided for on site. The council have previously provided introductions to appropriate developers where opportunity has arisen and is actively engaged with the university on helping them find the most appropriate solution for student housing provision.
- 12.13 The Agreement for Lease would enable the university to explore, consult and potentially to bring forward their proposal for a transformational development to the Winchester School of Art campus at the land currently occupied by the now closed leisure centre and associated parking area. The campus development will further cement the University of Southampton as a world leader in creative industries and enhance the reputation of Winchester as a creative centre in the UK.
- 12.14 The site has become available at a time when the university is in a position to consider it for development in line with their University Strategy. This offers a unique, once-in-a-generation opportunity to work together to realise aligned ambitions for both the council and the university.
- 12.15 The arrangements between the university and the council during the Agreement for Lease period would be governed through a steering group – details of which will be finalised subject to the Cabinet approving the recommendations of this report.
- 12.16 The proposal that the council has received from the University of Southampton would deliver the council's ambitions for this site. For example, the proposed expansion includes a publicly accessible performance space, a benefit for the city which has been requested by residents during previous engagement.

13 Statutory Notice of Disposal

- 13.1 On 5 and 7 January 2022, identical notices were published in local newspapers for a period of two weeks in respect of the proposed disposal of open space under Section 123 (2A) of the Local Government Act 1972. The notices set out the council's intention to enter into an agreement to grant a lease for a term of 150 years, of the area which is or may be open space, to the University of Southampton. A copy of the notice is at Appendix E.
- 13.2 A plan accompanying the notices (ref: 4933), showed the extent of the land subject to the notices, which is immediately to the east of but did not include the former leisure centre. The land subject to the notices included the land currently occupied by the Skate Park and Indoor Bowling Club. A copy of this plan is at Appendix F.
- 13.3 The number of objections received was 428, together with a petition containing 2,265 signatures, which was presented to Full Council on 23

February 2022. A summary of the objections and associated responses are found at Appendix H.

- 13.4 A group called the Friends of River Park circulated a detailed objection in response to the notices, which in turn formed the basis of many of the objections received. The full text of the Friends of River Park objection is reproduced as Appendix G.
- 13.5 A number of the above objections were not directly related to the land which is the subject of the notices. However, it is considered that the concerns raised will still be of interest to Members so they are included in the table found in Appendix I.
- 13.6 A highlight of some of the objections include the following;
- a) The council is not legally in a position to grant the lease to the University of Southampton, as the City Council is the trustee of the land and therefore not the owner. It is asserted that this means the council cannot enter into the leasing arrangements, because the council is precluded from doing so by the Indenture of 1902. This is addressed in the legal implications above, under the heading Statutory Trust and Appropriation.
 - b) Insufficient consultation on the disposal and future uses of the Site the subject of the notices, and the adjoining leisure centre. As stated above, there is no statutory requirement for a formal public consultation before entering into a leasehold disposal, and nor has the council made a clear commitment to formal public consultation prior to any disposal of the Site. However, prior to the completion of the lease there will be further opportunities for the public and stakeholders to express their views, both in response to the university's application for planning permission and the proposed appropriation of those parts of the Site required for the new campus scheme.
 - c) The new proposals are not in the interest of the local community, and do not have any public benefit, and there is no guarantee of any public access. The contractual arrangements to be entered into with the university will ensure the continuation of the skate park and will also be subject to the existing lease to the bowls club (unless they agree to relocate). Therefore, the existing recreational uses and the public benefits they bring, will remain.
 - d) The Skate Park is loved and should remain. It is in excellent condition, and highly accessible. Skateboarding is a recognised Olympic sport. Having taken account of public feedback, the arrangements now include a provision for the council to take a 'lease back' of the skate park. This will secure the continuation of the skate park under the council's management. It was never the intention for the skate park to be lost as it is recognised as a well-used and valuable community asset.

- e) The land should remain public open space. It should be emphasised that not only will the skate park and bowls club continue on the Site, but that continued public access to and recreational use of areas outside the Site, including Hyde Abbey Gardens, the North Walks Recreation Ground and the tennis courts, will be unaffected by the university's new campus scheme.

14 Planning Considerations

- 14.1 The Site is located just outside the settlement boundary of Winchester in an area defined in the adopted Local Plan as countryside but is occupied by the former leisure centre building so falls within the definition of previously developed land for planning purposes.
- 14.2 Policy DM1 (Location of new development) and Policy MTRA4 (Development in Countryside) which guide the location of new development within the district, would apply to any redevelopment proposals for the land, and identify the types of development that will generally be acceptable in the countryside. Any development proposals would need to accord with these policies and all the other relevant development plan policies, and national planning guidance, which relate to the more detailed aspects of schemes including matters such as sustainability, high quality design, and relationship with neighbouring uses, biodiversity impact and flood risk unless there were sound planning reasons to grant permission as a justifiable exception to policy.
- 14.3 The Site is also adjacent to the South Downs National Park (SDNP). There are views into, and out of the site, to the park which will be one of the key matters to consider when bringing forward plans for the redevelopment of the Site (Policy CP18 – South Downs National Park).
- 14.4 As mentioned above the Site falls within the definition of previously developed land. This means that, in accordance with paragraph 85 of the National Planning Policy Framework, the use of such land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 14.5 As the proposals by the university are likely to increase the number of students, and student accommodation is not going to be put forward on the Site, it will be important that any scheme for the redevelopment of the Site comes forward with a strategy designed to address the demand for additional student housing in the city.
- 14.6 The council is currently in the process of producing a new Local Plan and will consult on a draft document later this year. This provides opportunity to review the policy context of the town, including the Site, particularly given the recent closure of the leisure centre.

15 Governance

- 15.1 Moving forward a joint steering group consisting of the University of Southampton and City Council would be established. The Terms of Reference for this group will oversee public consultation and engagement through the informal early stages as the University's proposal is developed and into more formal Consultation at appropriate legal and Planning application stages.
- 15.2 As well as keeping the public informed regularly, the milestone stages would include:
- a) Feasibility – to be commenced spring/summer 2022
 - b) Development of proposals
 - c) Formal Planning
 - d) Appropriation

16 OTHER OPTIONS CONSIDERED AND REJECTED

16.1 Option 1: Refurbishing the existing River Park Leisure Centre

Previous committee reports considered the option of refurbishing the existing leisure centre but it was determined that the building was beyond its useful life and would require in excess of £10 million to bring it up to a suitable standard. Although the old leisure centre was much loved locally, in addition to the new sport and leisure park at Bar End, there are several other private leisure providers in the city centre and as demonstrated through the Sports Facilities Needs Assessment (2017 to 2037) it is not required to meet current or future demand.

This option was rejected by Cabinet by its decision dated 24 June 2020 and is not recommended.

16.2 Option 2: Potential site for housing development.

Housing on the RPLC site is not a good option given that the site is located in a flood risk area i.e. in Flood Zone 2 and 3. The NPPF states that 'Development should not be allocated or permitted if there are reasonable available sites appropriate for the proposed development in areas with a lower risk of flooding'.

This option is not recommended.

16.3 Option 3: Demolition and restoration as public open space

The old leisure centre is sited at the entrance to North Walls Recreation Ground and although it would be possible to demolish and restore the Site to public open space this is not recommended because it does not take the opportunity to make the best use of the Site when other uses would deliver better cultural and economic advantages for local people and the wider city.

This option is not recommended.

16.4 Option 4: Redevelop for surface car parking.

There are 192 spaces on the Site at present and the Heads of Terms envisage the retention of 77 spaces. Development of the site for surface car parking would be contrary to the Council's Parking and Access Strategy, Carbon objectives and the Winchester Movement Strategy.

This option is not recommended.

16.5 Option 5: Redevelop the site for a Lido.

The council supports open water swimming but due to the current affordability and likely constraints on the Site (which can be found in the 2013 'River Park Leisure Centre Flood Risk Design Note'), the Site is not considered appropriate for a lido. Winchester Town Forum Members have offered to work with the public to look at outdoor swimming opportunities in and around Winchester Town.

This option is not recommended.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

CAB3093 Future use of site October 2018

CAB3190 Future use of site October 2019

CAB3242 RPLC Decommissioning Report June 2020

CAB3324 A land transaction in respect of the River Park Leisure Centre site and associated parking area November 2021

CAB3319 WINCHESTER DISTRICT GREEN ECONOMIC DEVELOPMENT STRATEGY October 2021

CAB3336 RPLC Decision to withdraw Decision made on 23 November 2021 in report CAB3324

Other Background Documents:-

[RIVER PARK LEISURE CENTRE FLOOD RISK DESIGN NOTE](#)

[City of Winchester Movement Strategy](#)
[University of Southampton Sustainability Strategy 2020 - 2025](#)

[Vision for Winchester 2030](#)

[North Walls Engagement Event 22 & 23 March 2019](#)

[CWR Development Proposals](#)

Winchester Movement Strategy [Consultation](#)

APPENDICES:

Appendix A – Plan of Site

Appendix B – Heads of Terms

Appendix C – Exempt paper - Lease Premium (Purchase Price)

Appendix D – EQIA [Draft]

Appendix E – Copy of Advertisement

Appendix F – Open Space Site plan

Appendix G – Friends of River Park Objection

Appendix H – Objections and Responses

This page is intentionally left blank

Site Address:- RIVER PARK LEISURE CENTRE, WINCHESTER

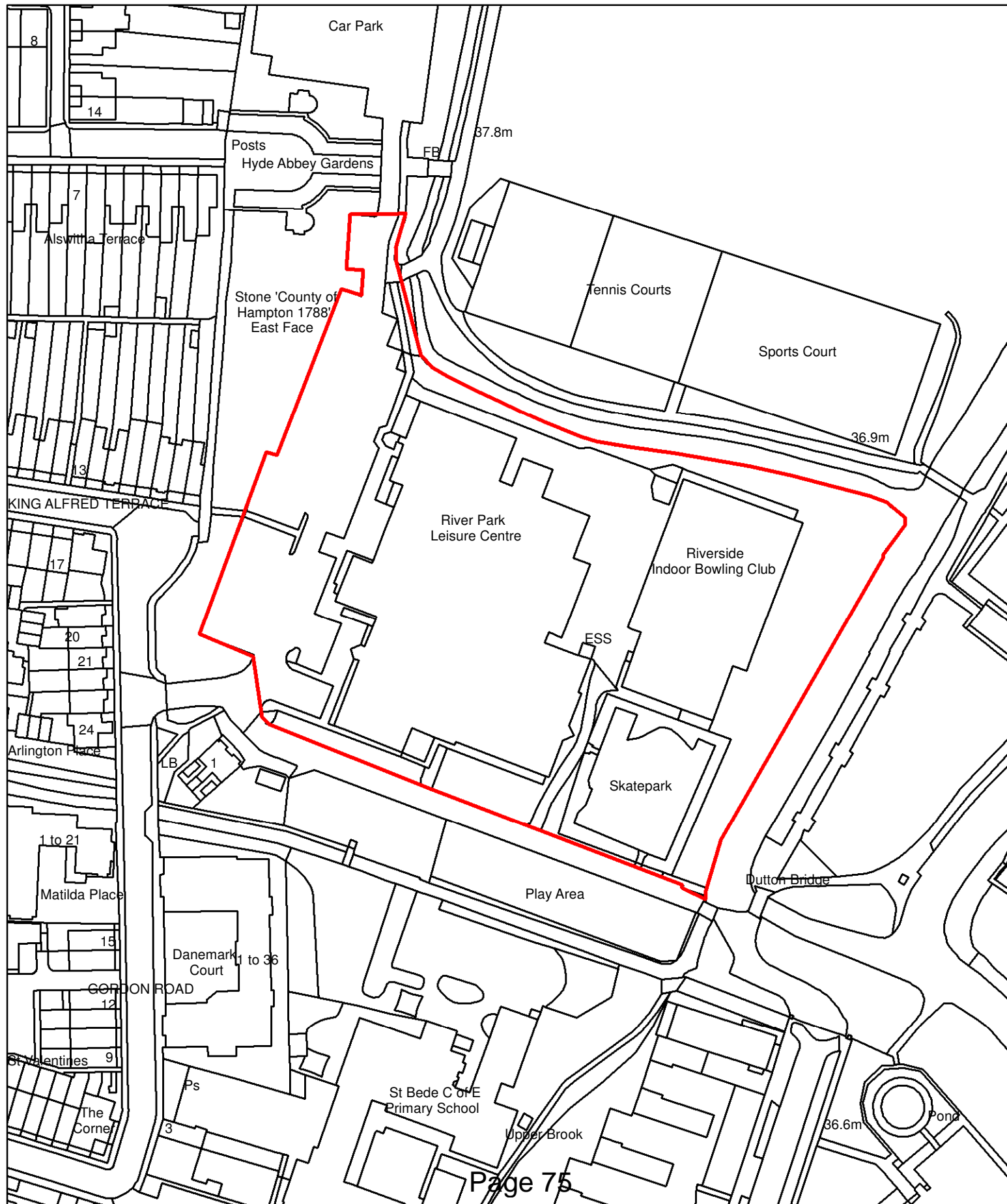


Winchester City Council
Estates Division

Scale:- 1:800 @ A4
Date:- NOV 2021
Ref:-

Map Ref:- 4830

© Crown copyright and database rights
Winchester City Council license 100019531



This page is intentionally left blank

DRAFT Head of Terms for purchase of River Park Leisure Centre, Winchester DRAFT**Subject to contract**

Seller	Winchester City Council of City Offices, Colebrook Street, Winchester SO23 9LJ
Buyer	University of Southampton (a higher education establishment incorporated by royal charter in England and Wales with number RC000668) whose administrative offices are at Building 37, Highfield Campus, Southampton SO17 1BJ
Property	<p>Site of the former River Park Leisure Centre (RPLC), off Gordon Road, Winchester.</p> <p>The Property is shown edged red on the attached plan (which for the avoidance of doubt is indicative only and subject to review) and includes the site of the Riverside Indoor Bowling Club and the Skate Park.</p> <p>The Seller will retain access rights through the Property to the Seller's retained car park to the north-west. The access currently runs through the western car park at the Property but may in the future be reasonably relocated to allow for the Buyer's proposed development where such access is not materially less convenient.</p> <p>See the <i>Tenancies</i> and <i>Lease Terms</i> sections below for further terms applicable to the Bowling Club and the Skate Park.</p> <p>A final plan showing total extent of agreed Property/final boundary to be settled/supplied.</p>
Tenure	<p>Long leasehold.</p> <p>The Property is to be purchased by way of the grant of a new 150 years long lease and the parties will enter into an agreement for lease.</p> <p>See <i>Lease terms</i> below for more details</p>
Price	<p>The price is to be determined before exchange of the agreement for lease and paid on completion of the purchase when the long lease is granted (see the <i>Conditions & Timing</i> section below).</p> <p>Prior to exchange of the agreement for lease the Seller is to instruct its valuers to provide a valuation and the Buyer may, at its own cost, undertake a valuation to help inform negotiations.</p> <p>No deposit will be paid.</p> <p>No further sums, beyond the price, will be paid by the Buyer to the Seller for the Property.</p> <p>Seller to confirm VAT position.</p>
Demolition and remediation	<p>The Seller will retain control over the procurement and timing of demolition subject to an obligation to provide the Buyer with a cleared and remediated site (to be defined in the draft Agreement for Lease) before the Buyer completes the purchase of the Property.</p> <p>The detailed provisions regarding demolition and remediation to be further agreed in settling the agreement for lease.</p> <p>The parties recognise the need for all reasonable steps to be taken to coordinate and synchronise the timing of the demolition and remediation with the purchase to minimise so far as reasonably possible any adverse consequences which delays</p>

	<p>may cause to the Seller's receipt of the Price or to the Buyer's development programme.</p> <p>The parties will explore further the means by which the Seller's risk of (and cash flow for) paying for the demolition and remediation might be reasonably mitigated.</p>
Conditions & Timing	<p>The parties are targeting issuing a draft agreement for lease by the end of November 2021.</p> <p>The parties will use reasonable endeavours to exchange contracts (being an agreement for lease) as soon as possible and in any event by the end of March 2022.</p> <p>The purchase of the Property will be conditional on securing an unfettered planning permission (together with any associated planning or statutory agreements required to obtain or implement the planning permission) satisfactory to the Buyer (see Planning section below).</p> <p>The minimum trigger for grant of the long lease will be the approval and issue of consent to the Buyer's 'Outline Planning Application' for the RPLC site. The Buyer will commission its planning consultant to provide the detailed wording for defining 'planning consent' for review by the Seller. In the first instance, the references in these terms <i>to associated planning or statutory agreements required to obtain or implement the planning permission</i> shall include, at the Buyer's option, reserved matters approval for (and discharge of any critical pre-commencement planning conditions required for) the first building forming part of the campus scheme at the Property whose foundations/footings need to be laid to deal with the Seller's buy-back right (see the <i>Buyer's works and Seller's buy-back</i> section below) as well as any traffic regulation or similar orders. Regardless of what the Buyer chooses to pursue by way of such associated planning or statutory agreements required to obtain or implement the planning permission, nothing shall extend the 5 year period referred to below.</p> <p>If the Buyer confirms that it is satisfied with the planning permission (as defined) and that therefore the planning condition under the agreement for lease is satisfied then the Buyer shall have 4 months to confirm it still wishes to proceed to acquire the Property and:</p> <ul style="list-style-type: none"> • if it does then the purchase will complete by way of completion of the long lease and payment of the price by the Buyer to the Seller; and • if it does not then either party may terminate the agreement for lease. <p>If the Buyer does not satisfy the planning condition within a period of 5 years from the date of entering into the agreement for lease then either party may terminate the agreement for lease. The 5 year period shall afford the Buyer time in which to withdraw and submit any alternative application/s, or to allow for JR or appeals etc, and enter into any associated planning or statutory agreements required to obtain or implement the planning permission and generally be fully satisfied that the planning condition is satisfied. This 5 year period will not be capable of extension.</p> <p>The purchase will be completed (and the long lease granted/price paid) eight weeks after the Buyer confirms it wishes to proceed following satisfaction of the planning condition. To be clear, the Seller must at that stage complete the sale.</p> <p>In addition to progressing the two level levels of design: A) masterplan and B) individual building design and planning applications as appropriate (see the <i>Planning</i> section below), the Buyer also intends to use the 5 year period to complete all of its detailed physical and other due diligence, all site evaluation and surveys etc as well as its own business case for developing the campus scheme. The Buyer will also inform the Seller should the use of its powers of appropriation be required</p>

	<p>to bring forward the Buyer's proposals and the use of such powers shall not be unreasonably withheld by the Seller. To the extent the use of any appropriation powers are required for the Seller to be able to sell the Property by way of entering into the agreement for lease or completing the long lease then the seller will confirm that to the Buyer.</p> <p>The Buyer will have an option to terminate the agreement for lease if, at any time, the Buyer believes that either there is no reasonable prospect of satisfying the planning condition or that the campus scheme cannot be viably delivered for the Buyer.</p>
Planning	<p>The parties will agree a broad/general written description of intent for the new campus scheme comprising a brief narrative (but without any visuals or masterplan graphics) to include in the agreement for lease.</p> <p>This narrative is to be in reasonably sufficient detail to be understood meaningfully against the later masterplan and planning application.</p> <p>The narrative will include the parties' aspiration for the scheme to include provision for a publically accessible performance space but without any fixed parameters around that as to the scope and extent of it.</p> <p>The Buyer will use reasonable endeavours to advance a masterplan proposal based on that written description and thereafter submit a planning application for a new campus scheme (which application may be outline, detailed or hybrid/partially detailed) as soon as reasonably practicable in line with the Buyer's own design, feasibility, procurement and other necessary management procedures).</p> <p>The Buyer will have absolute discretion over the campus scheme (subject always to any general parameters of the initial written description and the planning requirements and lease terms).</p> <p>The Buyer will consult with the Seller on the masterplan and thereafter the planning application and the Seller may make representations but there will be no right of veto on the part of the Seller and no obligation on the part of the Buyer to accommodate the Seller's comments/representations or amend the masterplan or the application in light of any comments/representations on the part of the Seller.</p> <p>The Seller shall be entitled to make representations to the planning authority on the planning masterplan and/or the planning application. The Seller shall not however object to the principle of the new campus scheme.</p> <p>The Buyer will bear all of its own costs in connection with preparing and advancing the masterplan proposal and planning application including commissioning all necessary reports and surveys.</p> <p>Neither party may waive the planning condition.</p> <p>Once the Buyer has been issued with the planning permission (as defined) for a new campus scheme then neither party may waive clearing any JR period in respect of that planning permission.</p> <p>After that, the Buyer alone may waive:</p> <ul style="list-style-type: none"> • Completion of any associated planning or statutory agreements required to obtain or implement the planning permission; and • Clearing any JR period in respect of those agreements

Access, surveys and investigations	<p>The agreement for lease will grant the Buyer a licence to have access to the Property to carry out all necessary inspections, surveys, studies and investigations and for any other reasonable purposes to allow the Buyer to advance its planning masterplan/application, satisfy the planning condition, prepare for development of the Property and otherwise as a contracting purchaser. This will extend to intrusive investigations (environmental, ground condition, archaeological or otherwise) except in relation to the swimming pool which cannot be touched.</p> <p>The terms of the licence will provide for the usual reasonable safeguards to protect the Seller as landowner and will require reasonable closing up/back-filling of any openings / holes, trenches or pits from intrusive investigation works necessary so that the Property is left in a safe condition and to enable the Seller's meanwhile uses. The licence will not though require any material reinstatement (in the sense of returning the Property in exactly the same state) given the proposed redevelopment.</p> <p>The Buyer may but shall not be obliged to share copies of any drawings, surveys or reports with the Seller. If it does, the Seller shall (i) not have to pay for them but (ii) have no reliance on them and the Buyer shall have no liability to the Seller for their contents.</p>
Buyer's works and Seller's buy-back	<p>The Buyer will have absolute discretion over the works (subject always to planning and other legal requirements) including any phasing except for the demolition and remediation works to be dealt with by the Seller.</p> <p>The Seller will carry out demolition and remediation and deliver up vacant possession in accordance with the Buyer's programme.</p> <p>The Buyer will act in good faith in making available the green open areas of the site pending commencement of the main campus scheme works but the Buyer must have absolute discretion about whether, how much and for how long such arrangements subsist and they must not interfere with the Buyer's own plans.</p> <p>If the Buyer does not implement the planning permission for the campus scheme (or any replacement or varied permission for a campus scheme) within 5 years from completing the purchase of the Property the Seller may buy back the Property. The parties agree that for these purposes implementation requires a material start on site under a contract for works and can be satisfied by material completion of the foundations/footings for the first building forming part of the campus scheme at the Property (which may have planning permission by way of reserved matters approval pursuant to the outline/masterplan permission or by way of a subsequent detailed permission for a specific building or buildings).</p> <p>The key terms for the buy-back are:</p> <ul style="list-style-type: none"> • It will be documented as an option to call for a surrender of the long lease contained in the agreement for lease • It may only be exercised if the Seller pays to the Buyer the same price which the Buyer paid for the long lease (with the Seller bearing any SDLT liability) • It may only be exercised (i.e. triggered) for a period of 6 months from the 5 years date and will then fall away forever • It will also fall away forever once the relevant planning permission is implemented.

	<ul style="list-style-type: none"> It will be exercisable in respect of the Property in whatever condition it is when the buy-back is exercised without any obligation on the Buyer to do, or not do, any works or other actions at the Property during its ownership
Lease terms	<p>The key terms of the long lease are:</p> <ul style="list-style-type: none"> 150 year term from completion of the purchase Contracted out of security of tenure to facilitate the landlord (Seller) buy-back (see the Buyer's works and Seller's buy-back section above) Peppercorn rent No repair covenants. The Buyer will agree that, in the event that disrepair causes someone to bring a claim against the Seller as freeholder, the Buyer will (as between Buyer and Seller) deal with such a claim (in the event that it's a legitimate claim and not otherwise covered by the Seller's or Buyer's public liability insurance) and indemnify the Seller Rights and reservations between the Property and the Seller's retained land to be identified and agreed as part of the Buyer's due diligence Special terms for the Buyer's rights in relation to the skate park for (i) the Buyer to retain the skate park (subject to any reasonable relocation or remodelling to better incorporate it into the campus scheme environment) and/or (ii) the Seller to have reasonable input into the Buyer's management of the skate park land included within the Property as a community use to the reasonable satisfaction of the Seller (eg by way of a jointly agreed management protocol or management agreement (outside the long lease)). The form of any such management protocol or management agreement is to be agreed as part of settling the agreement for lease. Otherwise virtual freehold basis so no material tenant covenants; no restrictions on alienation (subject to the landlord being informed upon each and every assignment/subletting), use (save for any agreed restrictions as below) or development (subject always to obtaining any planning permission); no forfeiture or other landlord break rights; no obligation to pay for any services or insurance The permitted use is to be restricted: <ul style="list-style-type: none"> throughout the term so that the Property shall not be used <ul style="list-style-type: none"> for residential accommodation (including student residences); nor for state education of primary or secondary provision (but with a suitable carve out to prevent this restriction prohibiting outreach initiatives and other school engagement as part of tertiary education / university use) for the first 35 years to principal uses of or in connection with tertiary education (including university) and ancillary purposes only. <p>In addition in the context of the long lease, the principle of potential shared use of the Buyer's car park with the public is recognised as a matter to be further explored.</p>

Tenancies	<p>Apart from any lease of the Riverside Indoor Bowling Club, the Property is to be sold with vacant possession.</p> <p>Between agreeing these terms and completion of the purchase:</p> <ul style="list-style-type: none"> the Buyer shall be at liberty to negotiate with the Riverside Indoor Bowling Club about how their club can be factored into the wider campus scheme including potentially relocating them to an alternative suitable site (on terms acceptable to the club); and the Seller will not grant leases or licences for third parties to occupy the Property without first consulting with the Buyer and the Seller may grant short term contracted out leases or licences for appropriate temporary uses (including use of part of the Property for police dog training) which do not prejudice the planning prospects or increase the Buyer's development costs subject always to the ability for the Seller to immediately terminate such arrangement and obtain vacant possession of the Property. No other types of leases or licences are to be granted. <p>Otherwise, the Seller and the Buyer shall act reasonably (but without commitment) in exploring opportunities to maximise the beneficial use of the Property and minimise management costs subject always to preserving the Buyer's best prospects of satisfying the planning condition.</p> <p>The Seller shall be liable for any contamination or other spoil / waste / obstructions left at the Property by any of its temporary use occupiers.</p> <p>All management liability is to remain with the Seller until completion of the purchase.</p>
Seller support	<p>The Seller will continue to manage the Property in line with reasonable estate management principles for a site including vacant buildings and will not deal with the Property in any manner which is inconsistent with the Buyer's objectives of securing planning permission for its campus scheme (or otherwise in any way to the detriment of the Buyer) before completion of the purchase.</p> <p>The Seller will, in its capacity as owner of the Property (and not so as to fetter its discretion as planning authority), provide the Buyer with reasonable support:</p> <ul style="list-style-type: none"> with the master-planning, feasibility and the planning processes including all necessary reports, surveys and investigations which the Buyer commissions or carries out and specifically entering into any necessary planning or statutory agreements (on terms to be reasonably approved by the Seller) with discussions with the Riverside Indoor Bowling Club <p>The Seller will provide all appropriate documentation and records prior to commencement of demolition and site remediation works such that the Buyer can discharge its statutory duties in relation to Health and Safety and environmental legislation.</p>
Capital Allowances	<p>The buyer is to have the benefit of any capital allowances in respect of the Property.</p>
Miscellaneous	<p>These terms are subject to:</p> <ul style="list-style-type: none"> formal approval of the appropriate board or other executive body of the Buyer and the Seller (and any necessary consents required for the

	<p>University to enter into this transaction as an exempt charity under the Charities Act 2011)</p> <ul style="list-style-type: none"> the Buyer conducting the usual buyer / conveyancing due diligence in respect of searches, title and the lease of the Riverside Indoor Bowling Club and otherwise verification of vacant possession (and that no special consents are required because of the sale of sports/community assets) both parties satisfying themselves as to procurement, state aid and tax advice the Seller resolving any appropriation formalities to enable the Seller to enter the agreement for lease and complete the sale of the Property by way of completion of the long lease
Costs	Each party is to be responsible for its own costs in connection with this transaction.
Exclusivity & confidentiality	<p>During the negotiation of and from the date of agreeing these Heads of Terms, the Seller will allow the Buyer exclusivity in respect of the Property such that the Seller (and its representatives) will not have or encourage any discussions with any third party in respect of the Property until exchange.</p> <p>These terms are, and should remain, confidential to the parties in the proposed transaction and their professional advisors save as expressly agreed otherwise.</p> <p>The parties will agree a mutually acceptable comms strategy that will bind both parties to agreeing any public statement before its release and include a stakeholder management plan that will be monitored and updated until completion.</p>

End

This page is intentionally left blank

Winchester City Council



Data and Equality Impact Assessment

When undertaking your Data and Equality Impact Assessment for your policy or project, it is important that you take into consideration everything which is associated with the policy or project that is being assessed against the Data Protection Act 2018 and General Data Protection Regulations and the public sector equality duty, as set out at section 149 of the Equality Act 2010.

The checklist below is to help you sense check your policy or project before you move to Section 2. Note that the public sector duty is inclusive and not exclusive if there are any other relevant matters please insert a row.

Section 1 - Data Checklist

		Yes/No	Please provide details
1	Have there been any complaints data related to the policy or project you are looking to implement?	No	There have been no complaints data related to project to be implemented.
2	Have all officers who will be responsible for implementing the policy or project been consulted, and given the opportunity to raise concerns about the way the policy or function has or will be implemented?	Yes	The project was run by a small team due to the commercial content of the deal. The implementation for this project is the delivery of the Heads of Terms, and Agreement for lease. All appropriate officers have reviewed the project.
3	Have previous consultations highlighted any concerns about the policy or project from an equality impact perspective?	No	There is no formal statutory requirement for consultation in this proposed leasehold disposal. A community presentation by the university did not highlight any concerns from an equality impact perspective
4	Do you have any concerns regarding the implementation of this policy or project?	No	The implementation of this project will be undertaken in

	<i>(i.e. Have you completed a self-assessment and action plan for the implementation of your policy or project?)</i>		accordance with the PSED of the University of Southampton and the Winchester City Council found here https://www.southampton.ac.uk/diversity/our-commitment/objectives.page and data protection policies found here https://www.southampton.ac.uk/legalservices/what-we-do/data-protection-and-foi.page . The steering group will undertake EqlA's and data self assessment as the project evolves and is implemented.
5	Does any accessible data regarding the area which your work will address identify any areas of concern or potential problems which may impact on your policy or project?	No	The data is captured in the self-assessment as below.
6	Do you have any past experience delivering similar policies or projects which may inform the implementation of your scheme from a data protection point of view?	Yes	This is a Land Transaction. The lease will be published on the HMLR website by Land Registry.
7	Are there any other issues that you think will be relevant?	No	

Section 2 - Your Equality Impact Assessment form

Directorate:	Your Service Area: Strategic Director	Team: ELB	Officer responsible for this assessment: Dawn Adey	Date of assessment: November 2021
---------------------	---	------------------	--	---

	Question	Please provide details
1	What is the name of the policy or project that is being assessed?	Land Transaction – former River Park Leisure Centre Site
2	Is this a new or existing policy?	The decision relates to a land disposal transaction.
3	Briefly describe the aim and purpose of this work.	The project is a disposal of land to the University of Southampton, which would enable the university to bring forward their proposal for a transformational development to the Winchester School of Art campus at the land currently occupied by the now closed RPLC and associated parking area. It contributes to a 'youth and culture corridor' creating opportunities for young people to learn and develop in accordance with equality legislation. In addition the proposed disposal to the university will ensure continuous public access and management of the skatepark and the bowling centre.
4	What are the associated objectives of this work?	To secure a future for the site in keeping with corporate policies and priorities, and provide opportunities for the younger generation.
5	Who is intended to benefit from this work and in what way?	This land proposal would provide increased presence of a Russell Group University in Winchester, benefitting the young by providing 'a nationally and internationally recognised significant centre for art, design and creative industries education, research and innovation'. This will create education opportunity and employment opportunity for younger people.

		The young, elderly and parents will also benefit from this decision. Ensuring the skate park stays open and providing increased access to diverse creative forms of education benefits the younger generation of Winchester. Maintaining public access to the grass area and hence passive recreational activities such as walking, picnics and running benefits a wide group of residents particularly parents and the elderly. The heads of terms associated with the land transaction include maintaining the bowling club benefitting an older segment of residents and retaining access to disabled sports facilities.
6	What are the outcomes sought from this work?	To dispose of the land to secure its future in a deal which offers the new use of the land in fitting with the Councils corporate priorities and at an appropriate price point.
7	What factors/forces could contribute or detract from the outcomes?	A delay to the implementation of the project may result in the loss of the proposal and therefore loss of an economic and creative asset for all generations of users.
8	Who are the key individuals and organisations responsible for the implementation of this work?	The city council has a directly employed asset management team which manages property disposal. Implementation of any new proposal will be led by the University of Southampton, who as a public body must comply with and maintain their own PSED policy, which is found here

		Please select your answer in bold . Please provide detail here.		
9a	Could the policy or project have the potential to affect individuals or communities on the basis of race differently?	Y	N	The land disposal will not have an effect on an individual or group of the community on the basis of race.
9b	What existing evidence (either presumed or otherwise) do you have for this?	Our latest data on Race in Winchester District is found here .		
10a	Could the policy or project have the potential to affect			The land disposal will not negatively affect an

	individuals or communities on the basis of gender?	Y	N	individual or group of the community on the basis of gender.
10b	What existing evidence (either presumed or otherwise) do you have for this?	Our latest data on gender in Winchester District is found here .		
11a	<p>Could the policy or project have the potential to affect individuals or communities on the basis of disability differently in a negative way?</p> <p>(you may wish to consider:</p> <ul style="list-style-type: none"> • <i>Physical access</i> • <i>Format of information</i> • <i>Time of interview or consultation event</i> • <i>Personal assistance</i> • <i>Interpreter</i> • <i>Induction loop system</i> • <i>Independent living equipment</i> • <i>Content of interview</i>) 	Y	N	Some members of the public rely on the parking in this area to visit adjacent public space and possibly to visit neighbouring properties where on street parking is limited and permit controlled. The land transaction has the potential to limit parking access at River Park and the open spaces.
11b	What existing evidence (either presumed or otherwise) do you have for this?	Our latest data on ability in Winchester District is found here		
12a	Could the policy or project have the potential to affect individuals or communities on the basis of sexual orientation?	Y	N	The land disposal will not have an effect on an individual or group of the community on the basis of sexual orientation.
12b	What existing evidence (either presumed or otherwise) do you have for this?	We do not hold data based on sexual orientation. Our impact assessment has been based on the transaction being a land disposal. No part of this land is specifically dedicated to provide community facilities based on, or generally used by any group of people who might wish to accept services based on their sexual orientation.		
13a	Could the policy or project have the potential to affect individuals or group of community on the basis of age?	Y	N	This land proposal will have a positive impact on the young, providing an increased presence of a top University in Winchester. This would

				<p>benefit the young by providing ‘a nationally and internationally recognised significant centre for art, design and creative industries education, research and innovation’. This will create education opportunity and employment opportunity.</p> <p>The land disposal includes continuation of management for the benefit of the public of the Skate park and the Bowls Club which will result in a neutral benefit and effect for the younger and older generation, due to the arrangements being at lease/landowner level and not directly impacting the club or users. The evidence base for the users is on the assessment below.</p> <p>The proposal from the University is aimed at all ages but will proportionately benefit younger people. This could bring wider benefits that affect young people such as jobs and diverse recreational and social opportunities.</p> <p>The land disposal will not have a negative effect on an individual or group of individuals of the community on the basis of age. The land disposal will enable the open space land to remain open for the elderly to enjoy. Parking spaces for blue badge holders will also remain through this land disposal.</p>
13b	What existing evidence (either presumed or otherwise) do you have for this?	See below assessment.		
14a	Could the policy or project have the potential to affect			The land disposal will not have an effect on an

	individuals or communities on the basis of religious belief?	Y	N	individual or group of the community on the basis of religious belief.
14b	What existing evidence (either presumed or otherwise) do you have for this?	Our latest data on religious belief in Winchester District is found here		
15a	Could this policy or project have the potential to affect individuals on the basis of gender reassignment?	Y	N	The land disposal will not have an effect on an individual or group of the community on the basis of gender reassignment.
15b	What existing evidence (either presumed or otherwise) do you have for this?	We do not hold data based on gender reassignment. Our impact assessment has been based on the transaction being a land disposal. No part of this land is specifically dedicated to provide community facilities based on, or generally used by any group of people who might consider themselves to be in this group.		
16a	Could this policy or project have the potential to affect individuals on the basis of marriage and civil partnership?	Y	N	The land disposal will not have an effect on any individual or group of the community on the basis of marriage and civil partnership.
16b	What existing evidence (either presumed or otherwise) do you have for this?	Our latest data on marital status in Winchester District is found here		
17a	Could this policy or project have the potential to affect individuals on the basis of pregnancy and maternity?	Y	N	The land disposal will not have a negative effect on an individual or group of the community on the basis of pregnancy and maternity. The open green space will remain.
17b	What existing evidence (either presumed or otherwise) do you have for this?	Our latest data on population statistics in Winchester District is found here – this can be used to access birth statistics		
18	Could any negative impacts that you identified in questions 9a to 17b create the potential for the policy to discriminate against certain groups on the basis of protected characteristics?	Y	N	The project has been reviewed and none are identified.
19	Can this negative impact be justified on the grounds of promoting equality of opportunity for certain groups on the basis of protected characteristics? Please provide your answer opposite against the relevant protected			Race: n/a- as no negative impact identified
				Gender: n/a- as no negative impact identified
				Disability: Impact of reducing the available number of parking spaces identified – mitigated

	characteristic.	Y	N	<p>by retaining a number of spaces to ensure people who need to Park cars near the Park and site can still do so.</p> <p>Sexual orientation: n/a- as no negative impact identified</p> <p>Age: Y – The bowls club are transferring with the intention of them remaining and potentially receiving improved services from their new owner. The Skate park is being protected from within the legal agreements to ensure the Council has a veto on its future.</p> <p>Gender reassignment: n/a- as no negative impact identified</p> <p>Pregnancy and maternity n/a- as no negative impact identified</p> <p>Marriage and civil partnership: n/a- as no negative impact identified</p> <p>Religious belief: n/a- as no negative impact identified</p>
21	How will you mitigate any potential discrimination that may be brought about by your policy or project that you have identified above?	Continuous review and ensuring that the implementation/ steering group includes PSED equality objectives in its terms of reference. Also requiring the university to adhere to its own PSED.		
22	Do any negative impacts that you have identified above impact on your service plan?	Y	N	No

Signed by completing officer	

Signed by lead officer	Dawn Adey
------------------------	-----------

1. The purpose of the proposal or decision required

The Council owns a parcel of land located at River Park Leisure Centre site fronting Gordon Road. The leisure centre on this site was decommissioned upon the opening of the new Winchester Sport and Leisure Park in May 2021.

This report assesses the impact of the proposed disposal of land to the University of Southampton which would enable the university to bring forward their proposal for a transformational development to the Winchester School of Art campus at the land currently occupied by the now closed RPLC and associated parking area.

Impacts considered are:

The disposal of the land

2. EVIDENCE USED/CONSIDERED

The decision to close the building on this land was made historically and the impact on people of that closure would have been considered at that time. The scope of people impacted on the disposal of the land is therefore:

1. Users of the Skate park
2. Users of the Bowls club
3. Users of the car park

4. Members of the public who pass through the land

User insight:

Users of the skate park – the skate park is used by wide age group from 5-40 years. They are usually there at different times of the day / evening – younger children in the morning and then 11-40 year olds in the afternoon and evening. RoSPA reports nationally that the average age of skateboarders is between 13 and 14. 90% of them are male.

Users of the Bowls club – There are 280 members at Riverside Bowls Club. It is open 7 days a week from 10am – 6pm for practice and matches, with competitions taking place on weekends. The demographics of the club are mostly retired people, ages range from 50 – 85 years old. National articles on-line indicate that the number of users is decreasing, county level players are estimated to be in their 30's and that the sport was affected by covid as members could not use the clubs and therefore did not pay membership fees resulting in some clubs closing.

Users of the car park - Data is found in the Winchester Movement Strategy [data set](#). We monitored the car park for

evening use and received data that less than 10 cars were parked overnight on each night we assessed.

Members of the public who pass through the land – we do not collate this specific data but can use the district [population data](#) as a source.

3. CONSULTATION

We have met with skate park users and received resident feedback. They are keen to see the skate park protected by the Council.

We have met with the bowls club Chairman who understood the process of the land transaction. The club are keen to be consulted on any future steps which impact the club location/facilities once the transaction is completed.

We have held a public forum which was available to members of the public including those who pass through the land and people who park in the car park. Feedback was invited via an online Q&A and via telephone and email. Feedback has been around the new (proposed) use of the site and accessibility to the site.

The public forum was held on-line due to covid restrictions. We reached 191 attendees. To reach a non-online audience the Council liaised with the printed press and an article was printed in the local press in the week commencing 1 November 2021.

Feedback from the public has been gathered through telephone, email and on-line forums as well as face to face directly to Members.

4. ASSESS LIKELY IMPACT

Skate Park users - The lease arrangements in place to protect the skate park will result in no change for the users. NEUTRAL IMPACT

Bowls Club – The lease arrangements for the Bowls Club will transfer to the University. This will result in no change for the users. NEUTRAL IMPACT

The change of number of car park spaces will impact the users of those spaces. This change is proposed in keeping with the Winchester Movement Strategy which has a full impact assessment. The Heads of Terms protects a number of car parking spaces for onsite parking to ensure those with protected characteristics can still visit the adjacent public open space. NEUTRAL IMPACT

The impact on the people who pass through the land - should accessibility to the land and any new buildings on it change as an outcome of the Universities proposal, they will address regulatory accessibility requirements at that time. NEUTRAL IMPACT on assessment on entering an agreement for lease.

5. WHAT ACTIONS CAN BE TAKEN TO MITIGATE ANY ADVERSE IMPACTS?

Car Parking spaces have been kept ensuring accessibility to the adjacent open space.

6. ACTIONS TO BE TAKEN

None

7. MONITORING ARRANGEMENTS

If the disposal is agreed – a Steering group will be set up.

The terms of reference for that group would include that equality monitoring and reporting are presented to the group for discussion.

8. ACTION PLANNING

No further actions.

9. PUBLISH THE EIA

EIA will be published with CAB3342

WINCHESTER CITY COUNCIL
SECTION 123(2A) LOCAL GOVERNMENT ACT 1972
NOTICE OF PROPOSED DISPOSAL OF OPEN SPACE LAND
Land known as the Skate Park and Riverside Indoor Bowling Club
at Gordon Road, Winchester and shown in the plan edged red

NOTICE IS HEREBY GIVEN under Section 123(2A) of the above-mentioned Act that Winchester City Council is proposing to enter into an agreement to grant a lease for a term of 150 years of the area of land described below, which is or may be open space, to the University of Southampton. The lease will contain terms requiring the University to continue the current use of the land unless an equivalent alternative facility is provided.

The area of land referred to above is shown for the purpose of identification edged red on a plan which is available online at: <https://www.winchester.gov.uk/public-notices-library>.

Any person who objects to the proposed leasehold disposal of the above-mentioned parcel of land should email or write to the Service Lead Legal, at Winchester City Council, City Offices, Colebrook Street, Winchester, Hampshire or CKnight@winchester.gov.uk by 4pm on Friday 4th February 2022.

*Catherine Knight, Service Lead Legal, Winchester City Council, City Offices,
Colebrook Street, Winchester, Hampshire, SO23 9LJ*

This page is intentionally left blank

CAB 3342 Appendix F – Open Space Site Plan



This page is intentionally left blank

Objections by Friends of River Park

1. **This land is a Public Park**

- (i) The Recreation Ground, including the area of River Park Leisure Centre, the Indoor Bowling Club and the Skate Park, belongs to the residents of Winchester. The Council does not “occupy” the land but they are “merely custodians and trustees for the public”¹. However, in the decision made by Cabinet on 23rd November 2021 to dispose of the land, they purported to act as “landowner”, making no reference to the fact that they held the land on statutory trust for Winchester residents. The Council in the below referred 2019 report, in contrast, acknowledged that the Council hold the land (including the sports centre part of the site) on statutory trust for Winchester residents.
- (ii) The land was transferred in 1902, as confirmed by a 1902 conveyance, for the purpose of a Public Park, for public recreational use. For the sale to the University of Southampton to take place, the Council would be required first to appropriate the land. They would also have to apply to the Lands Chamber to break the covenant, under S84(1) Law of Property Act 1925. This is a very cumbersome, difficult application, where the Council would need to join in all the successors in title of the Wm Barrow Simonds land (who must amount to many hundreds). They would also have to show the covenant no longer has the fundamental purpose of protecting an amenity – which, of course, it does. The Council in their 2019 report, CAB3190², acknowledge that.

It should stay open to all members of the public for recreational purposes

2. **This area is designated “open space”**

- (i) The land, including the buildings, is protected by the Open Spaces Act 1906 and the Local Government Act 1972, as well as the covenant which was imposed with the

¹ *The Churchwardens and Overseers of Lambeth Parish v London County Council* [1897] AC 625, *Mayor of Liverpool v Assessment Committee of West Derby Union* [1908] 2 KB 647; both cases applied in *Burnell v Downham Market Urban District Council* [1952] 2 QB 55

² Extract attached

original transfer. The Council should not be permitted to seek to remove those protections by disposing of the land to a commercial entity such as the University of Southampton, which is run as a competitive, profit-making business.

- (ii) The statutory trust imposed upon the Council applies equally to buildings in the open space. Typically, they are occupied for purposes ancillary to the management of the open space and the provision of facilities to the public, which justifies any necessary limitations on access by the public³. The fact that the public might be necessarily excluded from portions of the land, or charged for entry, would be consistent with the duty and exercise of management by a local authority. Therefore, the provision of the Leisure Centre, the Indoor Bowls Club and the Skate Park would be consistent with the Council's duty to provide for recreation for the public and ancillary to the management of the open space⁴. The Council has also acknowledged that buildings form part of the open space by the notice the Council has so far served, which relates to the part of the site upon which the skate park and the Indoor Bowls Club are situated – the latter having considerably more restricted access than had the Leisure Centre site, which was open to all and not just the members and their guests.
- (iii) *Section 19 of the Local Government (Miscellaneous Provisions) Act 1976* confers power on a local authority to provide "recreational facilities". Those include, in particular, powers to provide—(a) indoor facilities consisting of sports centres, swimming pools, skating rinks, tennis, squash and badminton courts, bowling centres...and (d) premises for the use of clubs or societies having athletic, social or recreational objects...
- (iv) It follows that the redundant Leisure Centre is protected as open space under the *Open Spaces Act 1906*, just as is the Indoor Bowls Club and the Skate Park. There can, therefore, be no justification for excluding it from the requirement to advertise its proposed disposal as open space under S123(2A) Local Government Act 1972. The below referred 29th December 2021 letter from the Council also acknowledged that the Council needed to advertise the notice for the site as a whole and did not

³ *R (on the application of Muir) v London Borough of Wandsworth* [2017] EWHC 1947 (Admin)

⁴ *Burnell (supra)*

say that the Council only needed to advertise the notice for the area of the Indoor Bowls Club and Skate Park.

- (v) The Council, as trustee, cannot lawfully make a profit from land held under the OSA 1906; any amounts raised by way of capital receipt from the sale by lease of the site could only be used for the purpose of improving or maintaining the land⁵. However, in the Council report CAB3324 at paragraph 3.3, it is stated: “The council can use capital receipts to fund capital expenditure either for future projects or to reduce the borrowing requirement for previous unfinanced capital projects. However, use of the receipt for this purpose has a positive revenue benefit for the council.” This would clearly indicate an unlawful purpose behind the proposed sale/lease.

The land should remain open space, freely accessible to the public

3. The Council has provided no opportunity at all for public consultation

- (i) There has been no consultation made by the Council at any time, particularly about the selling of the land at below market value or the waiving of the rights of residents in relation to land ownership. There was no opportunity for the public to have a say in these or any other plans for the future of the site. Not only were we unaware of the proposal before an announcement over an invitation-only Zoom call, which required attendance by registration, on 1st November 2021, but the various individuals and organisations who might have been expected to have been consulted – like the University of Winchester, the Theatre Royal or the Hampshire & Isle of Wight Wildlife Trust, or local groups like Friends of Hyde Abbey Garden and Hyde900, as well as residents of the city – were completely taken by surprise. Earlier opportunities for public consultation, in 2018 and in 2020, were specifically prohibited by the Council. The public must be allowed time to air their views and to explore, in consultation, alternative, sustainable, viable uses for the land in question.
- (ii) Consultation should have taken place before the Council’s proposals were formulated and had become a firm plan, following apparently lengthy negotiations

⁵ *Muir v LBW (supra) para 75*

conducted in private, with attendant draft Heads of Terms for the sale/lease and officers' recommendations to Cabinet that they should agree the sale/lease upon those Heads of Terms. For the Council to say that public consultation will take place once the deal has been struck is extraordinary: it will be too late. The Council should also not have agreed, as they did in the Cabinet meeting on 23rd November 2021, to enter into an agreement with Southampton for the grant of a 150-year lease of the whole site (which included the Leisure Centre area, Skate Park area, Indoor Bowls Club area and a part of the car park). That decision was only stood down at the 25th January 2022 Cabinet meeting – still with no valid and proper consultation having taken place (see paragraph (4) below).

The public must be properly consulted about the future use(s) of this site

4. The Council's notice of a disposal of open space land is defective

- (i) Not only has there been inadequate consultation, as in paragraph (3) above, but the notice for the very short period of consultation allowed is defective. A letter from the Council dated 29th December 2021, conceding that they had acted unlawfully by failing to advertise the disposal of the River Park Leisure Centre site before the Cabinet decision on 23rd November, states that the Council "can confirm that the intended disposal will be advertised in accordance with section 123(2A) of the 1972 Act. The Decision will be reconsidered by Cabinet at the earliest opportunity, in the light of any responses received to the advertisement".
- (ii) The Council's proposal as set out in the report to Cabinet (CAB3324) was to grant a five-year lease, followed by a 150-year lease, conditional on planning consent, for the entire River Park Leisure Centre site and part of the public car park. The notice that has been published on the Council's website and in the Hampshire Chronicle of 5th/6th and 12th/13th January 2022 announces that the Council proposes to enter into an agreement to grant a lease for a term of 150 years over a significantly smaller area that they refer to as the Skate Park and the Indoor Bowling Club. It doesn't refer to the whole site, nor does it correlate to the proposals the Council set out in CAB3324. How are respondents to the notice supposed to word their objections: to the whole site or just the Indoor Bowls Club and Skate Park?

- (iii) As is pointed out in paragraph 2 above, the whole site is designated as open space. By failing to include the area of the redundant Leisure Centre, as well as the car park included in the Council's plan appended to CAB3324, the notice does not meet the requirements of S123(2A) Local Government Act 1972 and it is, therefore, defective.
- (iv) The notice was published in advance of the Cabinet meeting on 25th January, when the decision of 23rd November was rescinded. Therefore, the notice was published while the decision to dispose of the entire site still stood. However, CAB3336 (ie the report at the 25th January 2022 cabinet meeting) recommended that Cabinet "approve the relevant advertisements" retrospectively. There is no rationale given in that report as to why those advertisements were only in relation to part of the site. There has been no variation to the 150-year lease Heads of Terms with Southampton University which relate to the whole of the site (and so including the Leisure Centre part of the site and an adjoining car park).

For public consultation purposes, and in terms of the process, the notice is defective

5. The City has a shortfall of "open space"

- (i) Winchester's Local Plan Part 1 (Joint Core Strategy) identified a shortfall of land available for open space in the city. **Policy WT1**⁶ provided for "additional open space and recreational provision, including:
- opportunities to address any under-provision of open space, to be secured through new allocations and in conjunction with development.
 - retention of existing open space and recreation provision and not releasing this for alternative purposes, given the amount of the existing shortfall."
- (ii) A Council report⁷ identified a shortfall in the Town of Parks & Recreation Grounds by 12.82 hectares against standard.
- (iii) The City would contravene its own Local Plan policies by handing over to a commercial concern, the University of Southampton, this open space, where people can play, exercise and enjoy their leisure time. [NB Local Plan Part 2 Policies

⁶ LPP1 para 4.29

⁷ WCC Open Space Assessment 2013

DM1, DM5, CP7 and CP18, and the Open Space Strategy background document, all provide for the protection of the City's public open space for recreation⁸.]

The land must be kept as a public park or recreation area

6. Green environment in the city

Policy WT1 also provided for "retention of existing and provision of new green infrastructure to ensure that the Town retains its well-treed character, attractive green setting, its well-defined urban edge, and access to open space and adjoining countryside." River Park is an urban park providing a play, recreation, sports and leisure environment for the City of Winchester. There are tennis courts, a rugby and a football pitch, cricket pitches, skate park, children's play area, canoeing, crown green and indoor bowls, wild river swimming, cycle paths, a tranquil garden area in Hyde Abbey Garden and gentle walks. It is adjacent to the Winnall Nature Reserve which is, itself, part of the South Downs National Park. Through the park and around the River Park site flows the River Itchen, the navigation canal and its tributaries. This is one of the UK's unique chalk stream rivers and is a Special Area of Conservation and a Site of Special Scientific Interest. It is in danger from pollution.

Our green environment needs protecting from inappropriate development

7. Effect on tennis courts, all-weather 3G pitch and cricket pitches of large buildings

The River Park site lies to the south, and is immediately adjacent to, the artificial (and much-used) pitch and the public tennis courts – the only public tennis courts available in the city. Just beyond them is the main cricket pitch. Any overly large building(s) erected on the River Park site, either replacing the Leisure Centre or the Indoor Bowling Club and Skatepark, or all of these facilities, could have a deleterious effect, with long shadows

⁸ WCC Open Space Strategy (para 74): Existing open space, sports and recreational buildings and land, including playing fields should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

cast over the public ground next to them including the popular public tennis courts and football training areas, as well as the cricket pitch. If the new building(s) were to be part of a student campus, this would undoubtedly adversely affect the public recreational facilities and their accessibility to Winchester residents.

There can be no insensitive, large-scale building or over-development of the site

8. Flood Risk

The Council last commissioned a Flood Risk Assessment of the River Park site in 2013⁹. The land mostly lies in a zone (3A) where floods are highly probable, and it is upstream of the city and the Cathedral. In the Report, it is said that (para 5.0.1) ‘a new design that increased the existing building footprint or the impermeable area within the floodplain would not be appropriate in this location’; also, (para 5.0.2) ‘replacing the existing leisure centre buildings with open space might have a beneficial effect on downstream flood risk’. The Council continues to acknowledge, in response to the petition for a new Lido in this area, that the site is at a high risk of flooding.

The fewer buildings, or smaller facilities, on this site the better: even returning it to parkland would benefit the city

9. Winchester is a small city

The population of Winchester city is estimated to be 48,818¹⁰. The numbers of students at the University of Winchester are more, when compared to residents, than in Oxford or Cambridge. Can the city sustain a second major University campus? For instance, accommodation for students is already having an unsustainable effect on housing in the city, rendering family homes unavailable and/or unaffordable by turning many into HMOs. Developers have seized the opportunity to erect many designated student apartment blocks. There is a fear that Winchester’s historically well-mixed character is already being undermined by the proliferation of student accommodation, creating a saturation level and a distinct imbalance. The Council proposals here would be for a

⁹ River Park Leisure Centre Flood Risk Design Note (Ramboll) January 2014

¹⁰ Office for National Statistics estimate for June 2020

large campus development with significant associated housing need, which would make this imbalance worse. The report itself acknowledges the problem¹¹.

Winchester needs an urgent review of the proportionality between numbers of residents and of students

10. The Proposals in detail

(i) The proposals are set out in a report to Cabinet (CAB3324) (ie for the 23rd November 2021 Cabinet meeting). It is said in that report that the University of Southampton wishes to acquire the River Park Leisure Centre site. What is proposed in that report is an **initial ‘lock-out’ 5-year lease**, for the University to progress options for the extension of the neighbouring Winchester School of Art campus. No deposit would be payable.

- **There has been no procurement process for this disposal.**
- **There is to be no initial payment to the Council for the site, which could lay dormant for five years – following which the University might not decide to go ahead with any development plans – and in the meantime the Council has to pay for the demolition of the Leisure Centre (estimated at £2m) as well as maintenance of the remaining buildings (estimated at £80,000 per annum).**
- **In CAB3324 it states that the Council will help facilitate the potential relocation of the Bowling Club and the popular Skate Park. There is no mention of the costs concerned, who would pay for this and how it would be achieved.**
- **The statutory protection currently enjoyed by this open space site will be lost.**

(ii) **The five-year lease , as confirmed by CAB3324, would be followed by a 150-year lease (expressed as a sale)** to the University of Southampton, assuming planning consent were to be granted for what is called ‘the campus scheme’, and upon the payment of an unquantified capital sum for the acquisition of the site. There is no mention of how the value is to be assessed and on what basis – for instance, whether it would be discounted for the impact of being on a flood plain, the

¹¹ The report to Cabinet (CAB3324) says, at para 14.5: “As the proposals by the university are likely to increase the number of students, and student accommodation is not going to be put forward on this site, it will be important that any scheme for the redevelopment of the RPLC land comes forward with a strategy designed to address the demand for additional student housing in the city”.

constraints of complying with a covenant and onerous planning restrictions, its lack of accessibility by road or public transport, etc. Over the 150-year lease period there would only be a 'peppercorn' rent.

- **There is no fixed financial benefit to the taxpayer of this sale.**
- The permitted use, as confirmed by CAB3324, is to be restricted throughout the term so that, 'for the first 35 years, the property shall be put to principal uses only of or in connection with tertiary education including ancillary university purposes only': **the public will not have access to the site at all for 35 years following the sale.**
- There is just one mention in the Heads of Terms of an 'aspiration' to provide publicly accessible performance space but no fixed intention as to such space, or as to the extent or scope of it, and there is no such condition attached to the sale: **there is no definite benefit to the public of this sale.**
- The Buyer will have 'virtual freehold basis', no restriction on selling the site on to another, no obligation to repair (including during the initial 5-year period) and 'absolute discretion over the campus scheme': **the Council will effectively lose control of the site once it is sold.**

11. Conclusion

The Friends of River Park strenuously object to the Council's proposals to lease any part of the River Park Leisure Centre site to the University of Southampton, or to any other commercial entity. The site forms part of the parcel of land, including the Recreation Ground, Hyde Abbey Garden and Hyde Gate and Chamber, conveyed in 1902 by William Barrow Simonds to the District Council, Aldermen and Citizens of the city of Winchester for use as a Public Park, for the benefit of the Citizens of the City and for recreational and public purposes only; the only buildings permitted to be built (and as confirmed in that conveyance) being the lodge for the park keeper, and recreation/scientific buildings/galleries for the public/recreation. The Citizens of Winchester should decide what use or uses to which the site may be put, following the de-commissioning of the Leisure Centre building (including, for instance, the possibility of returning it to use as parkland). The Council's intention to dispose of the site to the University of

Southampton breaches the covenant in the 1902 conveyance (ie public park/recreation), and breaches the open space provisions and statutory trust provisions. There was none of the required consultation (and advertising) before the 23rd November 2021 Cabinet decision to grant an Agreement for a 150-year lease to Southampton University. The consultation (which started prior to the Council decision on 25 January 2022 to rescind the 23rd November 2021 cabinet decision) is incomplete and defective. This includes the fact that it does not relate to the whole of the site which is all equally open space and held on statutory trust for the Winchester residents.

On behalf of Friends of River Park

4th February 2022

3 LEGAL AND PROCUREMENT IMPLICATIONS

3.1 Consideration of future land uses for both the building and surrounding site at RPLC site are subject to historic restrictions on the Land Registry title, which relate back to the original site purchase. Subsequently the land is currently held on a statutory trust as a public park and recreation ground for the City, and subject to a restrictive covenant.

3.2 The implications of the restrictive legal covenant and holding the land as a statutory trust on the site means that:

- a) The building and the land may only be currently used for recreational and open space, and associated uses;
- b) Residential use is not permitted without discharge of the restrictive covenant by the Lands Tribunal, even following appropriation;
- c) Additional options for the use of the land and buildings become available following a valid appropriation of the land by the Council, being uses which are under the Council responsibilities;
- d) The Council could sell or grant a lease of the site provided it is first appropriated and the procedures in relation to disposal of open space under s123 Local Government Act 1972 are followed and best consideration is obtained or can be dispensed with. Any proposed development or disposal would need to respect or manage subsisting leases and easements.

3.3 Appropriation of the whole or part of the site from open space to planning purposes is a statutory process which, in this case, requires public consultation, evidence that the land no longer required for the purpose to which it is held, consideration of any comments received and not able to be pursued if it would lead to a breach of the restrictive covenant.

3.4 The restrictive covenant may be modified or discharged pursuant to section 84 of the Law of Property Act 1925 which requires an application to the Lands Tribunal to show that the restriction is obsolete and would not adversely affect those with the benefit of it, or that the beneficiaries agree to its modification or discharge.

3.5 Further legal input is recommended as the Council develops ideas to pursue future land use options.

The Queen on the application of Alexander Keay Muir v Wandsworth Borough Council v Smart Pre-Schools Limited



Positive/Neutral Judicial Consideration

Court

Queen's Bench Division (Administrative Court)

Judgment Date

28 July 2017

Case No: CO/2956/2016

High Court of Justice Queen's Bench Division Planning Court

[2017] EWHC 1947 (Admin), 2017 WL 03174584

Before : Mrs Justice Lang DBE

Date: 28 July 2017

Hearing dates: 23 May and 18 July 2017

Representation

David Matthias QC (instructed under the Direct Access Scheme) for the Claimant

Ranjit Bhose QC (instructed by Sharpe Pritchard LLP) for the Defendant

The Interested Party did not appear and was not represented

Approved Judgment

Mrs Justice Lang:

1. The Claimant applies for judicial review of the Defendant's decision to grant a long lease of premises known as Neal's Farm Lodge and Cottage ("the premises"), situated on Wandsworth Common ("the Common"), in the London Borough of Wandsworth, to the Interested Party ("IP").
2. The IP is a limited company which intends to operate a private nursery at the premises for up to 62 pre-school children, aged 2 to 5 years.
3. The Defendant ("the Council") is the local authority which, pursuant to statute, holds the freehold of the land on which the Common is situated.
4. I granted permission to apply for judicial review at an oral renewal hearing on 18 October 2016. Holgate J. gave the Claimant permission to rely on an additional ground for judicial review on 25 April 2017.

Facts

5. Neal's Farm is situated in the north western part of the Common, near Dorlcote Road, though there is no direct vehicle access. It comprises Neal's Farm Lodge and Neal's Cottage which are set in small front and rear gardens. For many years, it was used partly as a café for the enjoyment of those using the Common, and also to provide residential accommodation for Common groundsmen, occupied under residential service tenancies. I consider its origin and early history later in my judgment.

6. In 2013/2014, the Council terminated the residential service tenancies, leaving Neal's Farm unoccupied, apart from the ground floor of the Lodge which continued to be occupied by the Skylark Café. In 2014, the Council rejected an offer from the operator of the café to lease the remainder of Neal's Farm as "uncommercial" and a plan to use it as offices for the Leisure and Culture Staff Mutual was abandoned because of the conversion costs.

7. In January 2015, the Council decided to place the premises (comprising the upper floor of the Lodge, the entirety of the Cottage, an outbuilding and the rear garden, totalling 1,905 sq.ft) on the open market to invite expressions of interest for a 10 or 15 year lease excluded from the [Landlord and Tenant Act 1954](#), "subject to the successful applicant carrying out all works and obtaining requisite consents to bring the properties back into commercial use" (email from Mr Peter Tiernan, Principal Valuer, to estate agents, dated 28 January 2015). The email stated any lease could only be granted to a limited company.

8. It is apparent from the email evidence that Mr Tiernan was aware that the premises were subject to significant restrictions on use under the schedule to the [Ministry of Housing and Local Government Provisional Order Confirmation \(Greater London Parks and Open Spaces\) Act 1967](#) ("the Long Act") because they were situated on the Common. The estate agent from Lambert Smith Hampton complained that the advice from the Council's Planning Department "seems to limit all use other than in connection with uses associated with the common, this rules out virtually all commercial uses". Mr Tiernan received advice from the Borough Solicitor to the effect that use of the premises as a children's nursery was a recreational or educational use consistent with the Long Act.

9. It is also apparent from the email evidence that Mr Tiernan was aware that the grant of a lease would amount to a disposal of open space land which would require a statutory disposal notice in accordance with [section 123\(2A\) of the Local Government Act 1972](#) ("LGA 1972"), and any objections would have to be considered by the Community Services Overview and Scrutiny Committee.

10. Advertisements were placed in a local newspaper on 17 April and 15 May 2015. The Council sought expressions of interest specifying that "any use must provide a recreational or educational facility servicing the common". Ten expressions of interest were received. Nine were for proposed nursery use.

11. Lambert Smith Hampton sent details of the bids to Mr Tiernan, recommending that the lease be granted to the IP, who was the highest bidder. On 7 July 2015, Mr Tiernan passed this information on in an updating email to Councillor Cook (copied to Mr Andrew Algar, Assistant Director (Property Services) and Mr Tunde Ogbe, Head of Valuation and Asset Management) informing them of Lambert Smith Hampton's recommendation and reminding them that "the use of facilities on common land must be consistent with the 1967 'Long Act'". On 8 July 2015, Mr Algar replied to an email from Mr Ogbe confirming that he could go ahead and make a conditional offer to the IP, before hearing back from Councillor Cook.

12. On 15 July 2015 Lambert Smith Hampton sent a formal recommendation to Mr Tiernan advising that the IP was "an established nursery & nanny provider operating out of Wimbledon Hill" and "[t]he property is ideally placed for the nursery use proposed and therefore this has provided a much higher rent per sq. ft. than any recent D1 comparable evidence in the surrounding area" and, by reference to the schedule of bids attached, "best consideration has been achieved".

13. The Lambert Smith Hampton recommendation was signed by Mr Tiernan, and dated 16 July 2015, in his capacity as Borough Valuer, exercising delegated powers. He annotated the document by hand adding that the delegated power was "1.E(l)" and that "Letting subject to statutory consultation – [s.123\(2A\) LGA 1972](#) + planning". Someone wrote on the top of the document "Commercially sensitive. Not to be released". The Defendant's evidence was that this document represented the Council's decision to lease the premises to the IP.

14. Mr Tiernan sent the approved recommendation by email to Lambert Smith Hampton stating "Please find approved Recommendation Report for your review and action". It was copied to Mr Ogbe.

15. The tenth expression of interest was from the Claimant who proposed an educational and recreational facility for use by local maintained schools. The Claimant's expression of interest was ruled out on the grounds that it did not provide sufficiently detailed information. The Claimant was notified of this decision by letter dated 9 July 2015. The Claimant complained to Councillor McDermott, who raised the matter with Mr Algar, and then responded to the Claimant. Eventually Mr Ogbe, Head of Valuation and Asset Management, instructed Lambert Smith Hampton to "press ahead with the letting" on 21 July 2015.

16. On 3 and 10 September 2015, the Council published notices in the local newspaper pursuant to the Long Act stating that it intended to grant a 15 year lease of the premises which it identified as "open space" and inviting objections, if any. No objections were received.

17. On 6 September 2015 the Claimant made a [Freedom of Information Act 2000](#) ("FOIA") request which the Council responded to on 8 October 2015. The Claimant subsequently made further FOIA requests.

18. On 9 October 2015, the IP applied for planning permission for a change of use from residential (Use Class C3) to nursery/pre-school, classified as a non-residential institution under Use Class D1, as well as some minor building alterations. The proposed nursery would cater for 62 children aged 2 to 5, from 7.30 am to 6.30 pm on weekdays. About 15 staff would be employed by the nursery.

19. The Claimant asked for a meeting with the Council in November 2015, concerning irregularities in the bidding process, which the Council declined.

20. On 10 January 2016, the Claimant emailed the Council's Borough Solicitor requesting that the IP's planning application be reviewed as the change of use proposed – childcare, not education – was not consistent with the provisions of the Long Act.

21. On 1 February 2016, the Assistant Borough Solicitor replied stating that the proposed nursery use for the premises fell within the scope of [Article 7\(1\)\(a\)\(v\) of the Schedule](#) to the Long Act ("indoor facilities for any form of recreation whatsoever"). She added:

"Whilst it might be argued that part of the work of a nursery is education, it is predominantly recreational; nurseries serve very young children and whatever learning a nursery provides is learned through play – as such this is a recreational use. The legislation does not require uses of facilities to be limited to non-profit organisations."

22. On 16 February 2016 the planning officer's report was published. The report recommended that the application be approved subject to conditions. The report acknowledged that the site was "controlled" by the Long Act but asserted that "[t]his legislation and the processes to be followed under it, is not material to the determination of this application in the Council's role as local planning authority. Any reference to it is only provided for information purposes."

23. There were numerous objections to the application from local residents, the Wandsworth Society and the Wandsworth Common Management Advisory Committee.

24. At the hearing of the Planning Applications Committee on 24 February 2016, the Borough Solicitor advised the Committee that the restrictions in the Long Act were not a planning consideration and the application for planning permission had to be considered on its merits. Planning permission was granted as follows:

"Change of use from residential (C3) to nursery and preschool (Class D1) catering for up to 62 children (0-5 years old)...."

25. The conditions attached to the grant of planning permission included:

- i) Condition 2: the number of children enrolled at the nursery shall not exceed 62.
- ii) Condition 4: the premises shall not be open to customers other than between the hours of 0800 and 1800, excluding weekends and bank holidays, and at no other times.
- iii) Condition 7: the premises shall be used for a nursery/preschool and for no other purpose (including any other purpose in Class D1....).

26. On 5 April 2016, an objector filed a claim for judicial review of the grant of planning permission. That claim was eventually dismissed on 13 June 2016.

27. The Claimant filed this claim for judicial review on 24 May 2016. The Council has decided not to grant the lease to the IP whilst the challenge to the lawfulness of its decision to let the premises is ongoing.

28. The draft lease is for a term of fifteen years. The Council will insert clauses to reflect the planning conditions set out above, and to limit use by reference to the Long Act. It will also require the IP to accept local authority funded children who otherwise meet its admission criteria.

History of Neal's Farm and regulation of the Common

29. The Common was referred to in the Domesday Book as the common land of the Manor of Battersea and Wandsworth. It was referred to on Rocque's Map of 1741 as Wandsworth Common. Although owned by the lord of the manor (Earl Spencer),

local land owners had ancient rights of common over the Common, typically to graze animals and gather wood etc. The rights of common were registered under the [Commons Registration Act 1965](#).

30. According to the '*Survey of London*', Volume 49 Battersea, in the 1820's the Common comprised about 400 acres, over twice its current size. In the 19th century, the freeholder (Earl Spencer) permitted encroachments on the Common, for road and rail construction, and for buildings for public or charitable purposes, such as Wandsworth Prison (10 acres, 1847), St James Industrial Schools (20 acres, 1847) and the Royal Victoria Patriotic Asylum ("the Asylum") for the maintenance and education of orphans (55 acres, 1857). From perusal of historic maps, and from the account given in the *Survey*, it appears that the site on which Neal's Farm Lodge and Cottage are now situated was included within the 55 acres sold to the Asylum.

31. Pursuant to the Wandsworth Common Act 1871 ("the 1871 Act"), the freehold interest in the Common which was owned by the local landowner, Earl Spencer, was transferred to "a body of Conservators" who were tasked with the duty to maintain the Common.

32. By section 33 of the 1871 Act:

"The Conservators shall at all times keep the Common open uninclosed and unbuilt on except as regards such parts thereof as are at the passing of this Act inclosed or built on and except as otherwise in this Act or in the Agreement Scheduled thereto expressed and shall by all lawful means prevent resist and abate all encroachments and attempted encroachments on the Common and protect the Common and preserve it as an open space and resist all proceedings tending to the inclosure or appropriation for any purpose of any part thereof."

33. By section 34 of the 1871 Act:

"It shall not be lawful for the Conservators except as in this Act or the Agreement Scheduled thereto expressed to sell lease grant or in any manner dispose of any part of the Common."

34. Over time, the freehold of the Common was transferred, pursuant to statutory powers:

- i) in 1887, to the Metropolitan Board of Works;
- ii) in 1898, to the London County Council ("LCC");
- iii) in 1965, to the Greater London Council;
- iv) on 1 April 1971, to Wandsworth Borough Council, pursuant to the [London Authorities \(Parks and Open Spaces\) Order 1971](#).

35. It is common ground between the parties that, upon each of these transfers, the new freeholder was vested with the duties and powers originally conferred upon the Conservators by the 1871 Act.

36. The 'Plan of the Common referred to in Act of 1871' shows that the Neal's Farm site and the buildings thereon were outside the boundary of the Common at that time (having been sold to the Asylum), and so they were not subject to the 1871 Act when first enacted. The Asylum and its 'Market Gardens' (which were on the site of Neal's Farm) were marked on the Plan, adjacent to the Common.

37. The *Survey* sheds some light on the history of Neal's Farm, at p.252:

"Chief among the reasons for the conservators' eventual demise was the development of the neighbouring 'between the commons' area east of Bolingbroke Grove and the break-up of the five houses that formerly edged the common there. With an influx of new residents faced with steeply rising rates, even the modest amount devoted to the common was a bone of contention. The conservators themselves appeared aloof and increasingly ineffectual. Matters came to a head over the former farm attached to the Patriotic Asylum. In 1885 this and twenty acres of surrounding ground were let on lease to George Neal who laid out a roadway to it from Trinity Road. The Wandsworth Common Protection Association – seemingly a disaffected rump of the former Preservation Society – claimed that if the land was no longer required for the asylum's purposes, it should revert to the common, and blamed the conservators for failing to stop Neal.

A deputation of ratepayers from Battersea and Wandsworth petitioned the MBW [Metropolitan Board of Works] to take over control and management of the common. The conservators agreed, and in 1887 the common passed to the care of the Board." [Footnotes excluded]

38. According to a document produced by the Wandsworth Common Protection Association, dated 1887, the farm and twenty acres of land had been used as a market garden for the Asylum, and it was intended that the new tenant would continue that use. In 1886, the Royal Commissioners leased 19.5 acres of this land for a term of 21 years at a yearly rental of £150 to Mr Neal.

39. The 1896 Ordnance Survey map shows buildings on the site of Neal's Farm in the same location as the current Lodge and Cottage, called "The Farm".

40. The London County Council map of the Common, dated 1904, shows the Asylum, and it also shows two fields referred to as Neal's Farm with buildings to the south east. The footprint of the buildings on this map is consistent with the current day Neal's Farm Lodge and Cottage.

41. The *Survey* describes how in 1913 Neal's Farm once again became part of the Common:

"In 1911 Neal's Farm was put up for sale. The LCC Parks Department was keen to buy the land and take it back into the common to provide much-needed playing fields. In 1913 the Council took possession of the 'Wandsworth Common extension' and drew up plans for laying out the ground, including forming a bowling green, and adapting the existing buildings for use as dressing rooms, refreshment rooms, tenements for the staff, conveniences and a bothy. The work was postponed during the First World War, when the ground was used for staff accommodation for the third London General Hospital, which had taken over the Royal Victoria Patriotic Asylum." [Footnotes excluded]

42. In 1913, London County Council purchased Neal's Farm and surrounding land, amounting to just over 20 acres, from the Royal Patriotic Fund Corporation. It became the 'Wandsworth Common extension' but it was not open to the public until 1924 because the land was used as a hospital camp during World War 1.

43. The conveyance referred to "...building situate in the south east corner known as the 'Farm'". There was an entry for 'The Farm' on the accompanying plan, which was consistent with the location and footprint of the current buildings at Neal's Farm. The conveyance was:

"To hold unto and to the use of the Council and their assigns in fee simple for the purposes of the [Open Spaces Act 1906](#) subject to the provisions for exchange of lands contained in the London County Council (General Powers) Act 1905 and to be at all times hereafter used as an open space or public walk or pleasure grounds as defined by the Act of 1906 and for no other purpose whatsoever and to be at all times subject to the provisions of the said Act of 1906."

44. The Land Register includes a restriction on any registration made other than in accordance with the [Open Spaces Act 1906](#) ("OSA 1906") or some other Act, except under an order of the Registrar.

45. Section 39 of the 1871 Act provided that the Conservators may from time to time purchase by agreement any land having been part of the Common and any such land when vested in the Conservators shall be deemed part of the Common for the purposes of that Act. It was common ground that the 20 acres of land purchased in 1913 by the LCC was thereby held under the 1871 Act, together with the rest of the Common.

46. It has not been possible to discover the date at which the current buildings at Neal's Farm were constructed. They were described as "Edwardian" in the Council's Planning Officer's report, a description which was probably based on their architectural style, rather than the actual date of construction, which is unknown. The early part of the twentieth century seems to be the likely date, judging from the footprint on the ordnance survey maps and the architectural style.

47. [Section 10 of the OSA 1906](#) provides that:

"A local authority who have acquired any estate or interest in or control over any open space or burial ground under this Act shall, subject to any conditions under which the estate, interest, or control was so acquired —

(a) hold and administer the open space or burial ground in trust to allow, and with a view to, the enjoyment thereof by the public as an open space within the meaning of this Act and under proper control and regulation and for no other purpose:...."

48. [Section 123\(1\) LGA 1972](#) gives a principal council power to dispose of land held by them in any manner they wish. Subsections (2A) and (2B) provide:

"(2A) A principal council may not dispose under subsection (1) above of any land consisting of forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated and consider any objections to the proposed disposal which may be made to them.

(2B) Where by virtue of subsection (2A) above a council dispose of land which is held —

(a) for the purpose of [section 164 of the Public Health Act 1875](#) (pleasure grounds); or

(b) in accordance with [section 10 of the Open Spaces Act 1906](#) (duty of local authority to maintain open spaces and burial grounds),

the land shall by virtue of the disposal be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said [section 164](#) or, as the case may be, the said [section 10](#) .]"

49. Section 87(3) of the Local Government Act 1963 ("LGA 1963") gave the Minister power to amend, revoke, repeal or extend any Greater London statutory provision by order, for the purpose of securing uniformity. It provided:

"(3) For the purpose of securing uniformity in the law applicable with respect to any matter in different parts of the relevant area, or in the relevant area or any part thereof and other parts of England and Wales, any appropriate Minister may, after consultation with such of the appropriate councils as appear to the Minister to be interested, by provisional order made after 1st April 1965 amend, repeal or revoke any Greater London statutory provision and extend it, with or without modifications, to a part of the relevant area to which it did not previously extend; and any such order may include such incidental, consequential, transitional or supplementary provision as may appear to the Minister to be necessary or proper for the purposes of the order or in consequence of any provisions thereof."

50. [Article 32](#) and [Schedule 5 to the London Authorities \(Property Etc.\) Order 1964](#) ("the 1964 Order"), made under the LGA 1963 stipulated that the Common was to be held for the purposes of the [OSA 1906](#).

51. The [Local Law \(Greater London Council and Inner London Boroughs\) Order 1965](#), made under the LGA 1963, repealed much of the 1871 Act which had become redundant upon transfer of the Common from the original Conservators to a succession of public bodies. However, certain sections that were fundamental to the protection and preservation of the Common, regardless of the body in which ownership of the Common was vested from time to time, were not repealed and remain in force today (sections 1, 33 to 37, 44 and 71).

52. On an unknown date between 1965 and 1967, following consultation with the London local authorities, the Minister of Housing and Local Government made the Greater London Provisional Order For Securing Uniformity In The Law Applicable With Respect To Parks And Open Space, pursuant to section 87(3) LGA 1963.

53. The [Ministry of Housing and Local Government Provisional Order Confirmation \(Greater London Parks and Open Spaces\) Act 1967](#) ("the Long Act") confirmed the terms of the Greater London Provisional Order, enacting it as the Schedule to the Long Act. [Article 1](#) of the Order provides that it may be cited as the [Greater London Parks and Open Spaces Order 1967](#) ("the 1967 Order").

54. The term "open space" is defined in [Article 6](#) of the 1967 Order to include:

"...any public park, heath, common, recreation ground, pleasure ground, garden, walk, ornamental enclosure or disused burial ground under the control and management of a local authority."

55. [Article 7](#) of the 1967 Order empowers local authorities to provide facilities for public recreation in any open space in Greater London. It provides as follows:

"7 Facilities for public recreation

(1) A local authority may in any open space -

(a) provide and maintain—

(i) swimming baths and bathing places whether open air or indoor;

(ii) golf courses and grounds, tracks, lawns, courts greens and such other open air facilities as the local authority think fit for any form of recreation whatsoever (being facilities which the local authority are not otherwise specifically authorised to provide under this or any other enactment);

(iii) gymnasia;

(iv) rifle ranges;

(v) indoor facilities for any form of recreation whatsoever;

(vi) centres and other facilities (whether indoor or open air) for the use of clubs, societies or organisations whose objects or activities are wholly or mainly of a recreational, social or educational character;

(b) provide amusement fairs and entertainments including bands of music, concerts, dramatic performances, cinematograph exhibitions and pageants;

(bb) without prejudice to the generality of the powers in the last foregoing sub-paragraph, provide exhibitions and trade fairs for the purpose of promoting education, the conservation of the environment, recreation, industry, commerce, crafts or the arts;

(c) provide and maintain in time of frost facilities for skating and flood any part of the open space in order to provide ice for skating;

(d) provide meals and refreshments of all kinds to sell to the public;

(e) provide and maintain swings, platforms, screens, chairs, seats, lockers, towels, costumes and any apparatus, appliances, equipment or conveniences necessary or desirable for persons resorting to the open space;

(f) erect and maintain for or in connection with any purpose relating to the open space such buildings or structures as they consider necessary or desirable including (without prejudice to the generality of this paragraph) buildings for the accommodation of keepers and other persons employed in connection with the open space; and

(g) set apart or enclose in connection with any of the matters referred to in this article any part of the open space and preclude any person from entering that part so set apart or enclosed other than a person to whom access is permitted by the local authority or (where the right of so setting apart or enclosing is granted to any person by the local authority under the powers of this Part of this order) by such person;"

56. [Article 8](#) of the 1967 Order empowers local authorities to grant licences to third parties to provide facilities for public recreation and to let land and buildings on open space for public recreation. It provides as follows:

"8 Licences to provide facilities and letting of land and buildings for public recreation

(1) A local authority may, subject to such terms and conditions as to payment or otherwise as they may consider desirable, grant to any person the right of exercising any of the powers conferred upon the local authority by [article 7](#) and let to any person, for any of the purposes mentioned in that article, any building or structure erected or maintained, and any part of an open space set apart or enclosed, pursuant thereto.

(2) ...

9 Restriction of public rights

A local authority may enclose during such periods and subject to such conditions as they may deem necessary or expedient any part of any open space—

(a) for the purposes of or in connection with the cultivation or preservation of vegetation in the interests of public amenity; or

(b) in the interests of the safety of the public;

and may preclude any person from entering any part so enclosed.

10 Charges in respect of user of open spaces

A local authority may—

(a) make such reasonable charges as they think fit for—

(i) the use or enjoyment of anything provided by them under [sub-paragraphs \(a\) to \(e\) of paragraph \(1\) of article 7](#) ; or

(ii) the use of any building or structure erected or maintained by them under sub-paragraph (f) of the said paragraph (1); or

(iii) admission to, or the use of, any part of any open space set apart or enclosed by them under sub-paragraph (g) of that paragraph; and

(b) authorise any person to whom any right is granted or any building or structure is let under [article 8](#) to make reasonable charges in respect of the purposes for which the local authority themselves may make charges under sub-paragraph (a) of this article:

Provided that no charge for admission to any reading room provided under this Part of this order shall be made on more than twelve days in any one year or on more than four consecutive days."

57. [Article 11](#) of the 1967 Order provides, so far as is material:

"11 Exercise of powers under articles 7 to 10

(1) Subject to the provisions of this article and of [article 12](#) , the powers conferred on the local authority by [articles 7 to 10](#) maybe exercised notwithstanding the provisions of any enactment or any scheme made under, or confirmed by, an enactment.....

(2) Subject to the provisions of [article 9](#) as relates to the enclosure of any part of an open space in the interests of public safety, the powers of [articles 7, 8 and 10](#) shall not be exercised in respect of any open space in such a manner that members of the public are by reason only of the exercise of such powers unable to obtain access without charge to some part of such open space.

(3) No power conferred upon a local authority under [articles 7 to 10](#) shall be exercised with respect to any open space in such manner as to be at variance with any trust for the time being affecting such open space (not being a trust existing by virtue of [section 10 of the Open Spaces Act 1906](#)) without an order...."

58. [Article 12](#) restricts the use of common land. It provides:

"12 Restriction on exercise of powers under articles 7 and 8 in relation to commons

(1) In the exercise of powers conferred by [articles 7](#) and [8](#) the local authority shall not, without the consent of the Minister ..., erect, or permit to be erected any building or other structure on, or enclose permanently, or permit to be enclosed permanently, any part of a common.

(2) Nothing in this article shall be deemed to require the consent of the Minister to—

(a) the maintaining or re-electing by, or with the permission of, a local authority of any building or other structure erected on a common before the date of operation of this order; or

(b) the continuing by, or with the permission of, a local authority of any permanent enclosure of part of a common made before that date;

and any such building or structure, or permanent enclosure, shall be deemed to have been lawfully erected or made (as the case may be).

[(2A) [Sections 39 and 40 of the Commons Act 2006](#) apply in relation to an application for consent under paragraph (1) as they apply in relation to an application for consent under [section 38\(1\)](#) of the Act.

(2B) [Section 41](#) of the Act applies in relation to the carrying out of works in contravention of paragraph (1) as it applies to works carried out in contravention of [section 38\(1\)](#) of the Act (and as if references to consent under that provision were to consent under paragraph (1)).]

(3) ..."

59. Additionally, the power to provide exhibitions and trade fairs, conferred by [Article 7\(1\)\(bb\)](#) , is not exercisable on a common: see proviso (vii) to [Article 7](#) .

60. [Section 5 of the Metropolitan Commons Act 1866](#) , as amended by the 2006 Act, prohibits enclosure of a metropolitan common which is under the control and management of a London Borough Council. However, if ministerial consent was given under [Article 12](#) of the 1967 Order, enclosure would be lawful.

61. [Section 193 of the Law of Property Act 1925](#) ("LPA 1925") provides:

"Members of the public shall have rights of access for air and exercise to any land which is a metropolitan common within the meaning of the [Metropolitan Commons Acts, 1866 – 1898](#) , or manorial waste, or a common, which is wholly or partly situated within an area which immediately before 1st April 1974 was a borough or urban district, and to any land which at the commencement of this Act is subject to rights of common and to which this section may from time to time be applied in manner hereinafter provided:

Provided that –

(a) such rights of access shall be subject to any Act, scheme, or provisional order for the regulation of the land, and to any byelaw, regulation or order made thereunder or under any other statutory authority; and

(b) the Minister shall, on the application of any person entitled as lord of the manor or otherwise to the soil of the land, or entitled to any commonable rights affecting the land, impose such limitations on and conditions as to the exercise of the rights of access or as to the extent of the land to be affected as, in the opinion of the Minister, are necessary or desirable for preventing any estate, right or interest of a profitable or beneficial nature in, over, or affecting the land from being injuriously affected, for conserving flora, fauna or geological or physiographical features of the land,] or for protecting any object of historical interest and, where any such limitations or conditions are so imposed, the rights of access shall be subject thereto; and

(c) such rights of access shall not include any right to draw or drive upon the land a carriage, cart, caravan, truck, or other vehicle, or to camp or light any fire thereon; and

(d) the rights of access shall cease to apply—

(i) to any land over which the commonable rights are extinguished under any statutory provision;

(ii) to any land over which the commonable rights are otherwise extinguished if the council of the county [county borough][or metropolitan district] ... in which the land is situated by resolution assent to its exclusion from the operation of this section, and the resolution is approved by the Minister."

62. In my view, [section 193 LPA 1925](#) applies to the Common, either because it is a metropolitan common or an urban common (see *Gadsen on Commons and Greens* by Cousins and Honey, 2nd ed., 2012, paragraphs 9-04 – 9-05).

63. It appears that the rights of common were not extinguished over the 20 acres around Neal's Farm when the land was sold to the Asylum by Earl Spencer in 1857. The conveyance provided that the land would be free from rights of common only "so far as ... Earl Spencer could ... legally enclose or approve the same but not otherwise". However, when the scheme for the registration of rights of common was introduced by the [Commons Registration Act 1965](#), rights of common were registered over the 20 acres around Neal's Farm. In my judgment, this indicates that the ancient common law rights of common were not extinguished during the period when the 20 acres around Neal's Farm ceased to be part of the Common. If they had been extinguished, they would not have been registered under the [Commons Registration Act 1965](#).

64. According to *Gadsen*, at 4-11, mere non-use of rights of common is generally insufficient to raise the presumption of abandonment. However, abandonment accompanied by permanent alteration of the dominant tenement e.g. by construction of a building preventing the exercise of rights of common can result in extinguishment. On that basis, the rights of common could have been extinguished in respect of the footprint of the Neal's Farm buildings (though not its gardens). However, if that were the case, it ought to be apparent from the Commons Register and plan. They make no distinction between the buildings and the land surrounding them. Therefore on the balance of probabilities, I consider that the rights of common subsist.

Ground 1

65. The Council submitted that it had power to lease the premises to the IP under [Article 7\(1\)\(a\)](#) of the 1967 Order, either as an indoor facility for recreation under sub-paragraph (v), or as a centre or other facility for an organisation whose objects or activities are of a recreational or educational character, under sub-paragraph (vi). The Council further submitted that the exercise of these powers was consistent with its obligations under the [OSA 1906](#), and did not contravene [section 193 LPA 1925](#).

66. The Claimant submitted that the Council did not have power to grant the lease to the IP because the provision of childcare at a private nursery run by a private company, which had exclusive use of the premises and could restrict entry to members of the public, fell outside the scope of the 1967 Order as it was not a facility for public recreation and use. It was a commercial transaction, intended to further the IP's business interests and to benefit the Council by generating a profit from renting out the premises.

67. The Claimant had to accept that [Article 11](#) of the 1967 Order provided that the powers conferred on the local authority by [Articles 7 to 10](#) "may be exercised notwithstanding the provisions of any enactment" which meant that the prohibition on letting in section 34 of the 1871 Act could be overridden, as well as the rights granted by the [OSA 1906](#) and [section 193 LPA 1925](#), insofar as the Order so permitted. Moreover, [section 193\(a\) LPA 1925](#) expressly provided that the rights of access which it conferred were subject to any provision made for the regulation of the land and [section 123 LGA 1972](#) permitted the disposal of land held under the [OSA 1906](#).

68. However, the Claimant submitted that since this legislation, in particular the [OSA 1906](#), remained in force, it was the starting point for a consideration of the Council's duties and powers, and also ought to be taken into account when identifying the purpose and scope of the 1967 Order, and interpreting its provisions. I agree with the Claimant's submission.

Open Spaces Act 1906

\69. By virtue of [section 10 OSA 1906](#), the Council holds and administers the Common in trust "to allow, and with a view to, the enjoyment thereof by the public as an open space". The Council is the trustee and the inhabitants of Wandsworth are the beneficiaries of the trust. In *R (Beresford) v Sunderland City Council* [2004] 1 AC 889, Lord Walker said, obiter, at [47]:

"...where land is vested in a local authority on a statutory trust under [section 10 of the Open Spaces Act 1906](#), inhabitants of the locality are beneficiaries of a statutory trust of a public nature...."

70. The effect of a statutory trust of this nature was considered in a series of rating cases which turned upon earlier legislation governing parks and open spaces held by local authorities.

71. In *The Churchwardens and Overseers of Lambeth Parish v London County Council* [1897] AC 625, Lord Halsbury held that the Council did not occupy Brockwell Park, they were "merely custodians and trustees for the public" and "there is no possibility of beneficial occupation to the county council; they are incapable by law of using it for any profitable purpose; they must allow the public the free and unrestricted use of it". The mansion house and refreshment rooms remained part of the park and the same principles applied to them.

72. In *Mayor of Liverpool v Assessment Committee of West Derby Union* [1908] 2 KB 647, which concerned Stanley Park, Sir Gorrell Barnes, President, described Liverpool Corporation as "not occupiers, but mere custodians or guardians of the property for the public, who are themselves the occupiers" (at 663). Farwell LJ said (at 669):

"The by-laws are for the good management of the park as dedicated to the public. I can find nothing to warrant the suggestion that the corporation are to be allowed to use the park on those days for their own profit. The object appears to me to be to enlarge the public benefit intended to flow from its use as a park by allowing the park to be utilised during the seven days for some charitable or public purposes for which a small charge may be made, or possibly to enable the corporation themselves to recoup the expense to which they may be put by holding some show there which may be of general public interest. I very much doubt whether on the true construction of these by-laws the corporation are entitled to use the park for the purpose of making a profit for themselves...."

73. These authorities were applied by the Court of Appeal in *Burnell v Downham Market Urban District Council* [1952] 2 QB 55, which concerned the local authority's liability to rates in respect of seven acres of land which it held under the [OSA 1906](#)

. The Master of the Rolls held that the land was held on a statutory trust, imposing on the local authority the duty of allowing it to be used by the public for the purposes of recreation (at 65), and the case was indistinguishable from the *Brockwell Park* case. However, he qualified Lord Halsbury's reference to "free and unrestricted use" by the public, saying (at 66):

"It is not suggested that "free and unrestricted use" by the public means that the public, that is any member of the community who chooses to do so, must be free to go upon the land at any time of the day or night. A right for a local authority, or for any other body charged with the duty of holding and managing an open space or park for the public use, to close such a place at night, for example, must clearly be ancillary to, if not indeed essential for, good regulation. The terms of the [Open Spaces Act 1906](#), themselves indicate that a right of closure as such is not inconsistent with dedication for public recreation. In the *Brockwell Park* case itself there were certain portions of the land from which the public was necessarily excluded – those portions occupied by a keeper's lodge, the bandstand, and refreshment building. But those exclusions were manifestations of the duty and exercise of management, and their total area compared with the whole park was of course negligible."

74. The Master of the Rolls added (at 67-68) that allowing local tennis, cricket and football club occasional exclusive use of the facilities, at which times members of the public would be charged for entry, was consistent with the duty to provide for recreation for the public and ancillary to the management of the open space.

Making a profit

75. In the light of the observations in the *Brockwell Park* and *Liverpool* cases to the effect that the local authority, as trustee, could not lawfully make a profit from land held under the [OSA 1906](#), the Council conceded that it could not properly use any rent paid by the IP for its general purposes; it could only be used for the purpose of improving or maintaining the Common. In its written evidence and skeleton argument in these proceedings, the Council had stated it intended to use only 30% of any rent received from the IP for the purpose of improving and maintaining the Common, but it withdrew that statement during the hearing. Of course, I accept the Council's point that the cost of maintaining the Common far exceeds the amount of rent payable under the proposed lease.

Occupation of Neal's Farm by groundsmen

76. [Burnell](#) and the *Brockwell Park* case confirmed that the statutory trust applies equally to buildings in the open space. Typically, they are occupied for purposes ancillary to the management of the open space and the provision of facilities to the public, which justifies any necessary limitations on access by the public. The *Survey* indicated that when, in 1913, the LCC purchased the 20 acres of land including Neal's Farm, it planned to adapt the existing buildings for use as refreshment rooms, tenements for the staff, conveniences, and dressing rooms. The Lodge is still used as a café and for many years the Cottage and Lodge were occupied by Common groundsmen, under residential service tenancies, until privatisation of the parks service.

77. Express provision is now made for these uses under the terms of the 1967 Order. Under [Article 7](#), the Council is authorised to:

"(d) provide meals and refreshments of all kinds to sell to the public; and

(f) erect and maintain for or in connection with any purpose relating to the open space such buildings or structures as they consider necessary or desirable including (without prejudice to the generality of this paragraph) buildings for the accommodation of keepers and other persons employed in connection with the open space;

78. The Council relied upon the fact that the public had never enjoyed access to these premises because they were occupied by the groundsmen. However, as the case law demonstrates, such occupation was ancillary to the management of the Common, and so the necessary restriction on public access was consistent with the statutory trust, as well as expressly authorised by [Article 7](#) of the 1967 Order. The premises remained subject to the statutory trust, and so even though the premises were no longer needed for the groundsmen, the Council could not treat them as surplus property which it could dispose of as it saw fit. As the Council recognised, the premises could only be used in accordance with the legislation which governed the Common as a whole.

Facilities for public recreation

79. The Claimant rightly emphasised the importance of the references to the interests of the public in the 1967 Order, which reflected the legal position, namely, that the Council holds the Common on trust for the public as beneficiaries. For example, the proviso in [paragraph \(vi\) of Article 7](#) states the local authority must satisfy itself when providing indoor facilities that it has not unfairly restricted the space available to the public for recreation in the open air.

80. The Claimant submitted that the powers conferred under [Article 7 to 9](#) of the 1967 Order had to be construed in the light of the headings to those Articles. [Article 7](#) is headed "Facilities for public recreation". [Article 8](#) is headed "Licences to provide facilities and letting of land for public recreation". [Article 9](#) is headed "Restriction of public rights".

81. In *R v Montilla* [2004] UKHL 50, [2004] 1 WLR 3141, Lord Hope giving the opinion of the Committee, held that headings were as much part of the context of an Act of Parliament as Explanatory Notes, which were an admissible aid to construction (at [34] – [37]). The Claimant also referred to the case of *Inglis v Robertson* [1898] AC 616, in which Lord Watson held that headings in the [Factors Act 1889](#) "were not mere marginal notes, ... the sections in the group to which they belong must be read in connection with them and interpreted by the light of them".

82. Applying these principles, I consider that the headings indicate that the overall purpose and scope of [Articles 7 and 8](#) of the 1967 Order is to enable the Council to provide and maintain recreational facilities for the public i.e. "public recreation". Such an interpretation is consistent with the statutory trust created by [section 10 OSA 1906](#), under which the Council is the trustee and custodian of the Common and holds it for the enjoyment and use of the inhabitants of Wandsworth, who are the beneficiaries of the trust.

83. The Council submitted that [Article 7](#) of the 1967 Order confers wide powers *inter alia* to provide and maintain facilities for recreation (such as golf or swimming), to which public access is restricted, by payment of an admission fee, and by standard terms and conditions, such as limited opening hours. Access may also be restricted by general conditions of entry e.g. children would be excluded from rifle ranges. When providing facilities for public recreation under [Article 7\(1\)](#), it may set apart or enclose any part of the open space and preclude persons from entering other than a person to whom access is permitted (sub-paragraph (g)). [Article 8](#) empowers the Council to grant to any person the right to exercise its powers under [Article 7](#) on its behalf, and let to any person any building, structure or part of an open space for such purpose. [Article 10](#) permits the Council, and any person exercising the powers of the Council, to make reasonable charges to members of the public.

84. In oral submissions Mr Bhose QC said that these wide powers would permit it, for example, to let out part of the Common to a private operator, to run a sports club or golf course, which would restrict access to members only. In those circumstances, how could there be any objection to letting out the premises to a private nursery provider which would offer services to local children? He pointed out in his skeleton argument that the Neal's Farm premises comprised only 0.04% of the total area of the Common (69.43 hectares).

85. In my judgment, the Council has underestimated the constraints on its powers to develop the Common. The first constraint on developing a sports club or golf course on the Common would be the restrictions on enclosure of common land. [Section 5 of the Metropolitan Commons Act 1866](#), as amended by the 2006 Act, prohibits enclosure of a metropolitan common which is under the control and management of a London Borough Council. Mr Bhose provided a copy of this Act to me at the commencement of his submissions on the second day of the hearing, as it was clearly relevant. This prohibition is qualified by [Article 12](#) of the 1967 Order which prohibits the Council from erecting buildings on the Common, or permanently enclosing any part of the Common, without obtaining the consent of the Minister. Although rights of common are vested in individual property owners, not the public at large, [section 193 LPA 1925](#) confers "rights of access for air and exercise" upon members of the public, subject only to the limitations set out in paragraphs (a) to (d).

86. The position is different in respect of Neal's Farm. I have addressed at paragraphs 61 and 62 above the question whether or not rights of common continue to exist over Neal's Farm, and concluded that they do. The Council rightly submitted that, as the buildings at Neal's Farm premises pre-dated the 1967 Order, ministerial consent for the buildings would not be required, by virtue of [Article 12\(2\)](#). The same may apply to the enclosure of the land to create the front and rear gardens at Neal's Farm, if (as seems likely) that occurred before the 1967 Order. Moreover, the object of [section 193 LPA 1925](#) is to grant the public rights of access to "land" for the purposes of "air and exercise", and so by implication, it would not extend to buildings built on common land, unless they were in some way ancillary to the right of access to the land.

87. The second constraint on the development of a sports club or golf course on the Common would be the public rights of access and use. Since the Common is held on trust for the use of the public, and because [Article 7](#) of the 1967 Order is intended to provide "Facilities for public recreation", the sports club or golf course would have to be open to all members of the public who wished to enter, upon payment of a "reasonable charge" and subject to standard terms and conditions of entry. Therefore, the operators would not have the power to exclude or restrict access by members of the public, for example, by means of a membership scheme with high annual fees and a long waiting list, or by screening prospective members for suitability.

88. The Council's proposal to let the premises at Neal's Farm to a private company (the IP) to operate a private fee-paying nursery presents even greater difficulties, since members of the public would not have a right of access to the premises, and it would not provide them with any facilities. The IP would control access to the premises, which would usually be limited to its staff and up to 62 enrolled children in any one term, and visits by parents. Facilities would only be provided for the cohort of children enrolled in the nursery, not for children generally.

89. In argument, Mr Bhose QC conceded that the Council would not have power under the 1967 Order to let out premises on the Common to a private provider to run a fee-paying private preparatory school, which local children could attend, because it would not be a facility for public use and the public would not have access to the premises.

90. Mr Bhose QC sought to distinguish the proposed letting to the IP on the grounds that it will be a term of the lease that children aged 2 to 4, who are eligible for child care hours funded by the local authority, will be admitted in accordance with the IP's admission criteria, and will not be charged a top-up fee. All children aged 3 and 4 are entitled to 15 hours of local authority funded childcare for 38 weeks of the year¹. Children aged 2 are eligible for funded childcare if their parents are on benefits. This will assist the Council in the discharge of its obligations to secure local authority funded child care under [section 7 of the Childcare Act 2006](#). In practice, although all Council-run nurseries admit children who are local authority funded, some private nurseries choose not to do so, because they can charge higher rates to privately funded children.

91. However, there is no guarantee that any child who is local authority funded will be admitted to the nursery as it operates a first come/first serve policy and does not reserve places for children who are local authority funded. The IP's admission criteria are:

"We arrange our waiting list in first to come first to be served order. In addition, our policy may take into account:

- the length of time on the waiting list in accordance to the first to come first to be served;
- whether any siblings already attend the setting; and
- the capacity of the setting to meet the individual needs of the child; and
- the number of places in each class and the total number of places granted by the planning permission and Ofsted registration."

92. Moreover, local authority funded hours will only represent a small proportion of the nursery's total opening hours. The nursery will be open for 10 hours per day, and 50 hours per week. The local authority funded hours are limited to 15 hours per week per child. As the IP caters for working parents, it is likely that the nursery will be open for more than 38 weeks per year, which is the limit for local authority funding.

93. In my view, the fact that the nursery may admit children who are local authority funded for 15 hours per week, does not overcome the problem that this facility will only be provided to a cohort of up to 62 children, not to the public. The grant of a lease to the IP for 15 years will prevent any public use of the premises for a significant period of time. In my judgment, this restriction on public access and use is contrary to the statutory trust arising under [section 10 OSA 1906](#), under which the Common is held on trust for the use and enjoyment of all the local inhabitants. [Article 11](#) of the 1967 Order, which allows the exercise of powers under [Articles 7 to 10](#) notwithstanding the provisions of the [OSA 1906](#), does not avail the Council because the restrictions on access and use would also be contrary to the intended purpose and scope of [Articles 7 and 8](#), which is to provide facilities for "public recreation". The nursery does not provide facilities for public recreation.

Article 7(1)(a)(v): indoor facilities for any form of recreation whatsoever

94. The Claimant also submitted that the proposed nursery use fell outside the meaning of the term recreation as used in the heading to [Article 7](#) of the 1967 Order, and in [sub-paragraphs \(v\) and \(vi\) of paragraph \(1\)\(a\) of Article 7](#).

95. The term recreation is not defined in the Order, save for the limited purposes of [Article 13](#) (Competitions and Prizes) where it is defined as "any activity for which a local authority have power to provide facilities in an open space".

96. [Section 19 of the Local Government \(Miscellaneous Provisions\) Act 1976](#) confers power on a local authority to provide "recreational facilities" and the non-exhaustive list of such facilities is a useful guide to the meaning of recreational facilities in a local authority context:

"19 Recreational facilities.

(1) A local authority may provide, inside or outside its area, such recreational facilities as it thinks fit and, without prejudice to the generality of the powers conferred by the preceding provisions of this subsection, those powers include in particular powers to provide—

(a) indoor facilities consisting of sports centres, swimming pools, skating rinks, tennis, squash and badminton courts, bowling centres, dance studios and riding schools;

(b) outdoor facilities consisting of pitches for team games, athletics grounds, swimming pools, tennis courts, cycle tracks, golf courses, bowling greens, riding schools, camp sites and facilities for gliding;

(c) facilities for boating and water ski-ing on inland and coastal waters and for fishing in such waters;

(d) premises for the use of clubs or societies having athletic, social or recreational objects;

(e) staff, including instructors, in connection with any such facilities or premises as are mentioned in the preceding paragraphs and in connection with any other recreational facilities provided by the authority;

(f) such facilities in connection with any other recreational facilities as the authority considers it appropriate to provide including, without prejudice to the generality of the preceding provisions of this paragraph, facilities by way of parking spaces and places at which food, drink and tobacco may be bought from the authority or another person;

and it is hereby declared that the powers conferred by this subsection to provide facilities include powers to provide buildings, equipment, supplies and assistance of any kind."

97. I also found it helpful to consider previous interpretations of 'recreational use' for the purpose of the law of commons and greens. These have included:

- i) sports and pastimes - *Fitch v Rawling* (1795) 2 H. Bl. 393, at 398;
- ii) horse riding - *Mounsey v Ismay* 159 E.R. 621 (1865) 3 Hurl. & C. 486;
- iii) erecting a maypole - *Hall v Nottingham* (1875) 1 Ex. D. 1;
- iv) practicing archery - *New Windsor Corporation v Mellor* [1975] Ch. 380, at 393;
- v) fishing, bathing and walking over a defined area - *R v Doncaster MBC ex parte Braim* (1989) 57 P&CR 1;
- vi) Walking, cycling and horse-riding - *Forestry Commission v SSCLG* [2015] EWHC 1848 (Admin), at [28].

98. In *Attorney-General v Cooma Municipal Council* [1962] NSW 663, the Supreme Court of New South Wales held that the construction of an information centre in a park was for the purpose of recreation, which included recreation of the mind, such as libraries and art galleries. It was not limited to physical or sporting activities. Jacobs J. said:

"The word "recreation" is a very wide word. The definition of it in the *Oxford Dictionary* is: "The action of recreating oneself or another, or the fact of being recreated by some pleasant occupation, pastime or amusement."

99. All these illustrations of recreational activities are consistent with the dictionary definition of recreation which is a means of refreshing or enlivening the mind or spirits by some pleasant occupation, pastime or amusement. The word originates from the Latin verb *recreare* meaning to refresh, restore, make anew, revive, invigorate.

100. The Council submitted that the term "recreation" had a broad meaning and the breadth of meaning was reinforced in sub-paragraph (v) by the addition of the words "any form of recreation whatsoever". I accept this submission.

101. The Council also submitted that children's play was a form of recreation, and that in the IP's nursery the children would be provided with opportunities for designed and structured play, as part of their learning.

102. I agree with the Claimant's submission that the IP will primarily be providing a child care facility, within which it will provide pre-school education and play for the children, as well as rest, exercise and meals. The IP originally applied for planning permission to operate from 7.30 am to 6.30 pm but because of objections from local residents, planning permission was only granted from 8.00 am to 6.00 pm. These hours are far in excess of the hours which pre-school children would ordinarily spend in a setting which was for educational purposes (a nursery school, sometimes attached to a primary school, where pre-school children often attend mornings or afternoons only, or at most a school day from 9 am to 3.00 pm), or in a setting which was mainly for socialising and play with other children, such as a play group or One O'clock club, lasting a few hours at most. The IP's hours of operation demonstrate that it is intended to provide childcare for working parents, allowing them to drop off and collect their child at the beginning and end of the working day.

103. Both parties accepted that One O'clock clubs, which are a well-established facility of London parks, are recreational, providing any parents or carers of pre-school children with a safe space in which to socialise, play, and participate in activities, with the assistance of staff. They are usually Council-run, free of charge and operate from 1 pm to 3.30 pm.

104. Applying the Council's own broad guidance, which I have set out in the footnote 2 below,² the IP's facility is a combined nursery school and day nursery. I accept the Claimant's submission that provision of child care in a nursery setting does not come within the meaning of the term recreation. None of the illustrations from the legislation or case law suggest that it does. The fact that children will play in the course of their day at the nursery does not mean that the nursery can be properly described as a facility for recreation. That is not its main purpose. As Mr Matthias QC pointed out, children play wherever they are, including at home, but this does not make a domestic home an indoor facility for recreation.

Article 7(1)(a)(vi): centres and other facilities for the use of clubs, societies or organisations whose objects or activities are wholly or mainly of a recreational, social or educational character.

105. Mr Bhose QC submitted that, under [Article 7\(1\)\(a\)\(vi\)](#) of the 1967 Order, the Council was empowered to provide and maintain centres and other facilities, whether indoor or outdoor, for the use of a organisation such as the IP. By [Article 8\(1\)](#) the Council was empowered to let the premises to the IP. By [Article 10\(1\)\(b\)](#), the Council was empowered to authorise the IP to make reasonable charges in respect of the purposes for which it may itself make charges, namely, to charge parents for use of the nursery.

106. In my judgment, this analysis misconstrued the Council's powers. Under [Article 7\(1\)\(a\)\(vi\)](#) :

"(1) A local authority may in any open space

(a) provide and maintain -

(vi) centres and other facilities for the use of clubs, societies, or organisations"

Thus, the Council could provide and maintain such centres and facilities itself, and make a reasonable charge to a club, society or organisation for such use, pursuant to [Article 10\(a\)](#). Or, pursuant to [Article 8](#), it could grant to "any other person" the right to exercise its powers, in this instance, to provide and maintain such centres and facilities under sub-paragraph (vi) for use by a club, society or organisation. If it did so, it could authorise that person to make reasonable charges to the club, society or organisation for such use, under [Article 10\(b\)](#), in respect of the purposes for which the Council could make charges under [Article 10\(a\)](#). Essentially, that person would stand in the shoes of the Council.

107. However, this is not what the Council has done in this case. It has proposed to let the premises to the IP for its sole use, instead of letting the premises to the IP so that it could stand in the shoes of the Council and "provide and maintain ... centres and other facilities ... for the use of clubs, societies or organisations". The Council has power to charge the clubs, societies or organisations for the use of the centre or facilities, and so the IP could stand in the shoes of the Council and make the same charge. However, the IP is proposing to make a different charge – it is proposing to charge individual parents for its nursery services.

108. The Claimant submitted that, on a proper interpretation, sub-paragraph (vi) was intended to provide centres and facilities for non-profit making groups which shared a common interest, not limited companies who were operating a profit-making business. I accept the Claimant's submission that, in construing the words "clubs, societies or organisations" the *ejusdem generis* principle of construction should be applied "whereby wide words associated in the text with more limited words are taken to be restricted by implication to matters of the same limited character": *Bennion on Statutory Interpretation*, 6th ed., at [section 379](#). *Bennion* states the principle is presumed to apply unless there is some contrary indication, citing *Tillmanns & Co. v SS Knutsford Ltd* [1908] 2 KB 395. The word "organisation" has a very wide meaning, whereas "club" and "society" have a specific and, in this context, similar meaning. I do not consider that the absence of the word "other" before "organisation" indicates that the draftsman did not intend the *ejusdem generis* principle to apply. I agree that the identifiable class is not-for-profit groups which share a common interest, of a recreational, social or educational character. It excludes a commercial organisation such as the IP. However, I do not consider that the class necessarily excludes a limited company, as not-for-profit groups may be incorporated.

109. For these reasons, Ground 1 succeeds. The decision to grant the lease to the IP was not a lawful exercise of the Council's powers under the 1967 Order.

Ground 2

110. The Claimant's second ground was that Mr Tiernan acted unlawfully in deciding to grant the lease to the IP on 16 July 2015 because he did not have authority to do so under the Council's Constitution. Any such decision had to be made either by the full Council or the Executive. It could not be delegated to an officer.

111. I accept the Defendant's submission that the decision was taken by Mr Tiernan in accordance with the delegated authority conferred by the Council's Constitution.

112. The statutory scheme for the governance of the Council is set out in [Part 1A of the Local Government Act 2000](#) ("LGA 2000"). The Council operated executive arrangements, as specified in [section 9B\(1\)\(a\) LGA 2000](#) which take the form of a leader and cabinet executive, as specified in [section 9C\(3\) LGA 2000](#).

113. [Section 9D LGA 2000](#) determines which functions are the responsibility of the executive. Essentially, it provides that all decisions are ones for the executive unless there is some specific provision by virtue of which they are rendered non-executive decisions. Such non-executive functions remain the preserve of its full council, exercisable as in the past by the full council itself, or delegated to a committee or officer.

114. [Section 9E LGA 2000](#) makes general provision for the discharge of executive functions, which include *inter alia* delegation of executive functions to officers of the local authority.

115. The Secretary of State has made the [Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000](#) ("the Functions Regulations") which make provision for non-executive and executive functions and responsibilities.

116. The Council had adopted a Constitution, as required by [section 9P LGA 2000](#) . It included the scheme of delegations to officers.

117. Article 7 of the Constitution related to the Executive. Article 7.01 recorded that the Cabinet (referred to therein as "the Executive"), consisted of the Leader of the Council and up to 9 Cabinet members. Article 7.06 was consistent with [section 9E LGA 2000](#) and provided that:

"7.06 The Executive's Responsibilities

The Executive's responsibilities are by law vested in the Leader of the Council who may choose to delegate them in any manner allowed by law, namely to the Executive to determine collectively, to individual Members of the Executive, to a committee of the Executive comprising solely Cabinet members, or to a Council officer. At each Annual Meeting, the Leader will confirm how he intends the Executive's powers to be exercised over the ensuing Municipal Year, although he may alter these arrangements at any time. The Leader will notify any such changes by reporting to a meeting of the Council.

Where, in this Constitution, there is reference to Executive powers, duties, functions and responsibilities, these are subject to the delegations approved and notified by the Leader.

The responsibilities of the Executive are set out in Part 3 of this Constitution.

Those Executive responsibilities which are delegated to officers are set out in Part 3 of this Constitution."

118. Part 3 of the Constitution contained 7 appendices. Appendix F was described on the contents page as "Delegations to officers". The version of Appendix F in force at the material time was titled "Scheme of Delegations to the Chief Executive, All Directors and certain Heads of Service and Proper Officer Functions – March 2015."

119. Paragraph 1 of the introduction to the Scheme of Delegations provided as follows:

" Exercise of Delegated Authority by other officers

1. On 28th September 1994 the Council's Policy and Finance Committee agreed that the delegation of authority to a chief officer includes the exercise of that authority on his behalf by one of his subordinates under his supervision and as a consequence chief officers are entitled to authorise their junior staff to act on their behalf."

120. [Section 5](#) of the Scheme of Delegations was concerned with delegations to the "Director of Finance" and included two further sub-sections, the second of which was titled "5(B) Assistant Director (Property Services)". This included the following:

"The Assistant Director of Finance (Property Services) is authorised to exercise the following powers and duties of the Council, under the direction of the Director of Finance:-

1.E To approve and conclude on the best terms reasonable obtainable for the Council:-

...

(1) the letting of investment property and of parts of operational properties which are surplus to current operational requirements and parts of operational properties which are to be let for the use by a Council contractor;"

121. The reference to sub-paragraph "(1)" was a typographical error and should be a reference to sub-paragraph "(l)", coming between sub-paragraphs "(k)" and "(m)". The delegation was a longstanding one, resulting from a resolution of the then Property Committee on 28 June 1994 (as recorded at the end of paragraph 1.E).

122. The power in "1.E.(l)" was concerned with three forms of letting. The first was the letting of "investment property", the second with the letting of parts of "operational properties" which were surplus to current operational requirements, and the third with letting of parts of "operational properties" which were to be let for use by a Council contractor.

123. The distinction between "investment property" and "operational property" was intended to reflect the long-standing distinctions drawn between the two in local authority accounting (see the Code of Practice on Local Authority Accounting 2016-17, section 4.4.2). An "investment property" simply meant a property solely used to earn rentals or for capital appreciation or both, in distinction to an operational property which was one used by the authority itself for the provision of services or goods or for administrative purposes. Although the phrase "investment property" did not entirely accurately reflect the status of the premises, for the reasons set out in Ground 1, I do not consider that this categorisation was capable of invalidating the delegation.

124. By operation of these provisions, the letting of the premises was delegated to the Assistant Director of Finance, who was further authorised to delegate the matter to "his subordinates under his supervision". As at July 2015 the Assistant Director of Finance (Property Services) was Andrew Algar. His immediate subordinate officer was Tunde Ogbe, Head of Valuation and Asset Management, with Mr Ogbe's immediate subordinate officer being Mr Tiernan, the Principal Valuer.

125. As appeared from the form completed by Mr Tiernan on 16 July 2015, he was acting under delegated power "1.E (l)". Furthermore, he was acting under Mr Algar's direct supervision and with his express agreement, as confirmed by the email dated 8 July 2015 from Mr Algar. Mr Algar was aware of, and agreed to, the letting. I conclude therefore that Mr Tiernan had due authority to make the decision.

126. Pursuant to the requirements of the Functions Regulations, the Constitution provided as follows:

"FUNCTIONS WHICH THE COUNCIL HAS DECIDED ARE TO BE THE SOLE RESPONSIBILITY OF THE EXECUTIVE"

.....

[Schedule 2](#) to the Functions and Responsibilities Regulations ...

Para 1 – Local Act Functions "

2. Management and maintenance of Wandsworth Common Wandsworth Common Act 1871. Ss 1 , 4 , 33-37 , 44 and 71 ."

127. The Claimant relied on this part of the Constitution in support of his submission that only the Executive could take the decision to grant the lease. However, the 1871 Act did not confer any power on the Council to grant the lease. The Council's

power of disposal arose solely under the Long Act, being a public Act, and the power to grant leases of investment/operational properties under any such public Act had been delegated to officers.

128. The Claimant also submitted that the decision did not comply with the mandatory requirements for the recording of the decision in the Local Authorities (Executive Arrangements)(Meetings and Access to Information (England) Regulations 2012 ("the 2012 Regulations"). Regulation 13(4) of the 2012 Regulations requires the officer to produce a written statement which records the decision taken, including the date; the reasons for the decision; and details of any alternative options considered and rejected; and a record of any conflict of interest on the part of any executive member consulted.

129. I accept the Defendant's submission that the form signed by Mr Tiernan, dated 16 July 2015, fulfilled these requirements. It recorded his decision, namely, to approve the agent's recommendation to grant a lease to the IP. It recorded the reasons for the letting of the premises and the choice of the IP, in preference to the other bidders, as the IP offered "best consideration". No conflicts of interest arose. The form was annotated with the words "commercially sensitive not to be released" because of the details of the rent etc. contained therein. By regulation 20(2) of the 2012 Regulations, public inspection pursuant to regulation 14 was not required if, in the opinion of the proper officer, the document either contained or might contain confidential information.

130. Finally, even if there was any failure to comply with the 2012 Regulations which I have missed, it was a minor procedural failure. I would refuse relief under [section 31\(2A\)\(a\) Senior Courts Act 1981](#) , as it would be highly likely that the outcome would not have been substantially different if the conduct complained of had not occurred.

131. For the reasons set out above, Ground 2 does not succeed.

Conclusion

132. The Claimant's claim succeeds on Ground 1 only.

Footnotes

- 1 From September 2017, local authority funded childcare will increase to 30 hours per week for 3 and 4 year old children, but only where each parent's earnings exceeds the minimum threshold (16 hours at minimum wage rates) and is below £100,000.
- 2 The Council's website states:
" Nurseries in Wandsworth. Day nurseries Day nurseries provide childcare for children from under one-year-old to the age of 5. They are registered with Ofsted to provide childcare. They

are usually open from 8 am to 6 pm, all year round.

Private nursery schools A nursery or school that is run by a private sector provider. They provide education for children aged from two and a half to five. They are registered with Ofsted to provide childcare. Private nursery schools are usually open part-time. **Independent schools** Independent schools provide education for children aged from three to 11 in Wandsworth. They have to be registered with the Department of Education. Schools are usually open part-time. **Pre-school playgroup** . Pre-school playgroups provide places for small groups of children aged from two and a half to five, to learn and play. They are run by the voluntary sector on a not-for-profit basis. Playgroups are usually open part-time.

Crown copyright

Appendix H Objections and Officers' Responses

NOTE – Respondents could identify multiple objections

<u>Number of Respondents</u>	<u>Issues Raised</u>	<u>Officers' Responses</u>
37	1. A large number of respondents proposed that a lido should be provided in North Walls Park.	<p>A petition was submitted in support of a lido at the North Walls Park. Members and officers met with the petition organisers to understand their ideas and shared information concerning the suitability of the Site. The petition was then presented to Full Council on 12 January 2022. The benefits of open water swimming were discussed. The response to the petition was that the council supports open water swimming but due to the current affordability and likely constraints on the Site (which can be found in the 2013 'River Park Leisure Centre Flood Risk Design Note'), the Site was not considered appropriate for a lido. Winchester Town Forum Members have offered to work with the petition organisers to look at outdoor swimming opportunities in and around Winchester Town.</p> <p>The North Walls consultation was referenced in some of these objections. The North Walls Consultation asked a question that included a wet play option as well as a lido, but did not separate the two. The council is progressing the wet play option in the North Walls Improvement Plan.</p>
17	2. The new leisure centre is not accessible to a large part of the town, and does not adequately replace the former centre, and	A full Sport England Sports Facilities Audit was undertaken as part of the Leisure Centre replacement process. This was completed in November 2017 and covers the period from 2017 to 2037. This showed that the new Sport and Leisure

	is not large enough to cater for the expected population growth. The old centre should therefore be retained.	<p>Park meets the forecasted demand for that period. Cabinet has already decided to decommission the leisure centre by its decision dated 24 June 2020.</p> <p>Accessibility to the new Sport and Leisure Park is being enhanced through the Winchester Movement Strategy. It has recently been agreed to provide free bus access on the park and ride buses from the City Centre to Bar End. The accessibility and use of the new leisure centre is not affected by the proposed disposal of the land.</p> <p>The specification of the new WSLP was designed and predicated on the River Park Leisure Centre closing.</p>
40	3. Population must have opportunities to remain active, and must consider the health benefits as part of their decision making.	<p>Officers agree with this statement, which is a prime objective of the North Walls Park Plan, new leisure centre and is supported by Councillor Angela Clear as Cabinet Member for communities and wellbeing.</p> <p>The Winchester Sport and Leisure Advisory Board meet in public. Residents who are interested in attending should contact cdrummond@winchester.gov.uk</p>
213	4. To grant the university a 150 lease would violate the 1902 covenant which states that area should be used for public purpose/open space and should not be used for profit. The original transfer of land effectively made the council Trustees on behalf of the local	<p>The Site forms part of WCC's freehold title no. HP3062 comprising the North Walls Recreation Ground and the site of the Ancient Gateway of Hyde Abbey, which was acquired under an Indenture dated 3 July 1902 made between William Barrow Simonds and the Urban District Council of the City of Winchester, being the Winchester City Council's statutory predecessor. The limitations on the use of the land created by the Indenture under the statutory trust which arose under s.164, Public Health Act 1875 could be removed by</p>

	community, and as such a number of respondents question who has title to the land and can the council legally 'sell' it.	<p>appropriation under s.122, Local Government Act 1972 and any rights impeding works overridden by the application of S.203, Housing and Planning Act 2016. This would only apply to the part of the Site required for the university's new campus scheme.</p> <p>It should be emphasised that not only will the skate park and bowls club continue on the Site, but that continued public access to and recreational use of areas outside the Site, including Hyde Abbey Gardens, the North Walks Recreation Ground and the tennis courts, will be unaffected by the university's new campus scheme.</p> <p>(Appropriation also frees land held in accordance with the Open Spaces Act 1906 from any trust arising under that Act, although the council's legal advice is that the 1875 Act applies, not the 1906 Act.)</p> <p>The agreement for lease with the UoS will recognise the fact that the exercise of appropriation in relation to the Site is a necessary step for enabling the development. Where open space is concerned the appropriation must be the subject of an advert for 2 weeks and consideration of objections – in a similar way to the notice proposing a disposal. Further detail is included in the Cabinet report and the appropriation would be the subject of a further report and decision by Cabinet.</p>
28	5. Alternative indoor and outdoor sports, leisure and cultural facilities including a museum, performance space, café, beach volley ball, basketball and table	A number of the proposed alternative uses are included within the new leisure park. The relocation of the facilities to the new Winchester Sport and Leisure Park site was considered in prior Cabinet reports and approved by Cabinet on 24 June 2020.

	<p>tennis.</p> <p>The site also provides the opportunity to create a variety of wheel chair accessible recreational uses.</p>	<p>Additionally, future recreational and sporting uses in North Walls Park are the subject of on-going engagement and communications as part of the implementation of the North Walls Park Plan. These include tennis courts and a café, the subject of the consultation in March 2019, and are to be provided as ongoing facilities in the park.</p>
103	<p>6. The Skate Park is loved and should remain. It is in excellent condition, and highly accessible. Skateboarding is a recognised Olympic sport. The site is especially good for young women and girl skaters as it is overlooked and well lit. It is also free of charge which benefits those on lower incomes</p> <p>The adjoining Bowling club is accessible and ideal for its use, being on flat ground, and should therefore be kept</p>	<p>Having taken account of public feedback, the arrangements now include a provision for the council to take a 'lease back' of the skate park. This will secure the continuation of the skate park under the council's management. It was never the intention for the skate park to be lost as it is recognised as a well-used and valuable community asset.</p>
34	<p>7. Winchester City Council are acting unlawfully. The land is protected as statutory open space under the Open Spaces Act 1906, and the Local government Act 1972. There is no mention in the Notice of the leasing arrangements for the existing leisure centre site, which should have been</p>	<p>See item 4 above.</p> <p>The existing leisure centre and associated car park are not "open space". Officers are satisfied that the closed leisure centre itself and the leisure centre car park do not qualify as open space. This is because the leisure centre has been closed and has not been used for public recreation since late 2020, and since closure the principal use of the leisure centre car park has been as a free car park for people visiting local shops and businesses and it is not an area used</p>

	<p>included in the Notice and not treated separately.</p> <p>It is alleged that it would be illegal for the council to 'sell' the site at below market value. The whole process is legally flawed because there has been no competitive bidding for the site. They point to the report to Cabinet CAB 3190 in 2019 which pointed out the legal implications of disposing of this land.</p>	<p>for recreational purposes.</p> <p>In any event, prior to the completion of the lease there will be substantial further opportunities for the public and stakeholders to express their views, both in response to the university's application for planning permission and the proposed appropriation of the part of the Site required for the new campus scheme,</p> <p>There is no proposal to sell at less than the best consideration that is reasonably obtainable (in accordance with the duty under S123 of the Local Government Act 1972).</p> <p>Competitive bidding for the sale of land by a council is not a statutory requirement and best consideration may lawfully be established through independent valuation advice.</p>
144	<p>8. The new proposals are not in the interest of the local community, and do not have any public benefit, and there is no guarantee of any public access</p>	<p>The Cabinet report draws out the public benefits of the proposals made by the university.</p> <p>The contractual arrangements to be entered into with the university will ensure the continuation of the skate park and will also be subject to the existing lease to the bowls club (unless they agree to relocate). Therefore, the existing recreational uses and the public benefits they bring, will remain.</p> <p>There are footways around all four sides of the Site which allow public access to Hyde Abbey Gardens, the North</p>

		<p>Walks Recreation Ground and the tennis courts from Gordon Road and Park Avenue.</p> <p>Public access through the Site (as developed by the university) will be recognised in the agreement for lease and lease.</p>
29	<p>9. Increased traffic problems in the area/environmental impact, including the impact on adjoining uses, i.e. St Bede's school, Hyde Abbey Gardens, the tennis courts, etc.</p> <p>With the development of Barton Farm, there will be significant pressures on the roads and other community infrastructure.</p>	<p>A full transport assessment of all potential impacts of traffic and other environmental impacts, together with a package of mitigation measures would be a pre-requisite of any application for planning permission to develop the Site.</p>
7	<p>10. There is no safe walking/cycling route. Servicing facilities are also inadequate. It is essential that there are good pedestrian and cycle links between uses on the site and elsewhere in the town</p>	<p>This is something that would be taken into consideration as part of the planning process, and there would be a requirement that cycling and walking are the prime modes of transport for accessing the Site. It will be important to show how good cycling and walking access will be achieved.</p>
45	<p>11. A number of respondents object to the principle of 'selling 'public land' to Southampton University. Many see the University as a commercial</p>	<p>The University of Southampton is an exempt charity under the Charities Act 2011. They are a chartered corporation, established by Royal Charter in 1952.</p> <p>The comments regarding the focus on arts and working with</p>

	<p>organisation and not a public body and in their view private landlords should not be involved with public land. There are particular concerns that the University put commercial interests first, and have a poor record in respect of the Arts, including closing down the nationally respected Textile Conservation Centre.</p> <p>If the focus of this site is going to be the arts, why not work closer with the existing arts community to develop and fund the proposals.</p>	<p>the community are wholeheartedly agreed with by the University – this absolutely is their intention and will be clearly set out in their engagement plan.</p>
41	<p>12. The land including the existing leisure centre should be repurposed for the benefit of local residents or left alone. Various suggestions are put forward as to how the existing leisure centre building might be used. Reusing the existing building would be more compatible with the council's declared climate emergency in that the demolition and construction of a new building is more carbon intensive.</p>	<p>The council see no public benefit in leaving the existing leisure centre in its current condition.</p> <p>The council will consider any suitable alternative uses for the empty leisure centre building as part of its consideration of appropriation of the relevant part of the Site. Such uses should be economically viable and practicable considering its condition.</p> <p>Any new buildings put forward by the university as part of a planning application would need to meet the council's policies on energy efficiency and related climate change requirements.</p>

207	<p>13. There has been a failure to consult on the principle of disposing of this land and the adjoining leisure centre with local residents, and key organisations such as the University of Winchester, the Hampshire Wildlife Trust, experts in Historic Areas, and the Theatre Royal who will all be affected by this proposal.</p>	<p>There is no statutory requirement for a formal public consultation before entering into a leasehold disposal, and nor has the council made a clear commitment to formal public consultation prior to any disposal of the Site.</p> <p>However, prior to the completion of the lease there will be substantial further opportunities for the public and stakeholders to express their views, both in response to the proposed appropriation of the Site as well as in response to the university's application for planning permission.</p> <p>The public has been aware of the consideration of alternative uses for the Site since the decision to provide a new leisure centre at Bar End in 2017 and to decommission the leisure centre in June 2020. Various options for use of the Site have been considered and discussed which include housing and a lido.</p>
72	<p>14. There is a great deal of uncertainty on how the land will be used, and the future intentions of the University. Several respondents want to see the land retained/ returned to open space. And there is concern that the University uses will dominate the park and restrict access to the site and the wider area.</p>	<p>The current decision relates to entering into an Agreement for Lease with the university to allow them to bring forward development proposals.</p> <p>Detailed consideration of the future use of the Site will be undertaken once the details of the proposed campus scheme on the Site are known, and a further decision by the council would be required for the relevant part of the Site to be appropriated to enable the university's development proposals to move forward and for the lease to be granted.</p> <p>The appropriation decision will be informed by a report, based on worked out development proposals, addressing the</p>

		<p>central issue under S122(1) Local Government Act 1972 of whether the relevant part of the Site “is no longer required for the purpose for which it is held”. This is a comparative test that involves consideration of whether there is a greater public need for development for the proposed new use than the current use.</p> <p>Because the Site includes open space, any such appropriation would need to be preceded by an advertisement in two consecutive weeks in a newspaper circulating in the area, and consideration of any objections to the proposed appropriation: S122(2A) Local Government Act 1972.</p>
23	<p>15. There has not been a proper assessment of the risks and potential costs to the council. The lease requires the council to demolish the leisure centre at a cost of £2 million, which won't be recouped by the council. There are no/few restrictions on the lease, the leaseholders will be able to sell on the lease, with no obligation for repairs and the University does not have a good record of caring for its buildings. The council will accrue significant costs through the leasing arrangements. The proposed length of the lease is too long, and is a virtual</p>	<p>The purchase price to be agreed will reflect the obligation on the council to demolish and remediate the Site. These costs are therefore properly accounted for.</p> <p>The capital investment by the university required to build out the Site for educational purposes, and the benefits accruing to the city from that, could not be justified on a short term lease. Long leases of 150 years are a market standard in such situations where the freeholder wishes to retain their legal interest in the land and generate a capital receipt, whilst also enabling development.</p> <p>Any assignment would continue to be subject to the restrictions on use and other lease covenants, and the Site would continue to be governed by planning controls.</p> <p>The Leasehold Property Repairs Act 1938 and the Landlord and Tenant Act 1927 limit a landlord's rights to enforce</p>

	freehold	repairing obligations. The practical effect of including repairing covenants in a long lease is therefore limited.
27	16. Granting a lease to the University would lead to an increase in the number of students which will impact the surrounding area, including an increase in demand for accommodation. Winchester already has a higher student population to general population ratio than both Oxford and Cambridge.	<p>We would expect the development proposals made by the university under its planning application to explain how any increase in student numbers would be planned for in terms of student accommodation</p> <p>Student housing will not be permitted on this Site.</p> <p>Vision for Winchester 2030 sets out our ambitions around promoting culture and supporting creative endeavour, supporting our post-pandemic recovery, the environmental sustainability of our economy and the long-term employability of young people</p>
51	17. The site is within a flood zone, and important to flood defences, and water quality.	The site of the leisure centre and skate park are within an area at risk of flooding. Any proposals to develop in or around this area would need to address this issue in line with planning policy and include an assessment of the risk of flooding which would be considered as part of the planning application process and, if permission were granted, include a package of mitigation measures as appropriate. The assessment would also include the potential wider impacts of the development in flood risk terms.
15	18. The proposals are contrary to the adopted Local Plan policy, wherein existing open space and leisure uses should not be developed unless there has been suitable alternative	<p>Any future development proposals for the Site will require planning consent, and the planning application will be required to be assessed in accordance with the adopted Local Plan.</p> <p>A new and enhanced leisure facility has already been</p>

	<p>provision made.</p> <p>The Local Plan also identifies a shortfall of open space and children's play provision locally. The land subject of the Notices is identified on Policy Map 26 which accompanies the local Plan Part 2 as being outside of the settlement boundary and therefore is covered by policy MTRA 4 in the Local Plan Part 1 which seeks to restrict development in the countryside and rural areas.</p>	<p>provided to replace the decommissioned leisure centre.</p> <p>The open space (the bowls club and skate park) is remaining. The children's play area is outside of the site plan and is not included in this proposed disposal.</p> <p>It is correct that the land subject of the notices is outside of the settlement boundary and as such is covered by policy MTRA 4 in the Local Plan Part 1 which seeks to protect the countryside and rural areas.</p>
70	19. Adjoining green space should be protected. There is a danger that development on this site would cause pollution, and threaten the Itchen and Winnall Moore Nature reserve	As part of the assessment of any planning application that comes forward for the Site the impact on biodiversity and protected habitat sites would be considered including possible effects upon the local water environment and nature reserve.
35	20. Not a good financial decision	The financial considerations are addressed in the Cabinet report, which describes the capital and revenue benefits to the council.
148	21. The land should remain public open space	See item 4 above and other paragraphs above regarding the preservation of current uses and site access.
27	22. No public access for 35 years following the sale	The Heads of Terms refer to a permitted use throughout the lease term that prohibits residential accommodation (including student residences) and use for primary or

		secondary education. The site may only be used for tertiary education for 35 years. These terms do not mean that there will be no access for the purposes of the bowls club and skate park or for public movements over or around the Site in order to access the North Walls Park. The general permeability of the site will also be explored with the University as their masterplan is developed.
6	23.No obligation to repair	See item 15.
67	24.The Land is publicly owned and not for the Council to dispose of	See items 4 and 7.
5	25.Reducing the size of the car park is detrimental to the public	The council will retain part of the car park (comprising 77 spaces). It is expected that displaced car park users will park elsewhere in the city centre and at Park & Ride facilities.
42	26.Southampton University should not have the lease	See the Cabinet report for a description of the benefits to the city.
35	27.Risk to the wider area which covers North Walls Recreation Ground, Hyde Abbey Garden and Hyde Gate, Winnall Moors	The disposal does not impinge on these areas and access is covered in other answers.
1	28.The Council's Notice of a disposal of open space land is defective	The notice is in accordance with the statutory requirements. See further section 4 of the Cabinet report under the heading Open Space regarding the scope of the notices.

This page is intentionally left blank

REPORT TITLE: QUARTER 3 FINANCE & PERFORMANCE MONITORING

3 MARCH 2022

REPORT OF CABINET MEMBER CLLR CUTLER – CABINET MEMBER FOR
FINANCE AND SERVICE QUALITY

Contact Officer: Lisa Kirkman Tel No: 01962 848 501 Email
lirkman@winchester.gov.uk

WARD(S): ALL

RECOMMENDATIONS

That the Scrutiny Committee:

1. Notes that the Performance Panel met on the 24 February 2022 to scrutinise the attached report, CAB3339 and its associated appendices. The minutes of the panel's meeting will be circulated to the Scrutiny Committee before it meets on the 3 March 2022 and will be included at appendix 6 of the Cabinet report.
2. Notes that the Chairperson of Performance Panel will provide a verbal update at the Scrutiny Committee.
3. Raises with the Leader or relevant Cabinet member any issues arising from the information in this report, ref CAB3339, which is being presented to Cabinet in May 2022 and considers whether there are any items of significance to resolve or to be drawn to the attention of Cabinet.

This page is intentionally left blank

REPORT TITLE: Q3 FINANCE AND PERFORMANCE MONITORING

24 MAY 2022

REPORT OF CABINET MEMBER: CLLR NEIL CUTLER – CABINET MEMBER FOR
FINANCE AND SERVICE QUALITY

Contact Officer: Lisa Kirkman Tel No: 01962 848 501

Email: lkirkman@winchester.gov.uk

WARD(S): ALL

PURPOSE

This report and Appendix 1 provides a summary of the council's progress during the period October to December (Q3) 2021 against the five priorities in the refreshed Council Plan 2020-25, adopted by council on 24 February 2021.

Appendix 2 provides a financial update for both the General Fund and Housing Revenue Account (HRA) as at 31 December 2021

Appendix 3 provides the data, where available, for Q3 against each of the Strategic Key Performance Indicators (KPIs) and a brief narrative covering the impact that the COVID-19 pandemic has had or will have on performance.

Appendix 4 includes highlight reports for each of the council's 'Tier 1' programmes and projects.

Appendix 5 provides an update to the COVID-19 council services demand data from April 2020 to 31 December 2021.

Appendix 6 are the action notes of the Performance Panel meeting that took place on 24 February 2022.

RECOMMENDATIONS:

1. That Cabinet notes the progress achieved during Q3 of 2021/22 and endorses the contents of the report.

IMPLICATIONS:1 COUNCIL PLAN OUTCOME

This report forms part of the framework of performance and financial monitoring in place to report the progress being made against the projects and programmes supporting delivery of the priorities included in the Council Plan 2020-25 (annual refresh adopted by Council on 24 February 2021).

2 FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the contents of this report. Almost all the programmes and projects undertaken to deliver the priorities included in the Council Plan will have financial implications, some significant and these are agreed and reported separately before the commencement and during the project life cycle.

3 LEGAL AND PROCUREMENT IMPLICATIONS

Key Performance Indicators (KPIs) and performance reporting must be fit for purpose, monitored and managed to ensure effective council governance. KPIs enable evidence based quantitative management reporting and where necessary allow for remedial actions and decisions to be taken.

There are no legal and procurement implications arising directly from this report, though individual projects are subject to review by Legal Services and Procurement as and when necessary, and in particular where they require consideration of the council's Financial Procedure Rules, Contract Procedure Rules and Public Contracts Regulations 2015 (PCR2015).

4 WORKFORCE IMPLICATIONS

None directly but staff are engaged and actively working across all projects.

5 PROPERTY AND ASSET IMPLICATIONS

None directly, but council assets are used to deliver this work

6 CONSULTATION AND COMMUNICATION

Cabinet members, Executive Leadership Board, corporate heads of service and service leads have been consulted and have input into the content of this report.

This report and appendices were reviewed and discussed by Performance Panel on behalf of Scrutiny Committee on 24 February 2022 Appendix 6 are the action notes from this meeting.

A verbal update from the Chairman of the Performance Panel was given at The Scrutiny Committee meeting held 10 March 2022.

7 ENVIRONMENTAL CONSIDERATIONS

Many of the activities detailed in this report actively protect or enhance our environment and support the council and district to reduce its carbon impact. These will be considered as part of each detailed business justification case.

8 EQUALITY IMPACT ASSESSEMENT

None arising from the content of the report, however officers will need to consider the council's Public Sector Equality Duty and if required complete an Equality Impact Assessment on any specific recommendations or future decisions to be made. This report is not making any decisions and is for noting and raising issues only.

9 DATA PROTECTION IMPACT ASSESSMENT

None required.

10 RISK MANAGEMENT

As previously reported the COVID-19 pandemic continues to have an impact on the way we live and work with the council reviewing and adapting its services to the changes as they are announced by government.

Risk	Mitigation	Opportunities
Community Support - Lack of consultation and community engagement on significant projects that affect residents and can cause objections and lead to delay.	Regular consultation and engagement with stakeholders and residents regarding projects or policy changes.	Positive engagement and consultation can bring forward alternative options that might not have otherwise been considered.
Timescales - Delays to project delivery can lead to increased cost and lost revenue.	Regular project monitoring undertaken to identify and resolve slippage.	
Project capacity - Availability of staff to deliver projects.	Resources to deliver projects are discussed at the project planning stage and agreed by the project board and monitored by the Programme and Capital Strategy Board	Opportunities present themselves for staff to get involved in projects outside their normal role enabling them to expand their knowledge and skills base as well as working with others.
Financial exposure - Budget deficit or	Regular monitoring of budgets and financial	Early notification of unplanned

Risk	Mitigation	Opportunities
unforeseen under or overspends	position including forecasting to year end to avoid unplanned over/underspends.	under/overspends through regular monitoring allows time for plans to be put in place to bring the finances back into line with budget forecast.
Exposure to challenge	Legal resources are discussed with project leads.	Opportunity for the use of in- house resources able to input through the life of a project with local Winchester and cross council knowledge.
Innovation - improvement in service delivery		KPIs be used to evidence the need for innovation to improve service delivery
Reputation - Ensuring that the council delivers the outcomes as set out in the Council Plan.	Regular monitoring and reporting of the progress the council is achieving against its priorities included in the Council Plan, including this report.	Work with communications team on press releases to promote and celebrate successes.
Achievement of outcome	Through the quarterly monitoring report, officers and members can monitor the progress of the priorities in the Council Plan	
Other - none		

11 SUPPORTING INFORMATION:

This report provides an update on the council's progress achieved against the priorities included in the Council Plan 2020-25 and KPIs. Information is also provided in the form of highlight reports (Appendix 3) that set out the progress of the council's 'Tier 1' projects. All information and data is as at the end of Q3 i.e. 31 December 2021.

12 OTHER OPTIONS CONSIDERED AND REJECTED

None.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

CAB3320 – Q2 Finance and Performance Monitoring dated 08 December 2021

Other Background Documents:-

None.

APPENDICES:

Appendix 1 Council Plan 2020-25 progress update – Q3 October - December 2021

Appendix 2 Financial update to 31 December 2021

Appendix 3 Strategic Key Performance Indicators Q3 update

Appendix 4 Programme and Project Management – Tier 1 project highlight reports Q3

Appendix 5 COVID-19 Council services demand data – April 2020 to December 2021

Appendix 6 Notes from Performance Panel meeting 24 February 2022

COUNCIL PLAN 2020–25

Q3 21/22 PROGRESS UPDATE

PRIORITY – TACKLING THE CLIMATE EMERGENCY AND CREATING A GREENER DISTRICT

The climate crisis remains a significant, long term challenge to all of us in the coming years and decades and there is a growing ecological crisis too. Winchester City Council has committed to playing its part to tackle this global challenge and hand our district to our children and grandchildren in a better state than it is now.

What we want to achieve:

- Winchester City Council to be carbon neutral by 2024
- The Winchester district to be carbon neutral by 2030
- Reduced levels of waste and increased recycling, exceeding national targets
- Clean air, more ambitious than national targets
- Everything most residents need should be in reach by foot, bike or public transport
- Our district's extensive natural habitats safeguarded and enhanced

Over the last quarter we have achieved the following:

- **Carbon neutrality to continue to be central to everything we do**

Preparatory work has begun in advance of energy efficiency works to City Offices that will be undertaken during the early part of 2022. These works were part funded via a grant of £257k from the Public Sector Decarbonisation Scheme and will include replacement of all windows in the building.

Two additional electric vehicle charging points (EVCP) were installed in the Guildhall Yard, increasing provision to four EVCP. These meet the needs of the council fleet during working hours, but are available for public use during evenings and weekends. Further proposals are being developed for provision of two EVCP at the council's special maintenance depot, Cipher House.

Construction and commissioning work continues on a new decked park and ride car park at the former Vaultex site in Barfield Close with an opening date in March 2022. This will provide 287 spaces to reduce traffic in the city – linking in with the aims of the City of Winchester Movement Strategy and supporting the city council's pledge to become a carbon neutral council by 2024, with the whole district becoming carbon neutral by 2030. Photovoltaic panels and electric vehicle charging points also feature in the plans for the site. The construction includes green 'living walls' to help improve air quality and minimise the visual impact of the car park.

Two Carbon Literacy sessions held for the city council officer team in October and November saw training delivered to a further 17 members of staff. This brings the number of staff trained to 106, of which 63 have been certified as Carbon Literate and brings the council close to achieving Carbon Literate silver accreditation – an accreditation that only two councils in the country have achieved to date. In recognition of its Carbon Literacy achievements, the council was invited to be one of four local authorities from across the country on a panel to discuss Carbon Literacy at a national webinar that formed part of the COP26 programme of events.

A new post of Retrofit Co-ordinator - Zero Carbon has been recruited and will focus on the retrofit of the council housing stock.

Over 25 young people aged between 16 and 30 came together in November at Winchester District's first-ever young person's climate assembly. The event at the University of Winchester was supported by the Mayor of Winchester and gave young people a platform to discuss and debate a vision for a fair transition to a zero carbon future for Winchester.

A highlight report for Q3 for the Carbon Neutral programme is included at Appendix 4.

- **Positive Local Plan policies which promote low carbon development, sustainable travel and increased bio-diversity**

A specialised Carbon Neutrality virtual information event was hosted as part of the consultation on the Local Plan Strategic Issues & Priorities document that took place between February and April 2021. This event was attended by 78 people. The council received a very substantial number of comments in relation to the Local Plan consultation. The analysis of the comments on the carbon neutrality topic were reported to LPAG on the 13th December 2021. This feedback will be used to inform the next stage of the Local Plan (Regulation 18 – draft Local Plan)

A highlight report for Q3 for the Local Plan is included at Appendix 4.

- **Encourage renewable energy generation and support start-ups and businesses in green energy and green technology**

The council completed installation of solar PV panels on three buildings at Marwell Zoo and commenced installation of solar PV on the Winchester depot (Biffa waste collection service). These projects were 50% funded by the EM3 LEP and the panels will reduce energy consumption on both sites and generate an income stream for the council via the sale of energy to the businesses.

Cabinet in October 2021 adopted the new 10-year Green Economic Development Strategy. Work will now commence with internal and external

stakeholders on a detailed action plan to respond to the scenarios, themes and outcomes outlined in the strategy.

- **Work with and enable businesses, organisations and residents to deliver the Carbon Neutrality Action Plan throughout the district**

Continuation of a 12-month community carbon mapping and engagement project, being delivered on the council's behalf by the Centre for Sustainable Energy in collaboration with WinACC. Two virtual action planning workshops were hosted in October as part of the annual Winchester Green Week. The purpose of these workshops was to support attendees to build upon the findings from their carbon footprint reports and develop climate action measures and plans within their parishes and communities. Following the workshops, communications bundles have been sent out each month on a variety of climate change topics to support parish council's and community groups to develop communications campaigns around the climate emergency.

- **Work towards a more sustainable food system and reduce food waste**

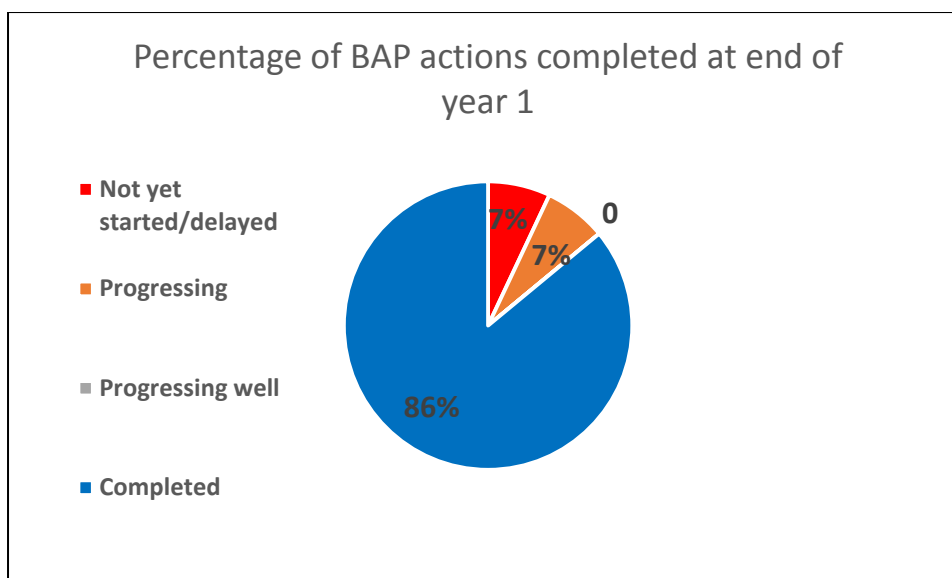
We continue to work with Project Integra to understand the impact of introduction of food waste recycling which is governments preferred direction of travel by 2023 for every local authority.

- **Continue to work with Hampshire County Council to deliver the City of Winchester Movement Strategy and prioritise walking, cycling and public transport throughout the district**

A highlight report for Q3 for this programme is included at Appendix 4.

- **Deliver the actions in our Biodiversity Action Plan**

The Biodiversity Action Plan (BAP) was approved by cabinet in January 2021 and launched in February 2021. Focus has now turned to the delivery of at least 80% of the actions identified within the plan. A summary of actions delivered by the end of Q4 ie December 2021 is below:



Of the 72 actions identified within the BAP, 62 have been completed, 5 not yet started/delayed and 5 progressing. The target for delivery was set at 80% which has been exceeded.

Of particular note are:

- *Training and raising awareness has been delivered both internally and externally in relation to biodiversity and planning.*
- *Delivered and analysed survey results for sites. Key findings are:*
 - *Whiteshute Ridge - Found more species associated with chalk grassland*
 - *West Hill – results show greater numbers of reptiles and slowworms year on year;*
 - *Magdalen Hill Cemetery – recorded slowworms for the first time and greater numbers of butterfly.*
- *Greenacres – recorded smooth newt for the first time and the highest count for reptiles to date (ie grass snakes and slowworms). Pilot verge project was undertaken on 2 pilot areas at Badgers Farm and Alresford. Baseline botany data collected, gained better understanding of the issues involved in delivering the project; communications improved throughout the project; there is scope to make changes which will result in increased biodiversity.*
- *Hookpit – proceeded with dormouse mitigation and establishment of permanent chalk grassland.*
- *34 swift boxes put up in Winnall and Weeke on properties not involved in the reroofing project.*
- *The draft Tree Strategy has been written and will be considered by the Health and Environment Policy Committee in March.*
- *Responded to 13 Hedgerow Regulation Notice applications/breaches.*
- **Work with other public authorities to expand the range of materials we recycle as solutions become available**

Winchester City Council continues to work through the Project Integra partnership and submit data to support the review of options for a single Materials Recovery Facility (MRF) in Eastleigh and support the work to review the option of moving to a twin stream or kerbside sort system to greatly increase the range of material being collected.

PRIORITY – LIVING WELL

We want all residents to live healthy and fulfilled lives. We recognise that our residents are living longer and want to ensure the district offers the right mix of facilities to support good physical and mental health for all ages and abilities.

What we want to achieve:

- Reduced health inequalities
- A wide range of physical and cultural activities for all ages and abilities
- Increased opportunities for active travel
- A wider diversity of residents and businesses involved in ensuring that our services work for all, especially for residents who need more help to live well
- Attractive and well-used public facilities and green spaces with space for relaxation and play

Over the last quarter we have achieved the following:

- **Focus our activities on the most disadvantaged areas, communities and groups, supporting a greater diversity of residents**

We continue to provide core grant support to key voluntary sector organisations supporting our more vulnerable residents. The current round of core funding comes to an end in March 2022 so Cabinet in December 2021 approved the process and criteria for the new Strategic and Priority Outcomes Funds for the next three year period 2022-2025.

Citizens Advice (CA) are adapting their delivery models as COVID-19 restrictions permit. They have re-opened reception in both offices (Winchester and Bishops Waltham) to meet small, but growing, demand for face-to-face support. In addition, they continue to provide support via phone and email, and are working to extend their provision for video calls. In person support has been prioritised for those that need it most, including some of the 18% of clients aged 65+ who find remote services less easy to use. They have also begun to pilot a 'co-volunteering' model at Wickham Food Pantry (in Wickham Community Centre), with trained CA advisers volunteering at the food pantry alongside their core volunteer team, to improve reach and access to services.

Grants criteria remain relaxed to allow groups greater flexibility to respond to the effects of COVID-19. Grants totalling £4,761 were awarded to 10 different organisations across the district (5 Winchester Town wards, 5 Winchester district). Grants supported new initiatives in the district including a new group to support parents of children with autism, and creation of an internet café for elderly residents in Swanmore. Virtual drop in sessions were held with 16 organisations in December to assist with their fundraising needs – groups that work with many vulnerable residents across the district including those with mental health difficulties and low income families.

Liaison and dialogue has continued with Hampshire County Council and other stakeholders to ensure no vulnerable people were left unsupported as a result of the changing COVID-19 restrictions. Referral numbers to the local response centre (within Housing) were minimal, with only four during the 3-month period, taking the total requests for support handled by the Winchester LRC since the pandemic started to exactly 1000, in addition to the many more tasks undertaken by the wider community support network.

The Active Lifestyle programme of classes and bespoke activities for people with long-term health conditions continues to grow in the hands of Winchester City Primary Care Network (PCN) and Everyone Active (EA). During the last quarter there were 50 referrals from the Winchester City practices and 136 from the remainder of the district, meaning that since the opening of the new leisure centre there have been 308 referrals made.

- **Offering a wide range of accessible facilities for all to enjoy at the new Winchester Sport and Leisure Park**

Winchester Sport and Leisure Park continued to outperform projections, with 4,461 health and fitness members and 1,364 swim only members at the end of November.

There are now over 1,300 children having swimming lessons every week. The target for the Centre is 2,500 children having swimming lessons at maturity (without Covid-19 restrictions). There are also around 4,400 individuals participating in health and fitness workout sessions every month and the overall attendance is approximately 50,000 per month despite the uncertainty around restrictions.

In October, the Winchester Sport and Leisure Park hosted the return of Winchester City Council's Paralympic Personal Best event alongside British wheelchair tennis player and Tokyo 2020 silver medallist, Lucy Shuker. The annual event, delivered by Winchester City Council, in partnership with Everyone Active, University of Winchester, Winchester Go LD and Simplyhealth involved more than 200 people with a range of disabilities.

- **Supporting communities to extend the range of sports and cultural facilities across the district, notably the upgraded Meadowside Leisure Centre at Whiteley agreed and planned for later this year**

Architect appointed to develop a new design for the North Walls pavilion, with discussions ongoing regarding the building design.

Planning permission was granted on 14 December 2021 for a new pavilion at KGV playing fields in Highcliffe. Funding options for the project have been considered and a grant application for external funding is pending.

Planning consent was given for a MUGA at Kings Barton, as part of the approval for phase 2A of the development. At West of Waterlooville,

applications have been submitted by the developer for a new sports pavilion and the town park.

- **Enable and promote safe cycleways and pathways to make it safer and more appealing for our residents to cycle and walk to their destination**

The draft Local Cycling and Walking Infrastructure Plan (LCWIP) for Winchester which has been developed as part of the City of Winchester Movement Strategy is currently out for feedback from the public.. A members briefing was held on 9 December sharing the engagement material on the Winchester Movement Strategy public engagement.

Also see project highlight report for Q3 included at Appendix 4.

- **Maintain and enhance the open spaces and parks**

Work is continuing on the maintenance and enhancement of open spaces and parks.

Of particular note are:

- *The development of the North Walls Park Plan which received high levels of public support and was formally adopted by Winchester Town Forum as its meeting on 10 November 2021, report WTF303 refers. The next stage of this process is a feasibility study to assess the costs and resources required for project delivery and generate the information required to develop a detailed business case.*
 - *Allegra's ambition - a site at the Garrison Ground has been approved by the trustees and a draft plan has been produced. A legal agreement between the City Council and Allegra's Ambition will be required before works can proceed.*
 - *Refurbishment of Abbey Gardens Play area – the tender for civil works has been prepared and an arboricultural consultant has been commissioned to do a full arboriculture impact assessment which is required as part of the tender documentation. Once the arb report is received the tender for the civil works will be published.*
- **Develop Local Plan policies that promote healthy lifestyles in healthy surroundings**

A key theme in the Strategic Issues and Options consultation (SIP) on the new Local Plan, which ran for 8 weeks and closed on 12 April 2021, was Living Well. This covered a number of important issues relating to open space provision, air quality, and active travel with accessibility to local facilities and services. A specialised Living Well virtual information event was also hosted as part of the consultation document that attracted some 21 people. The council received a substantial number of responses to the SIP (over 2,200). The analysis of these comments on the Living Well topic were reported to LPAG on 24 November 2021 This feedback will be used to inform the next stage of the Local Plan (Regulation 18 – draft Local Plan).

Priority - Homes for all

Housing in our district is expensive and young people and families are moving out because they are unable to find suitable accommodation they can afford.

The Winchester district needs homes for all – homes that are affordable and built in the right areas for our changing communities.

What we want to achieve:

- More young people and families working and living in the district
- All homes to be energy efficient and affordable to run
- Diverse, healthy and cohesive communities - not just homes
- No-one sleeping rough except by choice

Over the last quarter we have achieved the following:

- **Building significantly more homes ourselves**

129 new homes were started in quarter 3 on two schemes at Winnall and Whiteley.

- **Strengthening our Local Plan to ensure the right mix of homes is built for all sectors of our society, including young people**

Consultation has taken place on the Next Generation Winchester project to explore the challenges faced by younger people (aged 18-35) who may want to work and/or live in the Winchester district. This was followed up by another event in July 2021 which has been used to help inform people about the different types of affordable housing that is available and on mortgages. The Next Generation project is exploring the options available for young people and families and provide an opportunity to influence housing policy, future house building and local housing options across the district. The information gathered together as part of this consultation will be used to help inform the policies and proposals in the emerging Local Plan.

The consultation on Strategic Issues and Options for the new Local Plan, sought views on the type of residential development required to support the needs of everyone living, or wanting to live, in the district. This covered a range of accommodation including affordable housing, housing for students and older people as well as gypsies and travellers. The analysis of comments on the Homes for All topic was reported to LPAG on the 27 September 2021 and Specialised housing was reported to LPAG on the 13 December 2021. The feedback received is being used to inform the next stage of the Local Plan (Regulation 18 – draft Local Plan).

Three Local Plan design workshops took place in October/November 2021 with a range of local people, parish councils, developers, house builders, consultants and architects as well as members. These events, which were

facilitated by Design South East, focussed on the effectiveness of the council's current policies and sought to identify how the council could potentially improve and develop the way that we address and approach design issues in the new Local Plan especially in light of recent changes to national planning guidance which emphasises more than ever the importance of good design and creating beautiful places. The workshops looked at design policies generally as well as specific spatial planning issues in Winchester town, the market towns and rural areas.

A highlight report for Q3 for the Local Plan is included at Appendix 4.

- **Using the new Winchester Housing Company to deliver a wide range of housing tenures to meet local needs**

The detailed business case for the Winnall Flats proposed development was agreed by Council in July 2021 with a preferred option being to deliver a block either through a housing company or through a third party. Build Contract negotiations have now been completed and the Winnall Flats scheme has started on site. A "final business case" report on the Housing Company will be prepared in June 22.

- **Providing support for our homeless and most vulnerable people by working directly and in partnership with the voluntary sector**

Working with partners The Beacon, Two Saints and Trinity to make plans to utilise empty space within existing projects to provide additional emergency beds over the coming cold weather period for individuals sleeping rough. In addition to this the providers have assisted WCC with the provision of SWEP, SWEP has been called 4 times since 1st November 2021 and nobody to date has been placed.

In December 2021 the Government through the Rough Sleepers initiative launched the 'protect and vaccinate scheme'. Funds were provided to local authorities to support rough sleepers into accommodation and to use as an incentive to break down barriers that rough sleepers faced in getting the vaccine. Our partners are assisting us with this.

Hampshire County Council has announced a proposed budget cut of £360,000 across the 11 districts social inclusion services for this cohort. The proposal is now available for consultation for a period of 8 weeks, commencing on the 7 February 2022. The council will be responding to the consultation.

We are developing a Tenancy Ready Programme to roll out to our Temporary Accommodation residents to ensure individuals have the right skills to move on to independent accommodation and do not return to rough sleeping.

- **Move the energy efficiency of new and existing homes towards zero carbon**

Making Homes Carbon Neutral (CAB3293) was presented to cabinet on 11 March 2021 and the following recommendations were approved:-

That the 2021/22 budget (£1.587m) for additional energy efficiency works to council dwellings be committed as follows:-

- *£1.250m to fund additional insulation (mainly wall and floor insulation) to 100 properties currently subject to an Energy Performance Certificate (EPC) rating of D or below and that the programme focus mainly on void properties where possible.*

The formal contract variation to install additional insulation to voids is being finalised between the Council and Osborne Property Services. Works should start on site by the middle of March

- *The new Retrofit Co-Ordinator has just started in the Housing Property Services team. The immediate priorities are to establish a retrofit team which will include commissioning external support in the form of a Retrofit Assessor and Retrofit Designer in addition to the Retrofit Installer (Osborne). The retrofit Co-ordinator is also working up the strategy and risk assessments to ensure a “right first time/least regrets” approach from the outset.*
- *£150,000 set aside to support “match funding” bids for major retrofit programmes (such as the existing project to improve “Swedish timber” council homes in Bramdean).*
- *The two Swedish units at Bramdean are complete. EPC and thermal imaging were carried out pre-works. Temperature, humidity and kWh usage will be monitored for a further year. The second Swedish unit trial (at Cheriton) is due to start in the next couple of months subject to the ecology issues being resolved.*
- *£187,000 to address energy efficiency of communal areas in sheltered/communal housing schemes, including the installation of solar photovoltaic panels where appropriate. Approx. 85% of the communal areas in housing sheltered/communal areas now have new LED lighting. Energy audits will be commissioned for the highest carbon emitting sites and appropriate measures brought forward.*
- *That a member/tenant/officer panel/forum be established to assess progress with national trials, review funding options and bring forward proposals for a long term programme to replace gas heating systems in Council homes, subject to consultation with tenants and the Business and Housing Policy Committee. Tenants who originally responded to the digital survey “Carbon Efficient Housing” (Nov 2020) are being invited to form a focus group to help inform and contribute to the panel’s work*

That the Council join the “Net Zero Collective” partnership to support the work of the above Panel. Officers are currently working with Net Zero Solutions and the National Energy Foundation to produce a sustainable and long-term retrofit plan to ensure the Council are de-carboning their stock in a sensible and efficient manner.

Cabinet approved a revised Housing Development Strategy that highlights the council’s objective to provide all new affordable housing at highest thermal efficiency levels to help achieve the net zero carbon target.

The Passivhaus development proposals for Micheldever received planning permission in August 2021. This is for the development of a disused garage site to build 4 x 1 bed and 2 x 2 bed homes. Passivhaus building provides a high level of comfort while using very little energy for heating and cooling. They are built with meticulous attention to detail and rigorous design and construction according to the principles developed by the Passivhaus Institute in Germany and certified by a very exacting quality assurance process. Whilst planning permission has been granted for the scheme, negotiations are on-going with the Parish Council and Members regarding additional car parking to reduce the impact of the development. Agreement has now been reached and a planning application for additional parking has been submitted. The scheme will start on site in summer 2022.

- **Working with developers to ensure that they provide affordable housing and homes at fair market value as part of new developments**

Discussions continue with Cala Homes regarding an affordable extra-care scheme at Kings Barton. The timing of this scheme will be dependent upon the developer progressing further phases of Kings Barton.. Agreement has been reached with CALA for a site to provide a minimum 60 Extra Care flats in Phase 2b of the Kings Barton development. A project brief has been prepared and architects appointed by the council to provide capacity study to ensure site is of sufficient size to meet the S106 requirements.

PRIORITY - VIBRANT LOCAL ECONOMY

Winchester district is home to a host of successful businesses and enterprises with high levels of employment in both our urban and rural areas. As we look beyond the COVID-19 pandemic, it's vital we restore the vibrancy of our high streets, retain and develop our existing business base and make the Winchester district a place where new businesses want to be located. We also must begin the transition to a greener more sustainable economy.

What we want to achieve:

- Increased opportunities for high-quality, well-paid employment across the district
- A shift to a greener, more sustainable economy
- New offices and workspace meet changing business needs and are located in areas with sustainable transport links
- More younger people choose to live and work in the district
- Our city, market towns and rural communities recover well and have a compelling, competitive visitor offer.
- Winchester district attracts new and relocating businesses and enterprises

Over the last quarter we have achieved the following:

- **Working with our key stakeholders to position Winchester district as a centre for digital, creative, knowledge-intensive networks**

Following on from the 'A Digital Winchester' Task and Finish Group a Digital Winchester online debate took place on 23 November 2021. The 90 minute debate, was attended by over 50 delegates and gave businesses, residents and experts a chance to have their say on Winchester Digital Future. The key challenges of 'infrastructure', 'access', 'opportunity' and 'future potential' were debated. The results of the Digital Winchester survey, debate and call for evidence will be published in March 2022.

The Government's and the European Development Fund (EDRF) Reopening High Street Safely Fund has been extended to end of March 2022 and now forms the Welcome Back Fund. The fund has provided a programme of business support launched in late January 2021 and was then extended to the end of August 2021.

Feedback from businesses using the service indicated that they were accessing the service for the following advice and support:

- COVID-19 secure operations 29%
- Business planning 29%
- Business transformation 14%
- Cash flow/accessing finance 29%

- **Focusing on a 'green economy' post COVID-19 and providing tailored, sector specific business support**

The next 10 year Green Economic Development Strategy was adopted by the Council in October 2021. Since then a governance structure has been created to support the delivery of the strategy. This has included the inception of a Steering Group of key stakeholders from across the district who will work with the Council to consider the indicative actions illustrated in the framework strategy. Along with input from the wider business community, these actions will be prioritised and any areas of work not considered within the strategy established, leading to the development of a two year action plan

- **Supporting business in meeting the challenge of carbon neutrality and encouraging 'green growth'**

A virtual Sustainable Business Network (SBN) Meeting took place on Friday 25 November 2021. It considered the subject of 'Post COP 26 Roundup and Carbon Action'. 39 businesses attended the event and 31 watched the video afterwards. The feedback following the event was excellent with 77% of respondents reporting that they found the event extremely useful. The event video can be downloaded here:

www.carbonfootprint.com/carbonacademy_sbn.html

As part of a consortium bid, funding has been secured from Low Carbon Across the South & East (LoCASE) which will enable low carbon and energy efficiency adaptations to businesses. A professional consultancy is being commissioned to help businesses to:

- *become zero carbon, reduce energy consumption and carbon emissions*
- *access LoCASE (Low Carbon Across the South East) funding to reduce their energy use*

The Request to Quote for this consultancy work will be advertised early in 2022.

Three new industrial units at Bishops Waltham Depot were completed in November 2021, with one unit already let to the fire brigade and negotiations underway for the other two. The buildings achieved a BREEAM rating of 'Excellent', benefiting from permeable paving, solar panels, EV charging points and other sustainable measures.

- **Prioritising the needs of younger people in the redevelopment of central Winchester**

Eastleigh Borough Council's bid for an employment hub to cover Eastleigh, Winchester, New Forest and Test Valley has been successful in gaining Department of Work and Pension's Flexible Support Grant. The hubs provide

specialist help and support to move young people from welfare benefits into work. The total project value is £264,000 across all partners.

The Winchester hubs were launched in mid-November, with young people attending alternate Mondays at the Carroll Centre (Stanmore) and Unit 12 (Winnall). From mid-November to the end of December 2021 eight young people had already been provided with bespoke support with one participant already finding work following support.

- **Working in partnership to strengthen the appeal of the Winchester district by promoting and developing our unique cultural, heritage and natural environment assets**

Festivals update

Engagement with the festivals sector has continued via the Festivals Networking events that are delivered in partnership with Winchester BID and Tourism South East has been commissioned to research and produce a report on the economic impact of festivals across the Winchester district. Three editions of Arts News have been issued in this quarter with a new section highlighting local talented creatives and their achievements as well as details of Covid funding available. The team has been involved in conversations relating to creative sector presence in Kings Walk with Estates as part of developing a curated creative sector 'ecosystem'. The team will also be leading on commissioning an arts mural in St Maurice's Covert with the plan to complete the installation by early Autumn 2022. Working with key partners including Hampshire Cultural Trust, Winchester Cathedral, the BID and Play to the Crowd, and funded by the Welcome Back Fund, the Council has commissioned Ichthus to project manage installation of a Winchester – Lights in the City event at the end of January, aimed at raising awareness and driving footfall during this typical quiet trading period.

Consumer marketing and promotion.

Partner activity and district events for Christmas were promoted across all our digital channels and via christmasinwinchester.co.uk. Highlights include the 12 days Christmas social media competition supporting local independents – 933 entrants across the competition period. The total combined reach of Christmas social media activity across Facebook was 12,973 reach and 4,754 on Instagram.

Three festive B2C e-news were issued and twelve Christmas-related blogs supporting events, news and activities of businesses across the district were written and promoted via our channels – including the 'Festive family days out' blog featuring attractions which received over 3,000 page views.

Other activity included a partnership with South Western Railway which resulted in Christmas in Winchester branded posters across 54 poster sites across the SWR network.

For Quarter 3, visitwinchester.co.uk website sessions were up 312% compared with 2020 (up 130% compared with 2019). Users up 278%

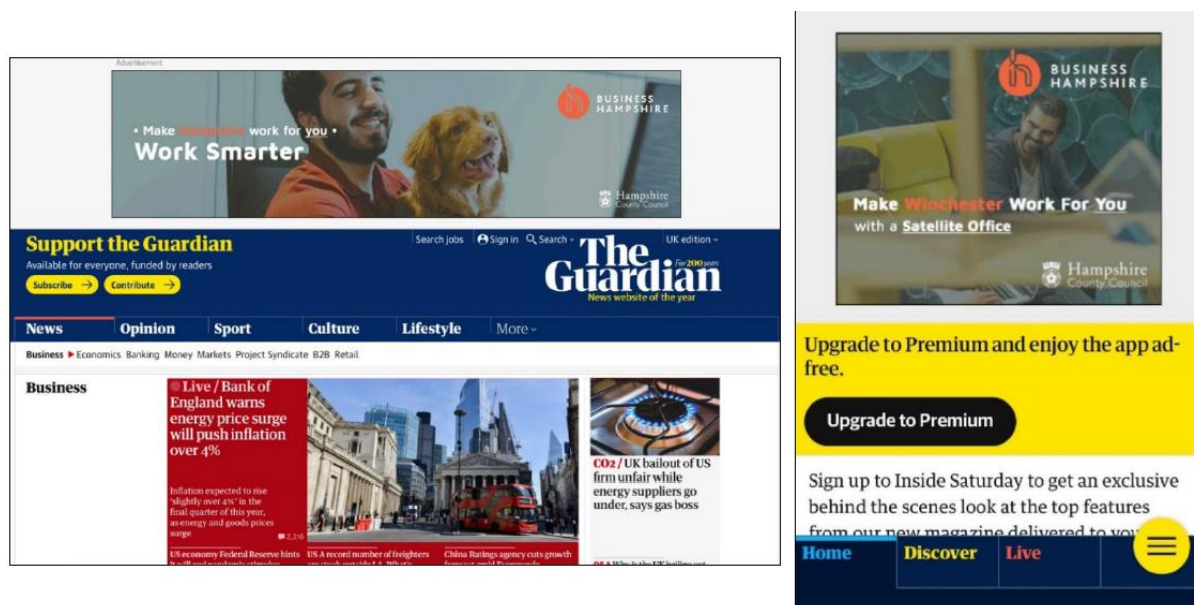
compared with (115% 2019) – this equates to an average of 77,000 users per month for this period in 2021 versus 20,432 in 2020 (36,000 in 2019).

One B2B e-newsletter has been issued for this quarter detailing information and updates around business support, allergen training, grant funding for green projects, the latest COVID-19 related guidance, national and regional initiatives alongside Visit Winchester updates and details of how businesses in the visitor economy can get involved in marketing campaigns and initiatives. - Open rate 40% and 4% click rate (October). Engagement with the visitor attractions sector has been maintained via virtual group meetings sharing advice, experience, intelligence and recovery plans.

Visit Winchester continues to be represented at TSE Tourism Alliance Meeting and a Destination Management Organisation (DMO) meeting with VisitEngland this quarter where intelligence on business recovery, best practice and collaborative opportunities are considered – in particular updates on the DMO Review and Sustainability.

Business to Business Inward Investment Campaign

A satellite office campaign is underway that will promote opportunities in Winchester to London based companies who have a significant number of employees that commute out of the district/county and current activity includes reaching a new audience through the targeting of London readers in a national broadsheet newspaper. This involved a four-week ad banner campaign on The Guardian website as shown below.



Working with the county council a combined total of 202,900 impressions of the GIF adverts during the four week period. This resulted in a 0.1% click through rate (industry average is 0.04%).

This activity has resulted in four Inward Investment enquiries into the Winchester District. All investors are currently reviewing options.

High Streets' Priorities Plan 2021 to 2022

Activity has continued to be undertaken as part of the delivery of the High Streets' Priorities Plan 2021 to 2022, a one year tactical plan to reinvigorate our Districts' high streets post COVID-19, to support our businesses to reopen and innovate and to enable people to enjoy social and cultural experiences.

The plan is aligned with the Welcome Back Fund which is supporting the delivery of a number on initiatives, outlined below.

Welcome Back Fund

Further to the original Return to the High Street Safely Fund an additional £110,000 government funding as part of the Welcome Back fund has been secured. A delivery plan has been discussed with stakeholders across the city and market towns. Activity will be delivered up until March 2022 including promotional print for each market town, a district wide mini guide, both of which form part of a co-ordinated promotional campaign to raise awareness and drive footfall.

A Welcome Back Fund Project Officer has been appointed to lead on this area of work. The officer has met with stakeholders including market towns and Winchester Business District and plans are being made to use the funding on marketing, events and public realm improvements.

In the Central Winchester Regeneration Area, the Government's Reopening High Street Safely and Welcome Back Fund European Regional Development Fund programme, has been used for enhancements to Busket Yard including seating and planters.

Officers are commissioning two research studies into local festivals and street markets across the district, to look at the potential for future development. The results of both studies will support our plans for responding to the medium-term impact of COVID-19 and inform future decision making on how we can develop the current offer.

Vincent Creative have been commissioned to dress the windows of the vacant Debenhams store with artistic vinyl wraps that reflect important buildings, people and life in our historic city.

Government Grant Funding

The Economy team have been responsible for administering the government's discretionary grant funding through the Local Authority Discretionary Grant Fund and the Additional Restrictions Grant Fund.

Since June 2020 over five million pounds of discretionary grants has been allocated to businesses impacted by the COVID-19 pandemic. This included

an additional £1.3m of funding followed by a further £343,816 just before Christmas. The new Winter Support Payment grant was developed, ready for launch after Christmas, a typically quiet trading period where businesses are likely to require most support.

In the final quarter of 2021 final inspection visits were undertaken to rural businesses who were awarded LEADER European funding.

In addition to the above businesses have been kept informed of the latest support available via regular updates to dedicated business pages on Winchester.gov.uk and business bulletins. The business bulletins continue to serve as one of the “go to” places for latest information.

- **Promoting our independent businesses and supporting start-ups.**

As part of the Government and the European Development Fund (EDRF) Reopening High Street Safely Fund the city council has procured ShopAppy as its provider of an e-commerce platform. This dedicated on-line shopping platform offers independent businesses an alternative route to market to support their existing high street and on-line presence. The platform offers consumers the opportunity to browse products across all participating independent businesses in one place and either go on to visit in person or make purchases on-line from any number of outlets.

Since the website was launched in September, shoppers have made over 20,000 virtual shopping visits to our district’s digital high streets, to browse more than 7500 products and services from more than 175 independent businesses resulting in £17,500 direct and indirect spend to the Winchester District.

Local Plan

The consultation on Strategic Issues and Options for the new Local Plan, sought views on the Vibrant Economy and the future of the high streets. The analysis of comments on the Vibrant Economy topic was reported to LPAG on the 13th December 2021. The feedback received is being used to inform the next stage of the Local Plan (Regulation 18 – draft Local Plan).

YOUR SERVICES, YOUR VOICE

We will continue to provide high quality, good value, resilient services that are continuously improving to address the changing needs and expectations of residents, tenants, visitors, businesses and not-for-profit organisations across our district – and are accessible to all whatever their circumstances.

We will give all our residents the opportunity to make their voice heard and be able to understand how the council makes its decisions.

What we want to achieve:

- An open, transparent, inclusive and enabling council
- Improved satisfaction for our services
- Good value compared to other similar authorities
- Continuous improvement in cost-effectiveness
- High accessibility and usage of our services
- Constructive and effective partnerships across the district
- A balanced budget and stable council finances

Over the last quarter we have achieved the following:

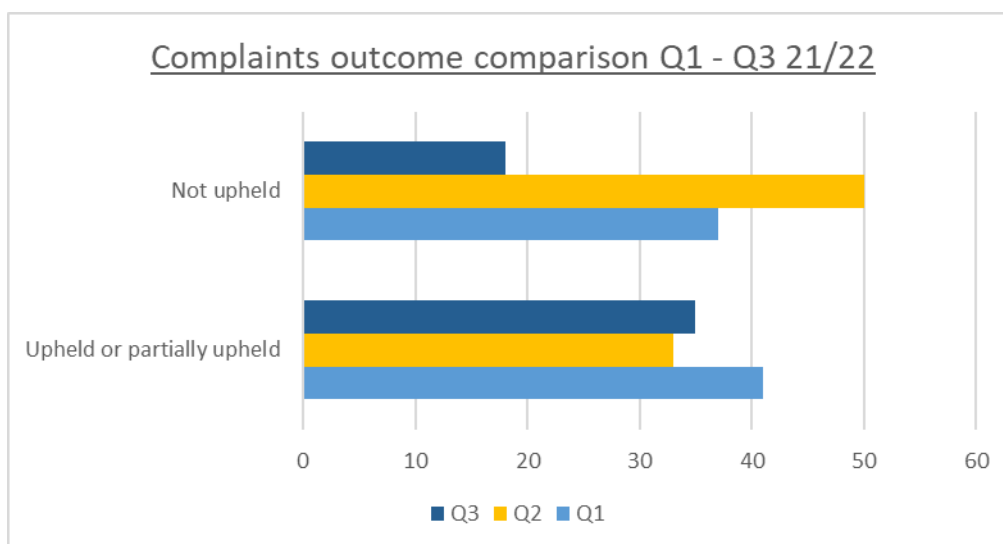
- **Continuously improving process that:**

Involve the public, businesses, stakeholders and ward councillors earlier in the design, deliberation and decision making process

Effectively respond to and learn from complaints and feedback to drive service improvement

In Q3 the council logged 60 formal complaints compared to 131 in Q1 and 121 in Q2. The reduction in complaints follows the introduction of the new complaints policy and officer training in Sept 2021. The revised policy includes a clear complaints definition and has led to improvements to the on-line complaints form which now helps signpost our customers to the best place to get their issue resolved quickly (logging service requests direct with the service and complaints, where customers feel there has been a failure of standards or lack of delivery, on the complaints form). As well as helping customers to quickly resolve service requests (e.g. report a missed bin collection or a housing repair) to get the best response time; it also ensures that the complaints process is focussed on remedying service breakdowns and raising standards of delivery.

The number of complaints upheld or partially upheld in Q3 remained level however this equates to a higher proportion as the overall number of complaints had reduced.



Management information on complaints received and response times is now provided to each Corporate Head of Service monthly which improves visibility and identification in trends, allowing reviews and remedial action to be taken where appropriate.

- **Embed effective partnership working with the community, voluntary groups and organisations, local businesses, our suppliers and other public bodies**

The Sustainable Procurement Guide has been published on the council's website and the intranet and an education session on Sustainable Procurement was delivered for staff in November.

Regular meetings continue with representatives from the market towns, focussing recently on the Welcome Back Fund and successful reopening of the high streets.

- **Transparent and publicly visible performance measures which drive improved satisfaction and performance**

The member led Performance Panel reviews this performance report and the notes and actions from these meetings are presented to scrutiny.

The Strategic Key Performance Indicators in appendix 3 of this report are also published on the Winchester City Council website under the 'Access to Data' section. This aligns to the goal of transparency by allowing the public to monitor our progress towards achieving the council priorities and drives performance to meet publicly visible targets.

- **More effective use of technology to make it simpler and easier to deal with the council and its delivery partners while reducing cost**

The outbreak of COVID-19 continues to drive forward and accelerate the agenda in terms of 'digital first', seeing high volume services switch to online and phone service delivery as default..

The council has continued to promote 'digital first' and encourage residents to only visit if they have a pre-booked appointment.

The garden waste annual renewal process opened in November. Residents have a number of options available and the on-line renewal and payment by direct debit has been improved to encourage this as the option of choice.

In relation to the development of the new Local Plan the Strategic Issues & Priorities consultation (SIP), which was undertaken during a national lockdown between February and April last year, achieved two regional Royal Town Planning Institute (RTPI) awards in November 2021: 'Planning Excellence' in the Plan making category and the consultation also won the overall RTPI South East Regional award. The RTPI judges were particularly complimentary about the innovative and collaborative ways that were undertaken to the public consultation during the pandemic. The SIP will now be considered at the national RTPI awards in 2022.

- **Focus on accessibility and inclusiveness to ensure our decision making and services are accessible to and usable by all**

A refresh of the council's Public Sector Equality Duty was reviewed by Audit and Governance Committee in December before being considered for approval by cabinet in January. A number of actions were included with the updated policy and these will be undertaken during the early part of 2022. .

- **Investing in our staff and making the most of their skills and talents**

The council has continued to respond to COVID-19 by encouraging staff to play to their skills in supporting us with our emergency response and maintaining resilience. Following a staff survey employees have been given new on-line learning packages, IT kit and other home equipment such as laptop risers, office chairs etc on request to assist with working from home. Employees have continued to access training during the pandemic via our comprehensive range of e-learning tutorials and courses and several colleagues are undertaking formal qualifications using the 'upskilling' option in the government's apprenticeship scheme.

FINANCIAL UPDATE

AS AT 31 DECEMBER 2021

This section presents a summary of the council's financial position as at 31 December 2021 with regard to the General Fund and Housing Revenue Account budgets.

General Fund Revenue

Summary

- 12.1 CAB3312 dated 15 September included a revised forecast of a £0.8m net General Fund underspend for 2021/22. This related to the extension of the lease of the Guildhall to Her Majesty's Courts and Tribunal Service and to additional Government subsidy in relation to Park and Ride.
- 12.2 Further work completed since that report was published accounted for the following:

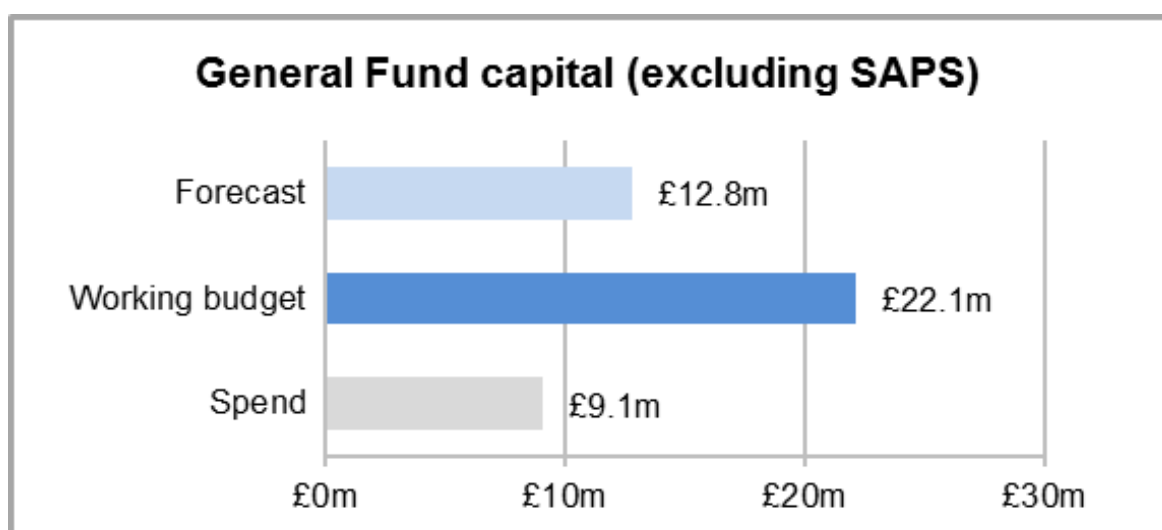
Projected surplus at Jul 21		£800,000
a.	Additional Garden Waste Income	£165,000
b.	Reduced net Business Rates	-£700,000
c.	Additional P&R Subsidy	£250,000
d.	Additional Leisure Centre Income	£500,000
e.	Project Delivery Resources	-£400,000
f.	Support for core service delivery	-£200,000
21/22 Projected Net Surplus (at Sept 21)		£415,000

- 12.3 Owing to the impact of the COVID-19 pandemic on income budgets, the council reduced its General Fund budget forecast income for 2020/21 by 20% (£3.65m). Current indications suggest a stronger than budgeted income recovery across all services. Parking income forecasts indicate that recovery will be £2m below 2019 base budget targets, mainly in relation to off street parking outside of Winchester city centre and the park and ride service. However, with other income recovery by March 2021 will be 14% below previous budgets rather than 20% (a potential difference of c£1.5m). However, this remains uncertain, will be subject to activity in the final quarter and will be confirmed as part of the budget outturn in June 2022.
- 12.4 In light of the above factors, the revised forecast underspend for 2021/22 is now projected at £1.915m.

<u>General Fund Budget Forecast 2021/22 (£000)</u>	<u>Expenditure</u>	<u>Income</u>	<u>NET</u>
Environment	16,594	(10,055)	6,539
Living Well	3,414	(329)	3,085
Homes for All	2,358	(227)	2,131
Vibrant Local Economy	4,818	(499)	4,318
Your Services, Your Voice	7,886	(2,714)	5,172
TOTAL before funding	35,070	(13,825)	21,246
TOTAL Funding			(23,161)
FORECAST BUDGET UNDERSPEND			(1,915)

General Fund Capital

1. General Fund capital expenditure to the end of December was £9.1m of which the majority relates to four projects: the decked car park at the former Vaultex site (£4.7m); Winchester Sport & Leisure Park (£0.9m); Bishop's Waltham depot (£1.5m); and Disabled Facilities Grants (£0.7m).
2. Capital budgets for 2021/22 were revised for brought forward balances and other changes as part of the General Fund 2020/21 outturn reported to July cabinet and this is reflected in the working budget below.
3. The budget and forecast below excludes £20.5m in respect of the Strategic Asset Purchase scheme (SAPS). This budget will only be spent if suitable assets are identified. There have been no SAPS purchases to date in 2021/22.



4. Key items of expenditure in Q1-Q3 of 2021/22:

- **Winchester Sport & Leisure Park** *Total Budget: £43.24m*

Expenditure: Prior years £41.7m Q1-Q3 £0.9m Total £42.6m

Work commenced on site in 2019 and, despite the challenges presented by Covid 19, significant progress had been made by the end of the financial year and the new park officially opened on 29th May 2021.

- **Decked car park at Barfield Close** *Total Budget: £6.45m*

Expenditure: Prior years £0.74m Q1-Q3 £4.7m Total £5.44m

Construction work has continued on the new decked car park at the former Vaultex site in Barfield Close which will provide 287 spaces to reduce traffic in the city – linking in with the aims of the City of Winchester Movement Strategy and supporting the city council's pledge to become a carbon neutral council by 2024, with the whole

district becoming carbon neutral by 2030. Photovoltaic panels and electric vehicle charging points also feature in the plans for the site. The project is expected to be completed in spring 2022. The construction includes green 'living walls' to help improve air quality and minimise the visual impact of the car park.

• **Bishop's Waltham depot** *Total Budget: £1.775m*

Expenditure: Prior years £0.2m Q1-Q3 £1.5m Total £1.7m

The redevelopment of the former depot at Bishop's Waltham involves the construction of three new terraced industrial units, including hard and soft landscaping, and will provide much needed entry level accommodation for small businesses as well as providing a small annual return to the council. The main works commenced in March 2021. Works are progressing well and the fire brigade are due to occupy one of the units, with tenants being considered for the remaining two units.

• **Disabled Facilities Grants** *Total Budget: £1.23m*

Expenditure: recurring Q1-Q3 £0.7m

During the period 1 April to 31 December of this year £736,000 of grants were awarded.

Expenditure on disabled facilities grants is to enable adaptations to be undertaken within the homes of individuals in the private sector or in housing association properties who are not necessarily registered as disabled (although they can be) but additionally for those who have a serious illness or physical condition that impairs mobility. The adaptations undertaken enable individuals to stay in their own homes by, for example, providing access to suitable toilet and/or washing facilities; making it easier to get in and out and around their home by having doors widened; installing ramps and stair lifts; or adapting heating and lighting controls to make them easier to use.

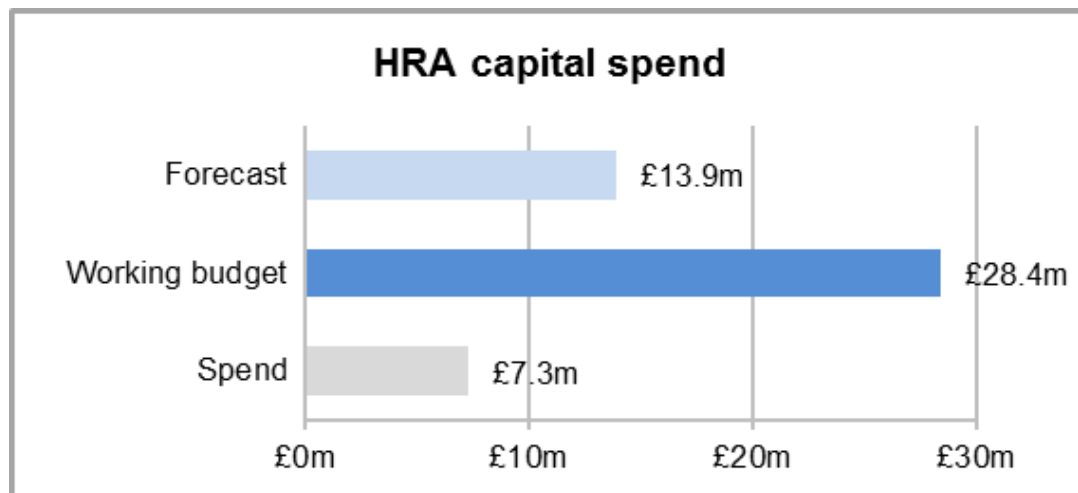
Housing Revenue Account 2021/22

Housing Revenue Account					
Budget		Forecast			Notes
Income	Expenditure	Net contribution / (spend)	Full Year Outturn	Full Year Variance	
£'000	£'000	£'000	£'000	£'000	
Rent Service Charges & Other Income	28,491	0	28,491	28,108	(383) 1
Housing Management General	164	(5,659)	(5,495)	(4,936)	559 2
Housing Management Special	1,155	(3,266)	(2,111)	(1,739)	372 2
Repairs (including Administration)	101	(5,548)	(5,447)	(6,525)	(1,078) 3
Interest	0	(6,012)	(6,012)	(5,536)	476 4
Depreciation	0	(8,544)	(8,544)	(8,544)	0
Capital Expenditure Funded by HRA	0	0	0	0	0
Other Income & Expenditure	29	(76)	(48)	24	72
	<u>29,939</u>	<u>(29,106)</u>	<u>834</u>	<u>852</u>	<u>18</u>
Working Balance at 1 April 2021		14,889	15,594	704	
Add Surplus / (Deficit)		834	852	18	
Projected Working Balance at 31 March 2022		<u>15,723</u>	<u>16,445</u>	<u>722</u>	

Notes:

At the end of quarter 3 the overall HRA forecast revenue outturn is largely in line with the net budget showing a small surplus of £18k. However underlying this performance there are a number of material variances that overall largely cancel each other out.

1. There is a shortfall in rental income for dwellings and garages largely down to a number of factors including an increase in voids and impact of the large number of new dwellings available to let coupled with the impact of COVID-19 on relets and the changing desirability and demand for certain property types. There has also been an increase in tenant arrears of £49k since the beginning of the year, with overall arrears (current and former tenants) now standing at £835k that will be reflected in the bad debt provision at year end.
2. There are a large number of factors behind the projected underspends on Housing General and Special, the key variations include a number of one off amounts of £250k representing compensation, returned deposits and the impact of capital adjustments; an underspend on employees of £161k due to staff vacancies; an underspend of £151k on the purchase of equipment, and an underspend of £147k on professional and consultancy.
3. The large variance on repairs is largely down to a review of the ability of the council to capitalise certain types of expenditure. This has resulted in a reduction in capital spend offset by an increase in revenue spend. This is coupled with an increase in demand led activity such as an increase in voids and in compliance testing.
4. The underlying need to borrow to finance the capital programme has reduced in line with the current reduction in anticipated spend, this coupled together with larger HRA cash balances. ..



**Housing Revenue Account
Capital 2021/22**

	HRA Capital Programme			Notes
	Budget	Forecast Outturn	Variance	
	£'000	£'000	£'000	
Housing Major Works	(5,878)	(4,520)	1,358	1.
Improvements and Conversions	(1,531)	(1,016)	515	
Other Capital Spend	(3,231)	(1,032)	2,199	2.
New Build Programme	(17,762)	(7,328)	10,434	3.
	(28,402)	(13,896)	14,506	

Notes

The overall forecast outturn on the HRA capital Programme is now £13.896m against a revised budget of £28.402m, an underspend of £14.506m.

1. The review of major works expenditure mentioned above has led to spend being redirected to revenue if it does not meet the requirements to be capitalised, again this is coupled with together with delays caused by biodiversity issues and material shortages caused by ongoing supply chain issues.
2. Other capital spend includes budgets for Fire Safety, Climate Change and Sewage Treatment Works. The Fire Safety spend is for the provision of new doors for leaseholders and is still on course for completion by 31/3/2024. Delays due to procurement and officer resources have impacted on the ability to mobilise spend on climate change. The sewage treatment works budget contained provision for the purchase of a new sewage vehicle, the lead in time for this has now been established as 18 months plus and there are currently supply chain and procurement issues affecting this spend.
3. The current forecast for New Homes is now an underspend of £10.436m on the revised budget. This is largely down to slippage from the delayed start of the Winnall project (£4.0m), an emerging underspend on the approved budgets for the Valley (£1.0m), and on Hookpit (£0.2m), where final costs are still awaited, as well as other small variances elsewhere within the programme. In addition the Councils agreement to purchase the North Whitely site for (£4.2m) is now considered to be a payment in advance and is no longer recorded in 20-21 as capital expenditure. This spend will now be recognised as phases are completed and handed over to the council in future years.

Strategic Key Performance Indicators

The following table presents an update against the strategic key performance indicators that were approved by cabinet on 21 May 2020 (report CAB3230 refers).

The availability of the data for each KPI is often from sources external to the council and varies from quarterly, annually and biennially. Where the data is available at annual intervals, this will usually be reported after the end of each financial year.

For ease of reading, the KPIs with quarterly data have been moved to the top of the table followed by KPIs with less frequently available data.

A column has been added to the table below to capture the impact and effect that the COVID-19 pandemic is having or will have on the performance data for the year.

RAG Parameters:

This performance indicator is on target

This performance indicator is below target but within 5% of the target

This performance indicator is below target by more than 5%

Ref	What we want to achieve	KPI Definition	Cabinet Member	Polarity	Previously Reported Data	Q3 (20/21)	Q4 (20/21)	Q1 (21/22)	Q2 (21/22)	Q3 (21/22)	R A G Status	KPI Target 2021/22	Impact of COVID-19 - update
QUARTERLY KPIs													
Tacking Climate Emergency													
DE02	Reduced levels of waste and increased recycling, exceeding national targets	Percentage of household waste sent for reuse, recycling and composting	Economic Recovery	Higher = better	20/21 audited figure 40.5 %, 2nd highest in Hampshire (2019/20) unaudited 38.1%	40.4%	37.1%	42.9%	43.8%	40.6%	Unaudited and subject to change	Increase against 2019/20 outturn	Main collection services maintained despite COVID-19. Volume of waste increased.
TCE03	Reduced levels of waste and increased recycling, exceeding national targets	Kgs of domestic residual waste collected per household	Economic Recovery	Lower = better	449kg (2019/20) unaudited audited fig for 20/21 475kg best figure in Hampshire	115,41kg	121.04 kg	118.7 kg	115.4kg	114.2kg	Unaudited and subject to change	Reduction against 2019/20 outturn	Main collection services maintained despite COVID-19. Volume of waste increased
TCE06	Increased opportunities for active travel	Proportion of visitors using parking sessions in each of three main areas of parking, central, inner, and outer	Economic Recovery	Higher = better	<u>2019/2020</u> Centre 63.50% Inner 21.00% P&R 15.50% <u>2020/2021</u> Centre 73.50% Inner 16.50% P&R 10%	Centre 73% Inner 17% P&R 10%	Centre 71% Inner 16% P&R 13%	Centre 73.5% Inner 16.7% P&R 9.7%	Centre 71.9% Inner 17.4% P & R 10.7%	64% central, 16.8 park and walk, 19.2 Park and ride	Not applicable	To be developed	All parking patterns substantially affected and overall demand greatly reduced. Use determined by Tier/lockdown status
Living Well													
LW03	A wide range of physical and cultural activities for all ages and abilities	Number of users of the Winchester Sport & Leisure Park	Communities & Wellbeing	Higher = better	N/A – new indicator	N/A	N/A	54,334	169,493	153,561		500,000	Centre opened on 29 May with Government COVID-19 restrictions in place until July 2021. It is estimated that

Ref	What we want to achieve	KPI Definition	Cabinet Member	Polarity	Previously Reported Data	Q3 (20/21)	Q4 (20/21)	Q1 (21/22)	Q2 (21/22)	Q3 (21/22)	R A G Status	KPI Target 2021/22	Impact of COVID-19 - update
													it will take 18 months for usage levels to return to their original pre-Covid-19 forecast.
	Homes for All												
HA06	Diverse, healthy and cohesive communities - not just homes	No. of new homes started or in progress / completed	Housing & Asset Management	Higher = better	Started 121 Completed 21	No change	Started 121 Completed 28	Started 0 Completed 112	Started 0 Completed 0	Started 129 Completed 0	Not applicable	Complete 121 Start 85	Starts delayed due to material shortages and project cost inflation
	Vibrant local economy												
VLE13 (a)	Increased opportunities for high quality, well-paid employment across the district	% of procurement spend with local suppliers – Revenue spend	Economic Recovery	Higher = better	21.99% (19/20) 24.50% (20/21)	22.21%	27.02%	16.67%	23.70%	19.50%		Min 25% Revenue	An increase in agency staff from national firms to address vacancies/ staff turnover
VLE13 (b)	Increased opportunities for high quality, well-paid employment across the district	% of procurement spend with local suppliers – Capital spend	Economic Recovery	Higher = better	46.60% (19/20)	39.18%	38.67% Q4 34.76% 20/21	75.85%	48.28%	49.72%		Min 25% Capital	No identified impact
	Your Services, Your Voice												
YSYV04	Improved satisfaction for our services	Percentage of upheld complaints	Finance & Service Quality	Lower = better	59% 2019/20 51% 2020/21	48%	41%	51%	42%	66%		≤ 51% (average for 2020/21)	No identified impact
YSYV05		No. of valid Ombudsman complaints	Finance & Service Quality	Lower = better	1 2018/19 2 2019/20 0 2020/21	0	0	0	0	1		0	No identified impact
YSYV06	High accessibility and usage of our services	Availability of WCC critical infrastructure services excluding planned downtime - email - storage - telephony - document management system(s)	Finance & Service Quality	Higher = better	<u>2019/20</u> Email 100% Storage 100% Telephony 99.5% DMS 100% <u>2020/21</u> Email 100% Storage 100% Telephony 98.18% DMS 100%	100% Storage 100% Telephony 97.93% DMS 100%	100% Storage 100% Telephony 97.76% DMS 100%	Email 100% Storage 100% Telephony 97.96% DMS 100%	Email 100% Storage 100% Telephony 99.52% DMS 100%	Email 100% Storage 100% Telephony 99.71% DMS 100%		≥ 99.5%	No identified impact
YSYV07	Improved satisfaction for our services	Efficient waste collection services - missed bin collection report	Finance & Service Quality	Lower = better	AWC Q4 2019/20 68.89 per 100k bin collections AWC Q1 2020/21 57.79 per 100k bin	AWC 46.91 per 100k bin collections	57.12 per 100k bin collections	AWC 36 per 100k bin collections	AWC 55.7 per 100k bin collections	AWC 36/100k bin collections	Not applicable	Contract compliance	No identified impact

Ref	What we want to achieve	KPI Definition	Cabinet Member	Polarity	Previously Reported Data	Q3 (20/21)	Q4 (20/21)	Q1 (21/22)	Q2 (21/22)	Q3 (21/22)	R A G Status	KPI Target 2021/22	Impact of COVID-19 - update
					collections								

Ref	What we want to achieve	KPI Definition	Cabinet Member	Lead Strategic Director / CHoS	Frequency of reporting	Polarity	2019/20	2020/21	2021/22 If available	KPI Target 2021/22	Notes	Impact of COVID-19
ANNUAL/ BIENNIAL KPIs												
	Tacking Climate Emergency											
TCE01	Winchester City Council to be carbon neutral by 2024	WCC carbon emissions	Climate Emergency	Place / Economy & Community	Annual	Lower = better	4268 tCO2e (Like for like reduction of 11.7%)	Data expected Jan 2022	See notes	Target for 2020/21 3201 tCO2e (-25%) Target for 21/22 2134 tCO2e	Data for 2020/21 expected Jan 2022	Awaiting data for 20/21, which we anticipate will show positive impact as staff work from home and leisure centre closed for several months
TCE04	Reduced levels of waste and increased recycling, exceeding national targets	Percentage of recycling waste contaminated	Economic Recovery	Services / Regulatory	Annual	Lower = better	13.33% contamination from 43 samples. 2 nd best of Hampshire authorities	16.33% from 61 samples. 5 th best in Hants, and below average of 17.54%	See notes	Reduction against 2018/19 outturn - 13%	Data for 2021-22 is expected in Summer 22	Main collection services maintained despite COVID-19. Volume of waste increased.
TCE05	Everything most residents need should be in reach by foot, bike or public transport	No. bus users	Economic Recovery	Place / Head of Programme	Annual	Higher = better	4.2m passenger journeys in the year 2019 in Winchester and surrounding area (Stagecoach figures).	2020 patronage figs severely distorted	2m passenger journeys in the year 2021 in Winchester and surrounding area (Stagecoach figures).	target to be considered in line with WMS and in Liaison with HCC	Data is collected at the end of each calendar year. Figures for 2022 will be reported in January 2023	With the ongoing Work From Home directive of many organisations whose staff use the P&R, the large reduction in passenger figures, especially P&R passengers, seen in 2021 is not unexpected. In addition, the first three months of 2021 were lockdown, and before Christmas, passenger figures went backwards again for Omicron.
TCE07	Everything most residents need should be in reach by foot, bike or public transport	Traffic movement into Winchester	Economic Recovery	Services / Head of Programme	Annual	Lower = better	Average daily traffic flows (HCC source) St Cross Rd 13,500	2020 traffic flows severely distorted	Average daily traffic flows (HCC source) St Cross Rd 11,000	target to be considered in line with WMS and in Liaison with HCC	Data is collected at the end of each calendar year. Figures for 2022 will be reported in	Reduced impact as people started to return to work / shop / visit the city

Ref	What we want to achieve	KPI Definition	Cabinet Member	Lead Strategic Director / CHoS	Frequency of reporting	Polarity	2019/20	2020/21	2021/22 If available	KPI Target 2021/22	Notes	Impact of COVID-19
							Stockbridge Rd 7,300 Andover Rd (N) 12,000 St Cross Rd 9300 NB 2020 traffic figs severely distorted		Stockbridge Rd 6,130 Andover Rd (N) 9,800		January 2023	
TCE08	The Winchester district to be carbon neutral by 2030	District carbon emissions - annual report - year on year reduction	Climate Emergency	Services / Economy & Community	Annual	Lower - better	2017/18 617,000 tCO ₂ e (1.9% reduction)	2018/19 603,000 tCO ₂ e (2.3% reduction)	See notes	548,182 tCO ₂ e (2020 figures)	Data released annually 2 years in arrears 2019/20 due Sept 2022	2-year data lag means we won't see extent of impact until 2023
TCE09	The Winchester district to be carbon neutral by 2030	Produce Local Plan - plan adoption	Climate Emergency	Services / Regulatory	Annual	N/A	N/A – new indicator Evidence base being developed.	Consultation on Strategic Issues and Priorities took place for 8 weeks and closed 12/4/21.	Representations collected to the end of April 21 have been analysed & reported to the Local Plan Advisory Group on the 13 th December 2021. This information is being used to help inform the Draft 18 Local Plan	Deliver Plan to adoption in accordance with Local Development Scheme which was updated on the 21 st July 2021.	Update expected January 23	No significant impact apart from the fact that Strategic Issues & Priorities consultation was undertaken online. Over 2,200 representations were submitted as Local Plans teams had to adapt to new ways of engaging.
TCE10	Our district's extensive natural habitats safeguarded and enhanced	Deliver 80% of actions in the approved annual action plan - percentage completed	Climate Emergency	Place / Economy & Community	Annual	Higher = better	N/A – new indicator	Biodiversity Plan approved by cabinet January 2021 and launched in February 2021. 10% completed as at 31.03.21	Currently at 86% delivered	Deliver 80% of actions included in BAP	Update expected March 22	No significant impact.

Ref	What we want to achieve	KPI Definition	Cabinet Member	Lead Strategic Director / CHoS	Frequency of reporting	Polarity	2019/20	2020/21	2021/22 If available	KPI Target 2021/22	Notes	Impact of COVID-19
TCE11	Our district's extensive natural habitats safeguarded and enhanced	Number of trees planted per year	Climate Emergency	Place / Economy & Community	Annual	Higher = better	N/A – new indicator	398 trees planted in 20/21 planting season	Data not yet available	100 trees planted	Numbers will be reported at the end of each financial year	No significant impact to date.
TCE12	The Winchester district to be carbon neutral by 2030	Number and percentage of all parish councils (Inc. Town Forum) that have local carbon reduction action groups / campaigns	Climate Emergency	Place / Economy & Community	Annual	Higher = better	N/A – new indicator	4%	Data not yet available	25%	Updated annually after the end of each financial year	New indicator – no impact
TCE13	The Winchester district to be carbon neutral by 2030	Number of people participating in carbon reduction event per year	Climate Emergency	Place / Economy & Community	Annual	Higher = better	N/A – new indicator	2457	Data not yet available	2703	Updated annually after the end of each financial year	New indicator - no impact
TCE14	Clean air, more ambitious than national targets	Improvement trends in nitrogen dioxide and particulates, with the intent of complying with national mandatory standards	Climate Emergency	Services / Regulatory	Annual	Lower = better	St Georges St 2018: 41µg/m ³ 2019: 39µg/m ³ (First 6 months only) Chesil St & Romsey Rd 2018: 47.5µg/m ³ 2019: 47.2µg/m ³ (First 6 months only)	2020 Data St Georges St 26.9µg/m ³ Romsey Road 40.8 µg/m ³ (Note: 20202 data is atypical as 'Covid' Year)	Data expected to be validated and informing 2021 ASR in June 22	Review extent of AQMA & up-date the AQAP in light of 2021 data with Cabinet report recommendations expected in Autumn of 2022. Also to consider whether to set revised standards higher than statutory requirements taking into account new WHO recommended standards. NB: Government required to amend national PM _{2.5} standards by Oct 2022.	Annual Status Report (ASR) to be submitted to DEFRA June 2022. Air Quality Supplemental Planning Document now adopted by Cabinet, will commence active implementation in April.	Levels of traffic reduced with corresponding impact on air quality in the town centre (to be quantified). NB: COVID-19 has impacted this year's data set for 2020
	Living Well											
LW01	Reduced health inequalities	Inequality in life expectancy at birth (male)	Communities & Wellbeing	Place / Economy & Community	Annual	Lower = better	2018 – 5.8 years 2019 – 5.9 years	Data not yet available	Data not yet available	≤ 5.8 years	Data has not been released by ONS. Review date unknown	Relevant data not yet available from ONS.
LW02	Reduced health inequalities	Inequality in life expectancy at birth (female)	Communities & Wellbeing	Place / Economy & Community	Annual	Lower = better	2018 – 6.4 years 2019 – 4.6	Data not yet available	Data not yet available	≤ 6.4 years	Data has not been released by ONS. Review	Relevant data not yet available from ONS.

Ref	What we want to achieve	KPI Definition	Cabinet Member	Lead Strategic Director / CHoS	Frequency of reporting	Polarity	2019/20	2020/21	2021/22 If available	KPI Target 2021/22	Notes	Impact of COVID-19
							years				date unknown	
LW04	A wide range of physical and cultural activities for all ages and abilities	Percentage of adults participating in 150+ minutes of sport or physical activity per week within the Winchester district	Communities & Wellbeing	Place / Economy & Community	6 Monthly	Higher = better	June 2018 – May 2019 72.6% Dec 2018 – Nov 2019 71.4%	June 2019 - May 2020 70.5% Dec 2019 – Nov 2020 71.0%	June 2020 - May 2021 71.7%	71.0%	Data is measured from June to May and from December to November each year. Time lag for receiving data. Next update for year to Nov 2021 is due March 22	Activity levels remained fairly constant during lockdown and are now increasing.
LW06	A wide range of physical and cultural activities for all ages and abilities	Increase participation in the Cultural Network in order to strengthen engagement with and support of the arts and cultural sector working collaboratively to strategically develop the offer	Communities & Wellbeing	Place / Economy & Community	Annual	Higher = better	23 organisations	23 organisations	Data not yet available - see notes	+10%	Data collected at the end of each financial year. Next update for 2021/22 figures due May 22 , however as at 28/07/21 30 organisations	No identified impact
Page 19 of 30	Homes for All											
HA01	All homes are energy efficient and affordable to run	% of all WCC homes achieving energy efficiency rating of C or above	Housing & Asset Management	Services / Housing	Annual	Higher = better	60%	62.27%	Data not yet available	66%	Next update due May 22	None identified
HA02 a	All homes are energy efficient and affordable to run	% all new homes in the district achieving energy efficiency rating of C or above	Housing & Asset Management	Services / Housing	Annual	Higher = better	96.48%	96.54%	Data not yet available	100%	ONS Data available retrospectively each November. Next update due Nov 2022	None identified
HA02 b	All homes are energy efficient and affordable to run	% ALL homes in the district achieving energy efficiency rating of C or above	Housing & Asset Management	Services / Housing	Annual	Higher = better	New dataset from ONS started 2020	Owner Occupier 34.25% Private Rented 36.82% Social 61.71% Total: 48.10%	Data not yet available	60% by 2028 Improvements should become evident as the law changes for private landlords	ONS Data available retrospectively each November. Next update due Nov 2022	None identified
HA03	Diverse, healthy and cohesive communities - not just homes	No. of domestic properties in the district, previously No. of households in district (all tenures)	Housing & Asset Management	Services / Finance	Annual	Higher = better	54,017	54,584	Data not yet available	Trend data for monitoring only	Data collected in March each year	None identified
HA04	No one sleeping rough except by choice	No. of rough sleepers	Housing & Asset Management	Services / Housing	Annual	Lower = better	N/A	7	3	Trend data for monitoring only	Rough Sleepers count was conducted on the 10.11.2021. 3	Governments directive to get 'Everyone in' in response to COVID-19 meant anyone rough

Ref	What we want to achieve	KPI Definition	Cabinet Member	Lead Strategic Director / CHoS	Frequency of reporting	Polarity	2019/20	2020/21	2021/22 If available	KPI Target 2021/22	Notes	Impact of COVID-19
											were found (2 were from out of area). All 3 have now been accommodated.	sleeping was offered accommodation. Financial implications - increased use of B&B, lease of a supported housing property.
HA05	Diverse, healthy and cohesive communities - not just homes	1000 new homes planned (10 year supply). No. completed each year, commencing 2021/22	Housing & Asset Management	Services / Regulatory	Annual	Higher = better	N/A	N/A	Data not yet available	1000 over 10 years	New indicator decided in March 21. Next update in May 22	None detected to date, but economic downturn may impact housing delivery
HA07	Diverse, healthy and cohesive communities - not just homes	WCC housing stock, directly owned, housing company	Housing & Asset Management	Services / Housing	Annual	Higher = better	N/A – new indicator	0	Data not yet available	Complete 5 new houses	Delay to launch of Housing Company	Completions delayed. Less general fund capital investment in the company.
	Vibrant local economy											
VLE01	Increased opportunities for high quality, well-paid employment across the district	No. of business enterprises in professional / technical sectors	Economic Recovery	Place / Economy & Community	Annual	Higher = better	21.3%	21%	20.6%	Trend data for monitoring only	Data collected each January	No discernible change in trend revealed in the data so far
VLE02	Increased opportunities for high quality, well-paid employment across the district	Close the gap between workplace earnings and residents' earnings	Economic Recovery	Place / Economy & Community	Annual	Lower = better	£105.4	£52.9	£63.6	Trend data for monitoring only	Data collected each January	Economic downturn likely to have an impact
VLE03	Increased opportunities for high quality, well-paid employment across the district	Productivity measure – gross value added (GVA) per head	Economic Recovery	Place / Economy & Community	Annual	Higher = better	£39,714	ONS has not released data	See notes	Trend data for monitoring only	Data collected each January	Insufficient data available to judge the impact.
VLE04	New offices and workspaces meet changing business needs and are located in areas with sustainable transport links	Amount of floor space developed in market towns (planning approvals) – Data is not recorded for this specific measure, see notes	Economic Recovery	Services / Regulatory	Annual	Higher = better	Data not available	Data not available	See notes	To be developed, Refer to Planning team	Data is not readily available in this format	Economic downturn may affect delivery of new floor space.
VLE05	More younger people choose to live and work in the district	Percentage of residents aged 25-35 years old	Economic Recovery	Place / Economy & Community	Annual	Higher = better	ONS Data mid-2018 11.4%	ONS Data mid-2019 12.5%	ONS Data mid 2020 10.6%	Trend data for monitoring only	next update Jan 22	May decrease if fewer job opportunities exist for young people
VLE06	A shift to a greener, more sustainable economy	No. of businesses engaged on carbon reduction measures/ projects	Economic Recovery	Place / Economy & Community	Annual	Higher = better	Figures not yet available	Figures not yet available	See notes	Baseline to be set when data available	Data will be collected at year end after the re-launch of the Sustainable Business Network. Update expected April 22	COVID restrictions have resulted in far fewer opportunities for engagement.
VLE07	A shift to a greener, more sustainable	Crowd funder grants offered for green	Economic Recovery	Place / Economy &	Annual	Higher = better	N/A – new indicator	Launched 15/6/20	1 Grant of £1500 paid	To be developed	Data will be updated after	No identified impact

Ref	What we want to achieve	KPI Definition	Cabinet Member	Lead Strategic Director / CHoS	Frequency of reporting	Polarity	2019/20	2020/21	2021/22 If available	KPI Target 2021/22	Notes	Impact of COVID-19
	economy	projects		Community					to food recycling project		the end of Q4 and then annually at Year End going forward.	
VLE08	Our city, market towns and rural communities recover well and have a compelling, competitive visitor offer	Visitor stay length increasing	Economic Recovery	Place / Economy & Community	Annual	Higher = better	2.6 days domestic 6.7 days overseas	0.25m bednights (domestic) 0.13m bednights (international)	See notes	Trend data for monitoring only	2021 data will be available in Q3 of 2022	Likely to reduce due to a downturn in visitors staying overnight
VLE09	Our city, market towns and rural communities recover well and have a compelling, competitive visitor offer	Visitor spend increases	Economic Recovery	Place / Economy & Community	Annual	Higher = better	£263.4m	£87.4m spent by tourists during their visit to the area (2020)	See notes	Trend data for monitoring only	2021 data will be available in Q3 of 2022	May increase as more staycation visitors to the district
VLE10	Our city, market towns and rural communities recover well and have a compelling, competitive visitor offer)	Value of tourism to the economy increases	Economic Recovery	Place / Economy & Community	Annual	Higher = better	£339m	£112.8m spent in the local area as a result of tourism (2020)	See notes	Trend data for monitoring only	2021 data will be available in Q3 of 2022	May increase as more staycation visitors to the district
VLE11	Our city, market towns and rural communities recover well and have a compelling, competitive visitor offer)	Deliver tourism marketing activities alongside sector and key stakeholder engagement to influence Winchester's competitive position comparative with the South East and all of England, strengthening the number of trips to Winchester	Economic Recovery	Place / Economy & Community	Annual	Higher = better	5.05m trips	3.8m trips (2020)	See notes	Trend data for monitoring only	2021 data will be available in Q3 of 2022 Individual campaign activity impact is contained in narrative of quarterly reports Q4 report will include an annual summary	No identified impact
VLE12	Increased opportunities for high quality, well-paid employment across the district	Business support service - percentage of businesses using the service seeing an increased turnover, improved efficiency or progression to a more sustainable business module. Service currently contracted to June 2021	Economic Recovery	Place / Economy & Community	Annual	Higher = better	New outcome based KPI for 2020/21. Previous data collected against different KPI	88%	See notes	50%	88% of businesses using the service saw an increased turnover, improved efficiency or progression to a more sustainable business module over the two years of the contract.	Increase in use of business support service during COVID-19 pandemic
Your Services, Your Voice												

Ref	What we want to achieve	KPI Definition	Cabinet Member	Lead Strategic Director / CHoS	Frequency of reporting	Polarity	2019/20	2020/21	2021/22 If available	KPI Target 2021/22	Notes	Impact of COVID-19
YSYV01	Improved satisfaction for our services	Residents' Survey – satisfaction with the way the council runs things	Finance & Service Quality	Resources / Strategic Support	Biennial	Higher = better	79%	N/A	Data not yet available	≥ 79%	Survey due to be carried out in spring 2022	Insufficient information to predict what impact COVID-19 has had on residents' satisfaction
YSYV02		Tenants' Survey – satisfaction with the overall service provided by the council	Finance & Service Quality	Services / Housing	Biennial	Higher = better	87%	N/A	Data not yet available	≥ 87%	Survey not carried out in 2021	Insufficient information to predict what impact COVID-19 has had on residents' satisfaction
YSYV03	Good value compared to other similar authorities	Residents' Survey – percentage of residents who agreed the council provides value for money	Finance & Service Quality	Resources / Strategic Support	Biennial	Higher = better	65%	N/A	Data not yet available	≥ 65%	Survey due to be carried out in spring 2022	Insufficient information to predict what impact COVID-19 has had on residents' satisfaction

BAR END DEPOT HIGHLIGHT REPORT

LEAD CABINET MEMBER: Cllr Kelsie Learney
PROJECT SPONSOR: Richard Botham
PROJECT LEAD: Geoff Coe
PROJECT TIER: 1
DATE: Quarter 3 (October - December 2021)




Project description and outcome:

Preparation for appointment of Selling Agent and Site Disposal.

Project update summary:

Project RAG Status:	Timeline		Budget	
----------------------------	-----------------	--	---------------	--

This project is currently in Stage 1: Feasibility
 CAB3268 approved the marketing of the site and gave delegated authority to the Strategic Director in consultation with the Cabinet member to take all appropriate action to initiate and complete the marketing of the Bar End Depot site for best consideration, based on the development framework and planning guidance note appended to the report. The intention is to host a public drop-in event on 8 March to invite the community to feedback on the intention to market the site.

	"Normal level of attention". No material slippage. No additional attention needed
	"Minor concern – being actively managed". Slippage less than 10% of remaining time or budget, or quality impact is minor. Remedial plan in place
	"Major concern - escalate to the next level". Slippage greater than 10% of remaining time or budget, or quality severely compromised. Corrective Action not in place, or not effective. Unlikely to deliver on time to budget or quality requirements

PROJECT GATEWAYS – Moving from one gateway to another is actively managed by Project Teams, escalating if necessary:

	Duration (months)	Start Date	Planned End Date	Projected / Actual End Date	Outcome of Stage incl comments – What will be achieved at the end of this stage?	Key Documents
Stage 0: Concept						
Stage 1: Feasibility	7	Nov 2020	April 2022	April 2022	Appointment of Selling Agent	
Stage 2: Design						

Stage 3: Plan for Delivery						
Stage 4: Delivery						
Stage 5; Handover & Review						

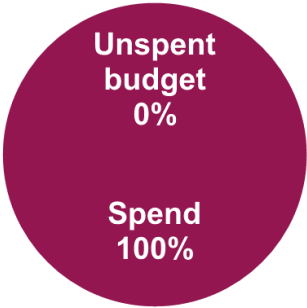
UPCOMING MILESTONES FOR PROJECT STAGE

Stage	Orig. Target	Curr. Target	Milestone	Outcome/Objective/Update
Feasibility	March 2021	April 2022	Appointment of Selling Agent	
Feasibility		March 2022	Public consultation	

BUDGET PERFORMANCE

REVENUE	Prior Years	2021/22	2022/23	2023/24	2024/25	2025/26	Total
	£000	£000	£000	£000	£000	£000	£000
Budget	10	0	0	0	0	0	10
Spend	0	10	0	0	0	0	10
Unspent budget	10	-10	0	0	0	0	0
Forecast	0	10	0	0	0	0	10
Variance to budget	10	-10	0	0	0	0	0

Total Revenue spend to date



CARBON NEUTRAL PROGRAMME **HIGHLIGHT REPORT**

LEAD CABINET MEMBER: Cllr Hannah Williams

PROJECT SPONSOR: Dawn Adey




PROJECT LEAD: Susan Robbins

PROJECT TIER: 1

DATE: Quarter 3 (October - December 2021)

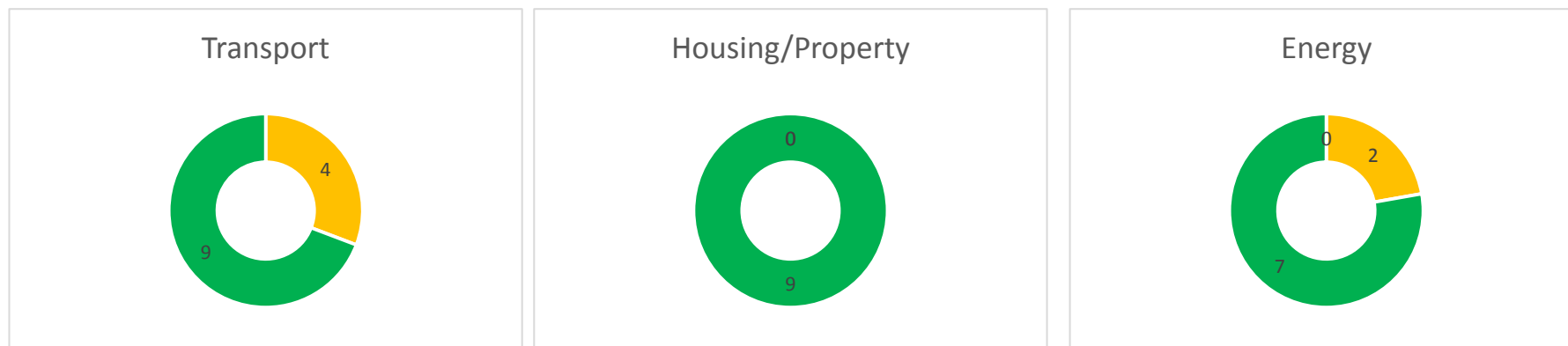
Project description and outcome:

In June 2019, the Council declared a 'Climate Emergency' and to commit to the aim of making activities of the City Council carbon neutral by 2024, and the District of Winchester carbon neutral by 2030. In December 2019, the Council approved the [Carbon Neutrality Action Plan](#) sets out a number of priority actions that will help address nearly all the Council's carbon emissions by 2024 and contribute to reducing emissions district-wide by 2030.

Project RAG Status:	Timeline		Budget	
Programme update summary: <ul style="list-style-type: none"> Various works underway towards the aim of a carbon neutral council by 2024, including energy efficiency works to City Offices scheduled for early 2022. Further projects and research, some involving other stakeholders, towards the aim of a carbon neutral district by 2030. This includes an investigation into the feasibility of solar farm on council-owned land. District-wide programme of community engagement underway and ongoing behaviour change campaign commenced. Updated council carbon footprint report expected January 2022 to show progress during the year to end of March 2021. The main risks to this programme is the timescales. The risk register and progress on the programme is regularly reviewed and managed by the Carbon Neutrality Programme Board and the Implementation Group. 				
	"Normal level of attention". No material slippage. No additional attention needed			
	"Minor concern – being actively managed". Slippage less than 10% of remaining time or budget, or quality impact is minor. Remedial plan in place			
	"Major concern - escalate to the next level". Slippage greater than 10% of remaining time or budget, or quality severely compromised. Corrective Action not in place, or not effective. Unlikely to deliver on time to budget or quality requirements			

PROGRAMME DETAIL – Moving from one Gateway to another is actively managed by the Project Teams, escalating if necessary

Proportion of projects or activities within each priority sector (Council Carbon Footprint) by RAG status:



COUNCIL CARBON FOOTPRINT:

Page 200

Priority	Project Name	Required carbon reduction (tCO2e)	Forecast carbon reduction (tCO2e)	Target	Target Date	Project Manager	Upcoming Milestone	Comments
TRANSPORT	Introduce electric pool cars	1500		2	TBC	TBC		This was not progressed due to COVID-19 restrictions. It is now on hold pending the return of staff to the office where after demand can be established.
	Pilot use of electric refuse freighter and/or P&R bus		286	N/A	2022	Campbell Williams / Andy Hickman	Early 2022 - recruitment of Sustainable Transport Officer	Potential bus pilot project in 2020 not progressed as result of COVID-19. In discussion with EBC to learn from their pilot with electric refuse vehicles.
	Ultra low or zero emission council vehicles		52	100%	2024	David Howarth	Early 2022 - Three new electric vehicles for Neighbourhood Services	council fleet currently ultra-low or zero emission - Neighbourhood Services – 2/5

Priority	Project Name	Required carbon reduction (tCO2e)	Forecast carbon reduction (tCO2e)	Target	Target Date	Project Manager	Upcoming Milestone	Comments
							See Air Quality Action Plan highlight report	Special Maintenance – 1/10 Two new fully electric vehicles being used by Biffa to supervise delivery of the waste service across Winchester.
	Refuse and bus fleet converted to minimum EURO6 standard		361	100%	COMPLETE	Campbell Williams /Andy Hickman		Bus fleet already all at Euro6 standard. New waste contract allows for trial of electric vehicle but full electric fleet won't be possible until the contract expires in 2028.
	Increased home working / remote working		197	N/A	2024	CHo IMT / Robert O'Reilly	Feb 2022 – council carbon footprint report for 2020/21 Mar 2022 – staff travel survey	2021 staff travel survey results show staff working from home increased from 3% to 78% during 2021, which should result in approx. 1/3 reduction (of 657 t CO2e) in 2020/21. Some elements of the new ways we have had to work because of COVID-19 over the last 2 years clearly have benefits and as we move our way out of the pandemic we will look to review ways of working to seek to ensure ongoing benefits are realised – this can include the benefits

Priority	Project Name	Required carbon reduction (tCO2e)	Forecast carbon reduction (tCO2e)	Target	Target Date	Project Manager	Upcoming Milestone	Comments
								of reduced commuting.
HOUSING / PROPERTY	Re:Fit programme to retrofit corporate property	420	600	N/A	2022	Graeme Todd	April until July 2022 – replacement of windows in City Offices	<p>£257k grant secured for decarbonisation of City Offices and public conveniences. Enabling works commenced.</p> <p>£22k grant secured for Guildhall and West Wing decarbonisation feasibility study.</p> <p>BREEAM excellent accreditation awarded to Winchester Sport and Leisure Park.</p> <p>Re:Fit programme paused in favour of property-by-property, in-house approach.</p>
	Energy efficiency measures in communal areas of council sheltered housing schemes			N/A	2022	Andrew Kingston	2022 - Energy audit of top 8 sites to be commissioned.	<p>Cabinet approved £187k (March 21) to address energy efficiency of communal areas in sheltered/communal housing schemes.</p> <p>Approx. 85% have now been converted to LED lighting and work to remaining property is ongoing.</p>
ENERGY	Source electricity purchased by the council from renewable sources	1780	898	100%	COMPLETE	Graeme Todd	N/A	New green energy tariff signed up April 2020.

Priority	Project Name	Required carbon reduction (tCO2e)	Forecast carbon reduction (tCO2e)	Target	Target Date	Project Manager	Upcoming Milestone	Comments
	Solar panels on council owned sites		66	N/A		Steve Lincoln Andy Hickman	January 2022 - Solar panels to be installed on the Biffa depot Early 2022 – Vaultex completion, including PV panels to power EV points	£38k grant secured for solar panels at the Biffa depot - 11tco2e. 400 solar panels on WSLP will provide enough energy to power the main swimming pool hall for 21.5 hours a day - 55tco2e
	Purchase/lease only highly energy efficient / low carbon technologies / materials, electrical equipment and appliances		N/A	100%	ONGOING	Amy Tranah		Procurement and Contract Management Strategy 2020-25 requires a minimum of 10% to environmental and social value to be included in tender evaluation criteria. A Guide to Sustainable Procurement has been developed by the Procurement Team and approved by ELB. This was launched in November at Management Forum and the Procurement Team continue to promote this and provide support and guidance.
			13.10	N/A	COMPLETE	Ellen Simpson	See Transformation highlight report Jan 2021	Positive climate change efficiencies as a result of the Transformation programme, however the programme has been cancelled because of

Priority	Project Name	Required carbon reduction (tCO2e)	Forecast carbon reduction (tCO2e)	Target	Target Date	Project Manager	Upcoming Milestone	Comments
								budget constraints.
		3700	2473					

DISTRICT CARBON FOOTPRINT:

Priority	Project Name	Required carbon reduction (tCO2e)	Potential carbon reduction (tCO2e)	Target	Target Date	Project Manager	Upcoming Milestone	Comments
TRANSPORT	Expanded network of EV charging points	287000		34	COMPLETE	David Ingram Graeme Todd Andy Hickman	Early 2022 – Vaultex completion, including 16 EVCPs powered by solar PV Late spring 2022 – Install of 5 EVCP at CIPHER House	41 EVCP installed to date: <ul style="list-style-type: none"> 33 now installed at council car parks (Alresford Station car park outstanding). 4 installed at WSLP 4 installed at Guildhall yard UoS research identified list of 28 optimal EV charging point locations across the Winchester District.
	Private charging facilities in new commercial and housing developments					Andrew Palmer Adrian Fox	Sep 2022 – Draft Reg 18 Local Plan published	All new council housing developments will have EVCPs, including 4 completed in June 2021 at the Valley in Stanmore. Possible changes to building regulations requiring private charging facilities in new developments from 2025.

Priority	Project Name	Required carbon reduction (tCO2e)	Potential carbon reduction (tCO2e)	Target	Target Date	Project Manager	Upcoming Milestone	Comments
	Winchester Movement Strategy					Andy Hickman	See Winchester Movement Strategy highlight report October 2021	
	Require buses and taxis to be low emission / alternative fuel vehicles			100%	2030	Dave Ingram	N/A	Currently 1 licensed electric taxi. Taxi licensing policy approved by Cabinet Nov 20 to encourage uptake of EV taxis (and reducing emissions).
	Increase Park & Ride capacity			300	2021	Andy Hickman / Dan Lowe	Early 2022 - Opening of Vaultex P&R	£5.6m secured to develop decked car park at Vaultex site to provide 287 additional car parking spaces.
	Smart mobility projects especially at Park & Ride sites and key gateways			N/A	2021	Andy Hickman		Solent Transport and HCC investigating potential for mobility hub in Winchester. WMS freight work stream will promote and seek to develop e-cargo solutions in the city. New cycle lockers installed at park and ride sites.
	Implement differential charging for low emission vehicles in council car parks					Campbell Williams	See Air Quality Action Plan highlight report - October 2021	New 'pay by phone' contract makes this possible.

Priority	Project Name	Required carbon reduction (tCO2e)	Potential carbon reduction (tCO2e)	Target	Target Date	Project Manager	Upcoming Milestone	Comments
	Expand and enhance public transport services					Andy Hickman	Late 2021 - Engage with BID and My Journey team for Winchester on workplace travel planning. Early 2022 - recruitment of Sustainable Transport Officer	Not presently active, this was to be funded through the parking and access strategy. Income levels very low at present compared to pre-COVID-19.
	LEAP programme to facilitate energy efficiencies in homes	193400	67000 (UoS research, 2021)			Kevin Reed		151 applicants to LAD to date in Winchester, with 38 installations completed: <ul style="list-style-type: none"> 21 Park Home external wall insulation (of which 8 have also received under-floor insulation) 17 solar PV panels installation Entered consortium with Agility ECO / PCC for LAD3 funding UoS research identified potential carbon reduction for buildings with existing EPC of 67k.
	Deliver campaigns to inspire people to reduce energy consumption					Levana Hayes	Jan 2022 - New logo for our CNAP campaign and associated material. Jan 2022 - Winchester Food and Climate Working Group established. Feb 2022 - Staff Green	First Climate Open Forum held in September 2021. ITV interview with Cllr Lynda Murphy on CNAP and our targets. Submitted nomination for Regen Green Energy Awards for the Local Energy

Priority	Project Name	Required carbon reduction (tCO2e)	Potential carbon reduction (tCO2e)	Target	Target Date	Project Manager	Upcoming Milestone	Comments
Page 207							Team to launch terracycling initiative. Feb 2022 – Second Climate Open Forum meeting	Leadership category.
	Local groups to provide support in communities			N/A		Alex Eburne		CSE work with WINACC on 12-month programme of parish engagement and fuel consumption mapping has engaged more than 60 groups and communities. WinACC hosted community engagement event with 60+ attendees. Hambledon signed up to Greening Campaign.
	Develop a council led pilot Passivhaus housing scheme			N/A	2022	Andrew Palmer	2022 – Start of development of 6 Passivhaus units at Southbrook Cottages in Micheldever September 2023 – Completion of 73 Passivhaus units at Winnall Flats	The 73 new flats at the Winnall Flats site are being built to passivhaus low energy building standard, the 3 houses to AECB standard
	All new council homes will be built to the highest efficiency standards,			100%	ONGOING	Andrew Palmer	2022 – Start of development at Tower Street	Housing Development Strategy, approved March 2021, sets out high efficiency standards.

Priority	Project Name	Required carbon reduction (tCO2e)	Potential carbon reduction (tCO2e)	Target	Target Date	Project Manager	Upcoming Milestone	Comments
								<p>New Homes Employers Requirements (ER's) amended to reflect no gas heating with immediate effect.</p> <p>All new homes schemes reviewed and gas heating systems removed from designs.</p> <p>We now receive an EPC rating for all completed units at the handover stage.</p> <p>Planning permission obtained for conversion of Tower Street building to 2 flats, to Enerphit standard (refurb equivalent to Passivhaus standard). Tenders returned and being assessed.</p>
	Local Plan update with an emphasis on low carbon housing development			N/A	2024	Adrian Fox	<p>Sep 2022 – Draft Reg 18 Local Plan published.</p> <p>See Local Plan highlight report</p>	Carbon neutrality event hosted as part of the Strategic Issues & Priorities consultation was attended by 78 people. Consultation responses reported to the Local Plan Advisory Group.
	Retrofit of council housing stock to EPC standard C			100%	2027	Andrew Kingston	<p>Early 2022 – commencement of programme of additional insulation to void properties</p>	<p>£10M over 10 years made available in HRA business plan for works to 2030.</p> <p>£1.25m approved for additional insulation in 21/22 to 100 properties currently</p>

Priority	Project Name	Required carbon reduction (tCO2e)	Potential carbon reduction (tCO2e)	Target	Target Date	Project Manager	Upcoming Milestone	Comments
								<p>subject to an EPC rating of D or below.</p> <p>Retrofit Co-ordinator recruited.</p> <p>Member/tenant/officer panel/forum established to assess progress and Council joined the "Net Zero Collective" partnership.</p> <p>Currently registering with Elmhurst Energy and Trustmark to enable us to lodge the works undertaken under Retrofitting onto the Trustmark Government Quality Assurance Website.</p>
ENERGY	Solar PV panels on Trinity Centre new housing	172000		N/A	COMPLETED	Gillian Knight		Trinity's Bradbury View scheme of 12 residential units opened July 2021, with £25k capital grant from council for solar panels.
	Undertake research into suitable alternatives to natural gas especially in relation to local generation potential			N/A		Alex Eburne		
	Build or invest in large scale renewable			N/A		Alex Eburne	Feb 2022 - feasibility report into potential for solar farm on council-	

Priority	Project Name	Required carbon reduction (tCO2e)	Potential carbon reduction (tCO2e)	Target	Target Date	Project Manager	Upcoming Milestone	Comments
	generation project(s)						owned land.	
	Explore the feasibility of developing a hydrogen generating plant			N/A		Alex Eburne		Would require large scale investment and countywide collaboration.
	Engage with the district's largest businesses to reduce energy use or generate renewable energy			N/A	Ongoing	Sharmila Singh	Jan 2022 – Complete installation of solar PV panels at Marwell Zoo Spring 2022 – commencement of LoCASE 3 programme of business energy audits.	£55k secured from Enterprise M3 LEP for Marwell Zoo £23.9 k applied for from ERDF for business engagement and energy audits.
			67000					

Comment on Budget:

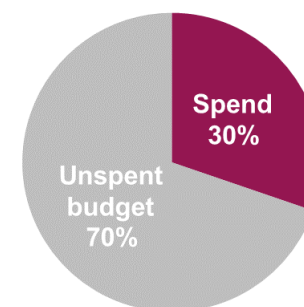
Capital cost of £279k for third party solar in 2020-21 was delayed and projects are happening in 2021-22. Cost reduced to £138k and external funding totalling £79k secured to offset this cost.

Energy works to City Offices in 2021/22 (including grant of £257k) are not part of this budget.

Revenue budget for 2021/22 reflects entire one-off budget and any unspent will carry forward to future years.

BUDGET PERFORMANCE

Total Revenue spend to date



CAPITAL	Prior years	2021/22	2022/23	2023/24	2024/25	2025/26	Total
	£000	£000	£000	£000	£000	£000	£000
Budget	6	218	250	250	0	0	724
Spend	6	77	0	0	0	0	83
Unspent budget	0	141	250	250	0	0	641
Forecast	6	133	280	0	0	0	419
Variance to budget	0	85	-30	250	0	0	305

REVENUE	Prior years	2021/22	2022/23	2023/24	2024/25	2025/26	Total
	£000	£000	£000	£000	£000	£000	£000
Budget	105	781	0	0	0	0	886
Spend	105	163	0	0	0	0	268
Unspent budget	0	618	0	0	0	0	618
Forecast	105	272	100	45	0	0	522
Variance to budget	0	509	-100	-45	0	0	364

CENTRAL WINCHESTER REGENERATION (CWR) **HIGHLIGHT REPORT**

LEAD CABINET MEMBER: Cllr Kelsey Learney

PROJECT SPONSOR: John East

PROJECT LEAD: Veryan Lyons

PROJECT TIER: 1

DATE: Quarter 3 (October - December 2021)

Project description and outcome:

Central Winchester Regeneration is a major regeneration project in the centre of the city. The Central Winchester Regeneration Supplementary Planning Document was adopted in June 2018. The vision is for the delivery of a mixed use, pedestrian friendly quarter that is distinctly Winchester and supports a vibrant retail and cultural/heritage offer which is set within an exceptional public realm and incorporates the imaginative re-use of existing buildings.

Development within the Central Winchester Regeneration area should meet the following objectives:




1. Vibrant mixed use quarter
2. Winchesterness
3. Exceptional Public Realm
4. City Experience
5. Sustainable Transport
6. Incremental Delivery
7. Housing for all
8. Community
9. Climate change and sustainability

Project RAG Status:	Timeline		Budget	
----------------------------	-----------------	--	---------------	--

Project Summary:

The CWR Development Proposals were approved at Cabinet on 10th March 2021 (CAB3281) following public consultation. The options for delivery of the CWR site were then explored through the Strategic Outline Case and the preferred delivery option, to enter into a contractual agreement with a single development partner across the defined site was approved at Cabinet on 21st July 2021 (CAB3303) and approval for officers to progress to and develop the Outline Business case was granted. The Outline Business case was developed alongside the procurement documentation and approved at Cabinet on 22nd December 2022. At Full Council on 12th January 2022 authorisation was given to initiate and conduct the procurement process for the selection of a development partner. Work is now underway to market the site, before launching the procurement process and developing the Full Business Case. A decision on the preferred bidder will be brought to Cabinet in early 2023.

Alongside this officers are also tasked with the demolition of Friarsgate Medical Centre and replacement interim public space, short term improvements to Kings Walk ground floor and surrounding public realm; whilst archaeology investigations continue across the site.

	"Normal level of attention". No material slippage. No additional attention needed
	"Minor concern – being actively managed". Slippage less than 10% of remaining time or budget, or quality impact is minor. Remedial plan in place
	"Major concern - escalate to the next level". Slippage greater than 10% of remaining time or budget, or quality severely compromised. Corrective Action not in place, or not effective. Unlikely to deliver on time to budget or quality requirements

PROJECT GATEWAYS – Moving from one gateway to another is actively managed by Project Teams, escalating if necessary:

	Duration (months)	Start Date	Planned End Date	Projected / Actual End Date	Outcome of Stage incl comments – What will be achieved at the end of this stage?	Key Documents
Roadmap Review	5	Jun 19	Sept 19	Nov-19	"Review of CWR project to inform: - Land uses / mix - Delivery options and associated timeline - Key risks, constraints and opportunities"	Cabinet 22 December 2021
Scheme Options	6	Sept 10	Jan 20	Mar 20	Test different land uses / mix to determine priorities	
Development Proposals	3	Jan 20	Jan 20	Apr 20	Generate development framework (preferred option)	
Development Proposals & Delivery Strategy	5	Mar 20	Jul 20	Nov 20	Agree solution for bus operations and carry out soft market testing to further inform the development proposals and delivery strategy	
Delivery Strategy	13	May 20	Dec 20	July 21	Assessment of delivery models and appetite for risk and control, refinement of development proposals Approval of delivery strategy	
Market Preparation	5/6	July 21	Dec 21	Jan 22	Prepare a marketing and procurement strategy, associated documents, and the Outline Business Case.	
Market Launch	13	Jan / Feb 22	Dec 22	Mar 23	Data room set up, market launch, market engagement with potential developers and procurement process. Prepare Full Business Case	

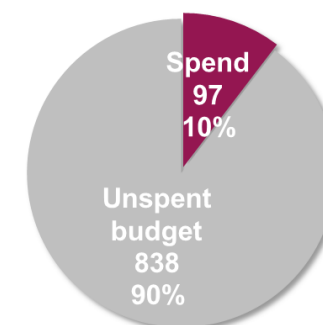
UPCOMING MILESTONES FOR CURRENT PROJECT STAGE

Stage	Orig. Target	Curr. Target	Milestone	Outcome/Objective/Update
Market Launch	December 22	March 23	Approval of preferred bidder and approval of the Full Business Case	Data room set up, market launch, market engagement with potential developers and procurement process. Prepare Full Business Case
	June 2021	May 2022	Planning permission approved for FGMC demolition and interim public space	Carry out demolition of the old FGMC to enable designs for the interim public space to be progressed. Decision yet to be made regarding timing of planning application submission – likely to be next spring.
	Jan 2022	March 2022	Carry out improvements to Kings Walk ground floor and surrounding public realm	Improve the ground floor areas of Kings Walk and surrounding public realm to help create more footfall in the area and reduce issues with antisocial behaviour whilst a development partner is procured. Plans also include transforming the loading bay to create events space and activating the Iceland roof top car park. Process of appointing an architect for the designs is underway

BUDGET PERFORMANCE

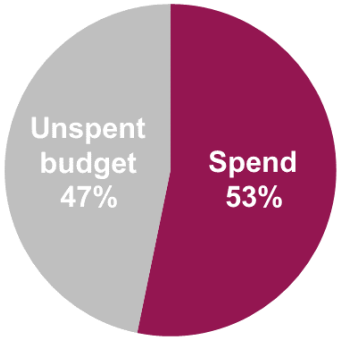
CAPITAL	Prior years	2021/22	2022/23	2023/24	2024/25	2025/26	Total
	£000	£000	£000	£000	£000	£000	£000
Budget	40	895	0	0	0	0	935
Spend	40	57	0	0	0	0	97
Unspent budget	0	838	0	0	0	0	838
Forecast	40	64	831	0	0	0	935
Variance to budget	0	831	-831	0	0	0	0

Total Capital spend to date



REVENUE	Prior years	2021/22	2022/23	2023/24	2024/25	2025/26	Total
	£000	£000	£000	£000	£000	£000	£000
Budget	995	1906	0	0	0	0	2,901
Spend	995	549	0	0	0	0	1,544
Unspent budget	0	1357	0	0	0	0	1,357
Forecast	995	875	1031	0	0	0	2,901
Variance to budget	0	1031	-1031	0	0	0	0

Total Revenue spend to date



LOCAL PLAN **HIGHLIGHT REPORT**

LEAD CABINET MEMBER: Cllr Russell Gordon-Smith

PROJECT SPONSOR: Simon Finch

PROJECT LEAD: Adrian Fox

PROJECT TIER: 1

DATE: Quarter 3 (October - December 2021)

Project description and outcome:

In accordance with planning legislation, the council must review its Local Plan every 5 years. The Plan is a key corporate document, as it is a statutory requirement under planning legislation to have an up to date development plan with the objective of sustainable development and setting out detailed planning policies for the management and development of land and buildings.

Project update summary:

Project RAG Status:	Timeline	Budget
---------------------	----------	--------




Consultation on the Strategic Issues & Priorities Document took place between 11th February and midnight on the 12th April 2021. The consultation period was extended to 8 weeks in recognition that the public consultation was taking place during a national lockdown. Despite the fact that the consultation took place during a national lockdown, there was a really excellent response to the public consultation (over 2,200 representations)

All of the feedback that has been received from the Strategic and Priorities consultation has now being analysed and reported to three separate LPAG meetings that took place on 27th September, 24th November and 13th December 2021. An updated Local Development Scheme (the timetable for preparing the new Local Plan) was agreed at Cabinet on the 21st July 2021.

The Strategic Issues & Priorities consultation, which was undertaken during a national lockdown between February and April last year, achieved two Royal Town Planning Institute (RTPI) awards in November 2021: 'Planning Excellence' for Plan Making and the consultation also won the overall RTPI 'Regional' award. The RTPI judges were particularly complimentary about the innovative and collaborative ways that were undertaken to the public consultation during the pandemic.

Three Local Plan design workshops took place in October/November 2021 with a range of local people, Parish Councils, developers, house builders, Consultants and architects. These events, which were facilitated by Design South East, focussed on ways that the council could potentially improve and develop the way that we currently address and approach design issues in the adopted Local Plan especially in light of recent changes to national planning guidance which emphasises more than ever the important of good design and creating beautiful places.

The feedback from the consultation and the Local Plan design workshops will be used to help inform and develop the new draft Local Plan ('Regulation 18' stage) which will be published for consultation on the new LP website www.localplan.winchester.gov.uk

	"Normal level of attention". No material slippage. No additional attention needed
	"Minor concern – being actively managed". Slippage less than 10% of remaining time or budget, or quality impact is minor. Remedial plan in place
	"Major concern - escalate to the next level". Slippage greater than 10% of remaining time or budget, or quality severely compromised. Corrective Action not in place, or not effective. Unlikely to deliver on time to budget or quality requirements

PROJECT GATEWAYS – Moving from one gateway to another is actively managed by Project Teams, escalating if necessary:

	Duration (months)	Start Date	Planned End Date	Projected / Actual End Date	Outcome of Stage incl comments – What will be achieved at the end of this stage?	Key Documents
Stage 0: Concept	28	Jul-18	Oct-20		Produce the new Local Plan Evidence base	https://www.winchester.gov.uk/planning-policy/winchester-district-local-plan-2018-2038-emerging https://www.winchester.gov.uk/planning-policy/winchester-district-local-plan-2018-2038-emerging/local-development-scheme
Stage 1: Feasibility	2	Feb - 2021	April -2021	Completed April 2021	Consultation on the Strategic Issues and Priorities document took place between Feb and April 2021 for a period of 8 weeks	
Stage 2: Design	2	Aug -2022	Sept – 2022		Consultation on the Draft 18 Local Plan	
Stage 3: Plan for Delivery	2	Aug - 2023	Sept -2023		Consultation on the Submission version of the LP (Reg 19)	
Stage 4: Delivery	-	July - 2024	Aug -2024		Adoption of the Local Plan	
Stage 5; Handover & Review	-	Ongoing	Ongoing		Monitoring the Local Plan and start the review process at the appropriate time	

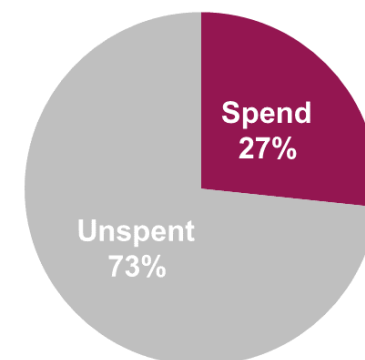
UPCOMING MILESTONES FOR CURRENT PROJECT STAGE

Stage	Orig. Target	Curr. Target	Milestone	Outcome/Objective/Update
Consultation on the SIP Document	21/09/2020	Feb -2021		<p>Consultation on the Strategic Issues & Options Document took place from 11th February to midnight on the 12th April 2021. The consultation period was extended to 8 weeks in recognition that the public consultation was taking place during a national lockdown. Despite the fact that the consultation took place during a national lockdown, there was a really excellent response (over 2,200 representations).</p> <p>All of the feedback that has been received from the Strategic and Priorities consultation is now being used to help inform and develop the new draft Local Plan ('Regulation 18' stage) which will be published for consultation on the new LP website www.localplan.Winchester.gov.uk</p> <p>An updated Local Development Scheme was agreed at Cabinet on 21st July 2021. Further information is still awaited on the government's proposed changes to the planning system and this monitored as and when further information is published.</p>
Consultation on the draft Reg 18 Local Plan		Aug/Sept 2022		This milestone is based on an updated timetable for preparing the Local Plan and we are currently on track to achieve this milestone.
Consultation on the submission version of the Local Plan (Reg 19)		Aug/Sept 2023		
Examination of the Local Plan		Feb/March 2024		
Adoption of the Local Plan		August 2024		

BUDGET PERFORMANCE

REVENUE	Prior years	2021/22	2022/23	2023/24	2024/25	2025/26	Total
	£000	£000	£000	£000	£000	£000	£000
Budget	170	203	104	44	124	0	645
Spend	172	0	0	0	0	0	172
Unspent budget	-2	203	104	44	124	0	473
Forecast	172	193	104	44	106	0	619
Variance to budget	-2	10	0	0	18	0	26

Total Revenue spend to date



Budget Comments:

Work has commenced the review of the LP. On the 23rd October 2019 Cabinet, approved one-off revenue expenditure proposals for additional Local Plan resource at £160k to fund 2 x 2 year fixed term posts. A Principal Planner started work in the team but has subsequently left for another position. A permanent Principal Planner has now been appointed and started work in February. A Local Plan Action Paper has been agreed by Cabinet. Consultation on the Strategic Issues & Priorities document took place between 15th February and midnight on the 12th April 2021. Responses have been analysed and reported to LPAG. Information that has been gathered from this consultation is being used to help develop and inform the Regulation 18 LP. A new Local Plan timetable was agreed at Cabinet on the 21st July 2021.

NEW HOMES PROGRAMME HIGHLIGHT REPORT

LEAD CABINET MEMBER: Cllr Kelsey Learney
PROJECT SPONSOR: Richard Botham
PROJECT LEAD: Andrew Palmer
PROJECT TIER: 1
DATE: Quarter 3 (October - December 2021)

Project description and outcome:

The cost and affordability of housing in Winchester District is a serious problem and there is a genuine shortage of affordable properties in Winchester. Providing affordable housing can help tackle these problems and delivering new homes is a Council priority.

The Council is constructing new affordable Council Homes and also working with Registered Providers (sometimes known as Housing Associations) to provide new affordable housing across the district.




Housing will not be built for profit; it will be to meet the needs of Winchester people who cannot afford a home of their own.

Programme update summary:

Project RAG Status:	Timeline		Budget	
----------------------------	-----------------	--	---------------	--

Updated summaries are provided against each project below.

The main risks to the programme are workforce productivity and availability, the supply of materials along with property values and economic outlook, all due to COVID-19. Both are being closely monitored.

	"Normal level of attention". No material slippage. No additional attention needed
	"Minor concern – being actively managed". Slippage less than 10% of remaining time or budget, or quality impact is minor. Remedial plan in place
	"Major concern - escalate to the next level". Slippage greater than 10% of remaining time or budget, or quality severely compromised. Corrective Action not in place, or not effective. Unlikely to deliver on time to budget or quality requirements

PROGRAMME DETAIL

Project Name	No. new homes	Current Project Gateway*	Start Date	Projected End Date	Project Manager	Upcoming Milestone	Comments
The Valley, Stanmore	77	Delivery	Apr-19	Aug-21	Denise Partleton	Completion	completed
Rowlings Road, Weeke	7	Delivery	Jan-19	Mar-21	Sarah Charlton	Completion	completed
Dolphin Road, Twyford	2	Delivery	Jun-19	Sept.-20		Completion	Completed
Southbrook Cottages	6	Design	Nov-19	Mar-23		Final Business Case – March 22	planning approval for scheme now received, planning application being prepared for additional car parking in the Close
Woodman Close, Sparsholt	5	Design	Oct-19	Aug-23		approval of planning application	Outline business case approved. Planning application submitted
Burnet Lane, Kings Worthy	35	Delivery	June 2019	Jul-21	Denise Partleton	Completion	Completed
Winnall Flats	75	Design	Apr-20	Apr-23	Debbie Rhodes	completion	Started on site Dec 21. Completion May 23
Dyson Drive, Abbotts Barton	8	Design	Jan-20	Dec-22	Deborah Sunly	Outline Business Case	Planning application being prepared for submission mid-January 22
Corner House	6	Design	Jan-20	Dec-22	Duncan Faires	Outline Business Case	Community consultation complete, design being amended to address concerns. Progress effected by staff shortages
Witherbed Lane	4	Design	Sep-19	Mar-23		Submission of planning application	Planning application was submitted but had to be withdrawn and a new application prepared due to “red line” issue
Whiteley (CAB3304 refers)	54			Mar-23		Completion	Condition purchase agreement signed Dec 21 – on site
Tower St, Winchester	2			Jul-22		Final Business Case – Jan-22	Currently subject to tender

Moving from one gateway to another is actively managed by Project Teams, escalating if necessary

***Project Gateways**
 Stage 0: Concept
 Stage 1: Feasibility
 Stage 2: Design
 Stage 3: Plan for Delivery
 Stage 4: Delivery
 Stage 5: Handover & Review

PROGRAMME BUDGET PERFORMANCE
Quarter 3 2021-22

NEW BUILD	Revised Budget £000	Forecast Outturn £000	Actual Spend £000
Winnall Flats	8,641	4,600	856
The Valley, Stanmore	2,118	1,045	775
Small Sites/Unallocated Programme	4,250	0	0
Sites funded by 1-4-1 receipts	1,000	643	643
Hookpit, Kings Worthy	790	510	417
Wickham CLT	205	205	0
Other Schemes	757	325	105
Total	17,762	7,328	2,796

The Table above shows the material HRA New build schemes by value together with their revised budgets, forecast outturns and actual spend to date.

- Winnall Flats has experienced delays in starting on site which has led to slippage.
- The Valley is now completed and final costs are awaited.

- The Small Sites and Sites funded from 1-4-1 are unallocated budgets for funding new homes spend. Initially the deposit of £4.25m for North Whitely was to be charged here but is because of the nature of the transaction will now be funded when the scheme is completed in 2022-23.
- Hookpit Kings worthy is now completed and final costs are awaited
- The grant to Wickham CLT is dependent on a number of external events

WINCHESTER MOVEMENT STRATEGY (WMS) HIGHLIGHT REPORT

LEAD CABINET MEMBER: Cllr Martin Tod
PROJECT SPONSOR: Dawn Adey
PROJECT LEAD: Andy Hickman
PROJECT TIER: 1
DATE: Quarter 3 (October - December 2021)




Project description and outcome:

The City Council and Hampshire County Council are working together to deliver the aims of a long term Movement Strategy for Winchester designed to improve all forms of movement in and around the city.

Programme update summary:

Project RAG Status:	Timeline		Budget	
----------------------------	-----------------	--	---------------	--

A joint HCC/WCC members briefing was held on 27th July setting out the progress on the study work, the next steps and to update members on the Government's new Bus Strategy and the Active Travel schemes. The Bus Strategy Study is still under development. The public have been asked for feedback on 10 next step proposals for the WMS. In addition, study work on potential changes to the one-way system on Friarsgate, improvements for walking and cycling along Worthy Lane and the development of Walking Route 1 as detailed in the City LCWIP have commenced.

	"Normal level of attention". No material slippage. No additional attention needed
	"Minor concern – being actively managed". Slippage less than 10% of remaining time or budget, or quality impact is minor. Remedial plan in place
	"Major concern - escalate to the next level". Slippage greater than 10% of remaining time or budget, or quality severely compromised. Corrective Action not in place, or not effective. Unlikely to deliver on time to budget or quality requirements

PROJECT GATEWAYS - Moving from one gateway to another is actively managed by Project Teams, escalating if necessary:
WMS - Phase 1 - Identify Options; Phase 2 - Detailed Assessment; Phase 3 - Engagement with the public

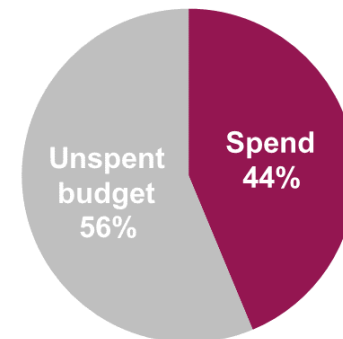
Project Name	Phases	Current Project Gateway*	Start Date	Projected End Date	Project Manager	Internal Resources	Upcoming Milestone	Comments
Cycling and Walking Improvement Plan	Phase 1	Phase 1 study completion	Aug-19	Feb-20		Next stage contained in transport team	Phase 2 study completion Sept	Completed. Phase 1 Summary Report Issued.
	Phase 2	Completion of phase 2	May-20	Nov-20		None required	Review of designs based on engagement with HCC engineers, the walking group and the cycling groups	Completed. Summary Report issued.
Freight & Delivery	Phase 1	Phase 1 study completion	Aug-19	Jan-20		Next stage contained in transport team	Phase 2 study completion Sept	Completed. Phase 1 Summary Report Issued.
	Phase 2	Completion of phase 2	May-20	Oct-20		None required	Comments on Draft Freight and Delivery Plan to be provided	Completed. Summary Report issued.
Bus Provision	Phase 1	Phase 1 study completion	Sep-19	Mar-20		Next stage contained in transport team	Phase 2 study completion Sept	Completed. Phase 1 Summary Report Issued.
	Phase 2	Completion of phase 2	Jun-20	Jan-21		None required	Continued coordination with CWR as design developed	An additional study was commissioned, resulting in delayed completion. Comments on draft completed, report to be amended. WMS Board to meet to approve. Summary Report to be issued.

Movement and Place	Phase 1	Phase 1 study completion	Sep-19	Mar-20		Next stage contained in transport team	Phase 2 study completion Sept	Completed. Phase 1 Summary Report Issued.
	Phase 2	Completion of phase 2	Jun-20	Dec-20		None required	Engagement with walking and cycling groups	Comments on draft completed. Summary Report issued.
Park & Ride	Phase 1	Phase 1 study completion	Jul-19	Mar-20		Next stage contained in transport team	Phase 2 study completion Sept	Completed Phase 1. Summary Report Issued.
	Phase 2	Completion of phase 2	May-20	Jan-21		None required	Review of designs based on engagement with HCC engineers	Comments on draft completed. Summary Report issued.
WMS Public Consultation	Phase 3	Underway	Dec 21	May 22		Transport team assisting HCC who are leading	Consultation Report issue May 2022	
Friarsgate / Union Street One-Way Study	Phase 3	Atkins led Study underway	Oct 21	April 22		Transport Team to input and review study	Study Report April 22	
Worthy Road / Worthy Lane Study	Phase 3	HCC led Study underway	Oct 21	April 22		Transport Team to input and review study	Study Report April 22	
W1 Pre-Feasibility Study (section 1)	Phase 3	HCC led Study Underway	Oct 21	Jan 22		Transport Team to input and review study	Study Report Jan 22	

BUDGET PERFORMANCE

REVENUE	Prior years	2021/22	2022/23	2023/24	2024/25	2025/26	Total
	£000	£000	£000	£000	£000	£000	£000
Budget	289	211	161	0	0	0	661
Spend	289	0	0	0	0	0	289
Unspent budget	0	211	161	0	0	0	372
Forecast	289	50	161	161	0	0	661
Variance to budget	0	161	0	-161	0	0	0

Total Revenue spend to date



COVID period Demand tracking – April 2020 – December 2021

SERVICE AREA	MEASURE	2020			2021												
		Q1 total	Q2 total	Q3 total	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Business Rate Relief and Grants (running total)	All Retail, Hospitality & Leisure Relief (RHL)	£26.77m	£27.88m	£27.88m													£27.88m *
	Small Business Rate Relief	£4.81m	£4.87m	£4.89m													£4.89m *
	Other Reliefs	£5.48m	£5.47m	£5.44m													£5.44m *
	RHL - £10k grants	£2.23m	£2.39m	£2.40m													£2.40m *
	RHL - £25k grants	£9.45m	£9.98m	£9.98m													£9.98m *
	Small Business Grants - £10k	£14.49m	£15.33m	£15.33m													£15.33m *
	(LRSG & Restart) Rateable value £15k or less				£2.65m	£3.21m	£4.38m	£6.85m	£7.17m	£7.27m	£7.31m	£7.31m	£7.31m	£7.31m	£7.31m	£7.31m	£7.31m*
	(LRSG & Restart) Rateable value £15,001 to £50,999				£2.42m	£2.73m	£3.67m	£5.50m	£5.93m	£6.09m	£6.11m	£6.11m	£6.11m	£6.11m	£6.11m	£6.11m	£6.11m*
	(LRSG & Restart) Rateable value £51k or over				£1.23m	£1.46m	£2.23m	£3.32m	£3.78m	£4.11m	£4.17m	£4.17m	£4.17m	£4.17m	£4.17m	£4.17m	£4.17m*
Local Resource Centre / Community Support	Total New Referrals from HCC	536	23	42	25	8	9	1	0	0	0	0	2	2	0	2	650
	Referrals passed to Voluntary Support Groups	198	10	5	7	1	3	1	0	0	1	0	0	1	0	1	228
	Prescriptions delivered	146	41	18	21	9	7	1	0	0	0	0	0	0	0	0	243
	Food parcels delivered	77	28	9	3	0	3	0	0	0	0	0	0	0	0	0	120
	Shopping purchased/delivered	30	9	3	3	0	0	0	0	0	0	0	0	0	0	0	45
	Council tenants contacted by phone to offer support	1665	1	8	6	3	5	0	0	0	0	0	0	0	0	0	1688
Page 28 Housing	Total Arrears (running total)	£571k	£553k	£632k	£585k	£580k	£526k	£557k	£555k	£544k	£585k	£565k	£557k	£593k	£590k	£641k	£641k *
	% of Housing tenants in arrears (running total)	22%	23%	47%	23%	21%	22%	21%	30%	28%	22%	24%	23%	24%	24%	48%	48% *
	% claiming Universal credit (running total)	16%	18%	19%	20%	20%	20%	21%	21%	22%	22%	23%	23%	24%	24%	24%	24% *
	% claiming UC in arrears (running total)	55%	54%	65%	51%	48%	46%	46%	47%	46%	47%	46%	45%	47%	48%	60%	60% *
	% current debt due to UC claimants (running total)	61%	67%	64%	64%	64%	65%	67%	66%	68%	65%	66%	69%	66%	67%	65%	65% *
	Voids cumulative re-let time (general/older persons)														21.33 days		
	Residents in B&B (number at month close)	9	2	1	6	2	1	1	1	0	0	0	0	1	2	1	1 *
	Rough Sleepers in Council units (no. at month close)	6	0	12	13	13	13	13	8	0	0	0	0	0	2	3	3 *
	Tenancy Support Caseload (weekly new referrals)	107	55	42	11	15	13	14	18	8	18	8	8	14	6	1	338
Waste / Env / Licensing	Planning – Decisions issued (inc. SDNP)	602	580	708	246	221	245	250	273	252	272	221	217	205	225	182	1699
	Bonfires reported	68	30	8	3	2	3	4	1	1	3	11	9	5	4	2	154
	Fly-tipping - reported	517	614	528	235	168	280	237	183	177	176	209	206	180	171	107	3988
	Waste Collection – Missed Bin reports (cases closed)	770	974	569	211	145	270	178	128	137	216	134	116	113	93	141	4195

NOTES:	*Totals in italics are a 'running total' / 'point in time' amount only
	From Mid November 2020, LRSG & Restart Grants replaced the previous grants

End of Project Documentation

Project Title:

Durngate Flood Alleviation scheme (Phase II)

Authors / Contributors:

Darren Lewis

Andy Hickman (Head of programme)

Approvals & Sign-Off

Signed by Project Manager (can be electronically) and date:

D.Lewis 14/12/21

Approved by Project Board and date:

End of project reported at PAC Board 18 January 2022

Achievement of Project Objectives

Summary of Objectives *List your project's objectives, Including date and budget*

Following on from the flooding in 2014 funds were made available to help protect Winchester from Flooding.

Phase I objectives were to protect River Park/St Bedes/Park Avenue/Water Lane. This was a previous project and is out of scope for this report.

Phase II objective (Durngate) was to link the flood defences between Phase I to the west and the existing flood defences to the east on the main river, linking Phase 1 to the original flood defences to form a continuous 900m flood defence across the top of the city.

The programme manager (PM) for this programme of work (Phase II) was Darren Lewis.

The scheme provided three new sluice gates on the channels of River Itchen to help to protect the city centre, homes and businesses from high water levels. It completed the city's network of defences across the north of the city to help to control flooding, including the historic City Mill.

The sluice gates are adjustable so they can help to manage the flow of river water – the gates are able to hold back up to 250,000m³ of water, equivalent to around 3.2 million bathtubs of water.

End of Project Documentation

The off-site environmental work also has a positive impact on biodiversity at Clausentum Fen in St Cross and the Nuns' Stream at Abbots Barton and Hyde, plus also provides flood refuges for otters and voles on Winnall Moors.

Objectives:

Please consider the following and refer back to your Business Justification Case:

- *Were the project objectives met?*
- *Were they clear?*
 - *If so, how? If not, how could they have been improved?*
- *Were they smart?*
 - *If so, how? If not, how could they have been improved?*

The project objectives as noted above were met.

The system of flood defences has been successfully constructed to defend the heart of the city.

The objectives were clear and 'SMART', with the exception of the time related targets as the complex programme of work needed to be fully assessed before the deadlines could be set. Once the deadline was set as November 2021, the target was met.

Time

Time:

Please consider the following:

- *Was the project completed on time?*
 - *If not, provide an explanation.*
- *Were the timings and milestones estimated well?*
- *Did we learn anything about scheduling that might help us in the future?*
 - *If yes, give details.*

The project was completed on time. Due to the high number of variables involved, the deadline date for full completion could not be set until the programme was fully formed. Once set, the deadline of the end of November 2021 was successfully met, by one day.

Lessons to be learned:

There were two possible routes to our solution that impacted on timings:

One option was to research the project before commencing with trial holes soil testing, flood mapping, design, contractor consultation, Environmental Impact Assessment, pre planning application and more. This involved approx. £250k project in feasibility costs.

The second option was to run the programme in stages – which was the chosen option due to the fact that the project outcome was engineered risk mitigation from flooding, and therefore was deemed urgent and important. To control the phasing and budget, each project within the programme was tackled by

assessing the long-term solution, seeking engineering and technical solutions, gaining buy-in from key partners and arranging funding and budget, and then progressing once solution and budget were in place.

The lesson learned is that you can achieve the same objective in stages and do not always have to have all stages costed and mapped out before commencing the first stage. This approach worked on this occasion as each stage was independent, meaning if a cost for the next stage came in that was un-engineerable or unaffordable we could have stopped (but in that scenario we would not achieved the original objective).

Cost

Cost:

Please consider the following:

- *Was the project completed within budget?*
 - *If not, provide an explanation.*
- *Did we accurately estimate costs?*
- *Did we learn anything about costing and budgeting that could be useful in the future?*
 - *If yes, give details.*

NOTE: there was incomplete records of the flooding systems in Winchester on commencement of this project. There were also many unknown factors which had the propensity to vary the budget needed by significant amounts.

The initial budget set was £750K.

During the programme of work we established correct records for culvert diameters and flow coefficients, soil conditions and we came across a requirement to factor in climate change into the budget as guidance changed during this project.

We also found that part of the site needed a full Planning Application which had to go through Hampshire County Council and South Downs National Park. This in turn needed a full Environmental Impact Assessment; which takes time to deliver while environmental assessments are made, and was an unexpected cost.

A significant decision taken early on by the Environment Agency was that flood defences should be built to allow for climate change with an additional 40% capacity. This added height to the mitigation solution and therefore added cost.

When planning for budget risk, the normal level for a civil works project is 25%, but it was felt for a project of this complexity that 40% was more appropriate.

In light of these changes the Programme Manager was asked to fund raise and set a revised budget appropriately.

End of Project Documentation

At the start of Phase II, Autumn 2017, the available funding for the phase was

Capital Funding	£147,000
CIL (CAB 2940 5 th July 2017)	£300,000
Grant In Aid (GIA) from the EA	£300,000
Total	£747,000

The revised amounts raised were:

Source	amount
Capital Funding	£147,000
CIL (CAB 2940 5 th July 2017)	£300,000
Grant In Aid (GIA) from the EA	£300,000
Additional CIL (CAB 3072 12 th Dec 2018)	£500,000
Additional Grant In Aid (GIA) from the EA	£248,000
NEW – Amount from the Southern Flood Alleviation Board Local Levy	£200,000
As a result of complications introduced by COVID, an additional amount was awarded by the EA.	£177,000
Total	£1,872,000

The costs were:

Supplier	Amount
Knights Brown Construction Limited	£791,028.38
Hampshire County Council	£455,926.03
Bentley Projects Limited	£138,445.83
Hampshire & IOW Wildlife Trust	£45,440.00
Worthy Tree Care	£9,100.00
Hydroplan	£6,505.74
Hamptons Tree Care Ltd	£6,040.00
Anthony Collins Solicitors LLP	£2,950.00
Robert Nicholas Limited	£2,767.20
Hampshire Ecological Services Ltd	£235.00
	£1,458,438.18

The current outcome is £413k of Capital funding which was planned to be drawn from Capital Funding and CIL which is no longer required to be called upon. Funding for the 'follow on actions' in the table on page 12 of this report will be drawn from this budget before it is considered complete and closed.

Lesson learned for finances is that the Programme Manager was able to revisit the sources of income when the project expanded and did exceptionally well in doing so, using the revised size and complexity of the project to make robust cases for further external funding.

Change Issues, Impacts & Risks

Change Issues & Impact: *Summary of changes & solutions received during the project. Please also state the effect on the original Business Justification Case of any that were approved*

Write your comments here:

1 - During the course of the scheme the Environment Agency (EA) were carrying out mapping of the entire Itchen catchment and it became clear that assumptions made by an external company in 2016, such as the size of the culverts under the city, were not accurate. The EA mapping firm JPS were retained to provide new mapping for the scheme. This cost an additional £30k but fundamentally altered the design of the scheme and gave valuable justification for a £248k increase in funding from the Environment Agency.

2 - The original design for the solution was a 1m wall with 2-3m foundations, the mapping showed it needed to be slightly higher (which breached the 1m limit of permitted development thus forcing planning permission).

3 - Soil investigations showed that the sub grade was of such low quality the foundations needed to be 13-14m deep and piled. It also showed significant levels of soil pollution which added £50k to the costs, as well as knotweed on site which added £25k. However, this design change also meant we identified a way of having 3 three sluice gates instead of 4 which saved approximately £250k.

4 - The mapping also showed how our solution would add to the flooding on Winnall Moor, a Site of Special Scientific Interest (SSSI), so that needed careful negotiation with stakeholders tenants and Natural England. The Planning Permission we required because of the wall height provided us with an Environmental Impact Assessment (EIA) which helped us demonstrate the impact so that the levels of flooding could be assessed. This was helpful evidence.

5 - The solution included 'plugging of the gap' in the flood defences which meant we were impounding the river i.e. blocking it, so we needed to get three impoundment licences from the Environment Agency.

6 - Due to the size of the reservoir that we needed to create, it became a class 1 high risk reservoir, so we needed to retain the services of a reservoir panel engineer to assist with the design, and inspect its construction, before signing it off as safe to use.

7 - Since the construction of phase 1 it was decided by the EA that flood defences should be built to allow for climate change with an additional 40% capacity. This significantly increased the construction costs due to the increased height required, and required a planning application to be submitted.

8 – On analysis of the EIA, offsite mitigation had to be provided for wildlife. This mitigation was placed off site at Clausentum Fen and Nuns walk as initially the Wildlife Trust declined us use of their section of Winnall Moor. However permission for us to mitigate on the Moor was later given. Enabling us to mitigate on both sites added about £25k to the costs but enhanced the benefits.

9 – COVID - Lockdown started the week before we started on site, but Knights Brown provided an excellent service which meant it didn't affect the completion date. Costs were increased but the Environment Agency compensated us.

Risks: *Risks identified during the project, which may affect the product(s) in its operational life*

- 1 - Failure of the sluices/wall. This is mitigated with regular inspections/servicing by Special Maintenance staff and regular inspections by the reservoir engineer, either periodically or after every flood event.
- 2 - Overtopping. Ultimately the defence has been created to withstand a 1 in 100 year storm. However, in theory at some point this scheme could be exceeded. To prepare for that case general overtopping was considered preferential to a specific spillway discharging to the main channel. This is because shallow flooding/slow flow across the city was preferential to risking the collapse of City Mill by overloading the main channel which would instantly flood Mill and the City centre.
- 3 - Reputational risk from overuse/damaging Winnall Moor. A sluice protocol has been written as part of the planning conditions so that the use of the defences is a joint decision between WCC and the EA i.e. The gates are only used when they really need to be used.
- 4 - Damage to Winnall Moor. Ecological surveys, at every 5 years initially, will be carried out to assess the condition of the Moor and take mitigating action if there is damage identified.

Quality

Quality:

Please consider the following:

- *Did the project outcomes meet the specification? Give Details.*
- *Was additional work required?*
 - *If yes, please state what was needed and why?*
- *Did we learn anything about specifications and quality standards?*
- *Were there any products / elements that were missing or didn't meet the original requirements?*
 - *If yes, provide details of these and how these issues were overcome.*

The project aim was very simple and that was to provide a flood defence from

End of Project Documentation

the Durngate sluice to the end of the Phase 1 defences behind the College of Art. This has been achieved.

Due to insufficient legacy engineering information and reports, the project size was expanded once the correct information was received to ensure a quality outcome.

The scheme was so unique that all of the project could be considered to be a lesson learned on how to mitigate flooding in Winchester City.

At the end of the project, there are no products/elements that are missing or didn't meet original requirements.

Performance Monitoring

Performance Monitoring:

Please consider the following:

- *Was performance monitored well?*
- *Were we effective in identifying and taking corrective action?*
 - *Give examples.*
- *Did we learn anything about monitoring, control and corrective action?*
 - *If yes, provide details.*

NOTE: this project was commenced before the Councils current approach to programme management was established. Therefore some earlier project products are not available as they were not part of our process at the time the project was started.

The project was solo managed by the Special maintenance Manager. As this was a specialist engineering programme there wasn't anyone else internally employed to monitor the work programme. The project was PM monitored and was double checked against the HCC Programme Management methods as the project developed. The project was challenging and required significant amounts of additional hours to keep on top of it, 60-70 hour weeks during critical phases. A lesson learned was that, due to the time critical nature of the project, and the day job, many issues were 'firefighting' going from urgent issue to urgent issue. Time for reflection or recording was limited. The Programme Manager had assistance from Michelle Wells in the project office with regards to taking formal meeting notes with external agencies and updating the financial spreadsheet. This 'lesson learned' was considered by PAC Board. Mitigation is in place in the new project methodology where milestones and gateways come to the PAC Board and resourcing issues can be discussed and resolved.

As the project was so specialised and so time critical the Programme Manager was authorised to make independent decisions in order to keep the project on track. Andy Hickman, Simon Finch and Richard Botham were consulted for planning experience or for 'WCC ethical' guidance.

When work started, due to COVID the Programme Manager wasn't allowed on site, so having worked extremely hard to get this programme commenced, once it had started, the PM had to rely on WhatsApp video calls from site for progress and performance updates.

One lesson learned was that the PM felt they could have had additional support on financial management of the project. As a PM managing the budget was a priority, and it was actively checked. Additional support would have allowed the PM more time to focus on the objectives of delivering the solution. This Lesson Learned is mitigated in the newer project management approach where projects will be planned in full including corporate resources.

Stakeholders

Stakeholders:

Please consider the following:

- *Were they satisfied with the project outcomes?*
- *Did we communicate well with, and manage, the stakeholders?*
- *Did we work effectively with other organisations, suppliers & professionals?*
 - *Provide details for positive and/or negative associations.*
- *Have we learned anything new about maintaining effective stakeholder relationships?*
 - *If yes, provide details.*

The PM engaged with Partners on a wide scale. Engagement included site meetings, public meetings, door knocking and presentations at stakeholders HQ's.

The outcome of this wide engagement was a high degree of understanding, resulting in no objections during the planning process.

A summary of Partners:

Natural England - Their initial consultation response for the scheme was written on their understand that we would be flooding the Moor every year. The scheme was a 1 in 100 years scheme so we needed to explain to them that the frequency was planned for 1 in 100 years. However, despite not fully appreciating the technicalities of the scheme they did provide enough feedback to enable the planners to make a determination on the required conditions. Discharge of the conditions was also challenging as NE did not fully understand that the conditions could not be renegotiated. The lesson learned with NE was to try and find consistent people to work with and to explain complex engineering at a clear level to ensure understanding of process and outcome.

The Hampshire and Isle of Wight Wildlife Trust – Initial engagement was tricky with the HIOWWT. They remained unengaged until after the Planning Permission was granted. They then sought design changes which could not be delivered without seeking a replacement planning permission. Their strategy

appeared to be to protect the site at the expense of the project outcomes, which led to a negative PR campaign being run by them. To provide further controls to ensure the scheme was not damaging the area (as was being reported by the HIOWWT), we placed groundwater monitoring stations installed in the Moor which provided data that we were not flooding the Moor when accused of doing so. It took considerable time and an escalation to Strategic Director Richard Botham to resolve the position. The PM finally managed to get the Trust management onside by persuading them to let us carry out the environmental mitigation on their section of the Moor site by WCC paying the Trust to do the work (which was a benefit for us as well as they can attract volunteer assistance we can get far more work done for the same amount of money).

We had very good working relationships with contractors, other stakeholders, residents, and an exceptionally good relationship with HCC who were designing the scheme. In fact, this was such a challenging scheme that it's fair to say the principal officers involved from WCC HCC EA etc have now a close professional working relationship having worked through these difficult challenges together for four years.

The main learning point stakeholder wise is to engage early and widely on engineering projects such as this one. This gave us the best chance to get people onside, it also gives stakeholders a chance to influence the design with local knowledge which can sometimes be crucial and save significant amounts of money.

New Developments / Improvements

New Developments:

Please consider the following:

- *As a result of the project, were there any advances in Service / technology / knowledge / skills?*
 - *Provide details and examples.*
- *Were any useful methods, tools or techniques developed that will be helpful in the future?*
 - *Provide details.*

This project was ground breaking for a flood defence scheme in the middle of a City. Its objectives were met and appropriate funding sourced so that the cost was met by appropriate partners as well as the Council.

Final press release information is found [here](#), and subsequent local press article [here](#).

Post Implementation Review

Measuring Achievement of Expected Benefits: *List your projects expected benefits and explain how the achievement of these Benefits will be measured*

Expected benefits were the ability to control the flows of water in different channels during a flood, or hold back a body of water for up to 7 additional days to stop the city flooding.

The only way of measuring these benefits is when the water level in Water Lane reaches 1.6m and we're forced to operate the gates to protect City Mill, but the flood mapping was extensive so the results can be widely expected to be accurate.

Timing of Measurements: *Explain when and how often the various benefits can start to be measured*

Generally the gates were built for a risk of 1 in 100 years but that's statistically, so they could be used this winter (we do have high groundwater and a wet winter has been forecast), or it could be in 200 years.

The benefits of the scheme are to protect Winchester City from flooding. Therefore the measure we can use to explain the benefit is to look at the damage caused when flooding occurs. To give scale of the 'risk costs avoided', the national impact of the 2013/14 floods in England and Wales were analysed by the environment Agency:

[The costs and impacts of the winter 2013 to 2014 floods](#)

Extract from Executive Summary

The best estimate of total economic damages is £1,300 million in England and Wales for the winter 2013 to 2014 floods, with a range to take account of uncertainty of £1,000 million to £1,500 million). Damages in England accounted for 91% (£1,200 million, with a range of £930 to £1,400 million) and in Wales for 2% (£28 million with a range of £23 to £33 million). Disaggregation by country was not possible for the categories making up the remaining 7%. The greatest proportion of damages was felt by residential property holders, with 25% of total damages occurring in this sector (best estimate of £320 million incurred by up to 10,465 properties)...

Required resources: *Explain what resources are needed to carry out the review work*

- A reservoir engineer will periodically check the structures safety.
- Ecologists will regularly survey the moor to make sure it's unaffected.
- Special Maintenance staff will regularly service and test the equipment.
- Financial analysis will be conducted by WCC finance.
- Environment Agency will constantly monitor its use.
- The sluice operating protocol document which contains the operating protocols will be annually reviewed/ updated to keep it relevant.

Other Areas for consideration: *Explain any other areas of the project that may need consideration, such as ease of transition, usability, external factors etc which might have an effect on the Expected Benefits*

N/A

Outstanding Actions and Follow-Up

Summary of Outstanding Actions:

Write your summary here – use Appendix 1 for more detail:

Offsite/onsite environmental mitigation by the wildlife trust needs to be completed. That work is determined by spawning season's migration patterns weather patterns etc so will happen over the course of one year.

The sluice at 50lb garden needs to be repaired after it was used to control water levels during construction. This is scheduled to be completed by March 22.

Initial (first) ecological survey will be completed in the summer/autumn of 2022.

End of Project Documentation

Appendix 1 – Follow On Actions Report

	Description	Who	When
Outstanding Actions: <i>include items that should have been done as part of this project but have not. Include who to handover and when</i>	Offsite/onsite environmental mitigation The sluice at 50lb garden needs repair Initial ecological survey needs completion. (6 months)	HCC/HIWWT D.Lewis dealing HCC/HBIC	By 12/2022 By 03/2022 By 09/2022
Outstanding Requests for Change: <i>Requests for change that were considered to have merit but were not implemented during the project</i>	None		
Off Specification: <i>Missing items or items that do not meet the original requirements</i>	None		
Training Needs: <i>any identified training needs</i>	Project Management training	Wider WCC issue already being assessed K.Shaw	In progress
Future Enhancements: <i>areas identified for future development</i>	N/A		
Any Other Action: <i>any other activities needed to take the product to the next stage of its life</i>	None		

End of Project Documentation

Project Title:

New Waste and Recycling Contact

Authors / Contributors:

Campbell Williams/Richard Botham

Approvals & Sign-Off

Signed by Project Manager and date:

Campbell Williams 07 09 21

Approved by Project Board and date:

End of project reported agreed by Waste Project Board – Sept 21 and reviewed by PAC Board in October 21

Final sign off from Strategic Director as Project Sponsor January 2022

Achievement of Project Objectives

Summary of Objectives *List your project's objectives, Including date and budget*

The Board was established in early 2020, to manage and coordinate the implementation of the new waste collection contract and garden waste subscription service due to commence in October 2020.

The Council had experienced significant issues relating to the extension of the previous waste contract in October 2019, with late delivery of calendars resulting in confusion for residents and an increase in “missed bins”, all at a time when old fleet vehicles were subject to frequent maintenance issues which also added to the issue.

Additional vehicles were leased to support the extension and increase the capacity to manage existing collection rounds pending the start of the new contract.

Following a critical review by the Council's auditors, a new Board was established with representation from key council teams, the Cabinet member and the Strategic Director.

Objectives:

Key project objectives, which were initially planned for an implementation and “go live” by October 2020 included:

- To introduce the new waste and recycling 8-year contracts including
 - the launch of the new charged for garden waste service with the aim of achieving at least 19,000 subscriptions (estimated “break even”)
 - the introduction of a fleet of new vehicles
 - the introduction of battery and “wee” collections
 - the renewal of depot lease to Biffa
 - The integration of the contractor system ((Whitespace) with “My Council Services” (MCS)
- Ensuring a seamless transition from existing services to the new contract arrangements from a customer perspective

As a result of delays due to the Covid Pandemic, the contractor reported a potential delay of 4 months through lack of new vehicles which meant the “wee” and battery collection could not be started. The project team reviewed options and chose to pause introduction of new contract until vehicles were scheduled to be ready in February 21. All project targets were revised accordingly and the previous contract extended to the end of January 2021.

As the previous contract was subject to a lower unit cost, the delay resulted in reduced in year spend of £150k in 2020/21.

Budget:

An initial provision of £100k was included in the 2019/20 Budget to fund the implantation of the contract and garden waste services and specifically to support:

- Marketing and Communications
- IT and systems development
- Project Support
- Additional resource for the Customer Services team
- Legal and Consultancy support.

Following the deferral of the commencement date, this was supplemented by an additional £50k, funded from the £150k savings from achieved from the delay. Final project spend totalled £154k.

A table detailing all project spend is included as Appendix 1

Objectives:

Please consider the following and refer back to your Business Justification Case:

- *Were the project objectives met?*
- *Were they clear?*
- *Were they smart?*

Overall, objectives were achieved (noting the revised implementation date).

The key focus on ensuring a seamless transition from a customer perspective was critical to the above. It was identified as an important project risk which was reviewed at each meeting.

All new waste collection rounds commenced smoothly in February 2021 with no increase in complaints and a reduction in reported “missed bins”.

Subscriptions to garden waste services significantly exceeded targets with 21,000 households signing up for the service, generating over £100k of additional income.

Time

Time:

Please consider the following:

- *Was the project completed on time?*
- *Were the timings and milestones estimated well?*
- *Did we learn anything about scheduling that might help us in the future?*

All agreed implementation dates were achieved (accepting the approved extension of time for the contract start).

The project was supported by a clear implementation plan which made assessing the impact of revising the targets much easier.

The Board was disbanded in July 2021 following the successful implementation of objectives. Whilst some board members remained involved in service delivery, the additional project resources were not retained and managing “business as usual” was taken on by the Contract Management team.

This immediately resulted in difficulties because of unforeseen staff absence in a small team, which once again resulted in delays in calendar distribution in October 2021. There was no change to collection schedules and the impact was low. However, an immediate failure of what had been identified as such an important risk by the board was not acceptable and in hindsight the Board had been disbanded too soon, before ensuring adequate resources were in place and before it had completed the post implementation review.

As a direct result and in response to this issue, an additional staff member has been added and recruited to the team to increase capacity to manage both the garden

End of Project Documentation

waste subscription service and provide additional support to the team (funded through increased subscriptions).

The requirement for project boards to ensure there is sufficient resource and capacity to manage ongoing service delivery and to consider this as part of future post implementation reviews is an important learning item from this project. The issue of resources and capacity is regularly reviewed by the Council's Programme and Capital Strategy Board. The report template will be amended to reflect this for future projects

Cost

Cost:

Please consider the following:

- *Was the project completed within budget?*
- *Did we accurately estimate costs?*
- *Did we learn anything about costing and budgeting that could be useful in the future?*

The project spend budget was delivered within £4k of the approved budget as detailed in Appendix 1. Additional capital budget of £40k was required to purchase more bins due to the higher take up than initial projections

Spend against budget was a core item on each Project Board meeting with a summary report produced for each meeting (sample in Appendix 1).

Ultimately, the approved delayed start for the Contract resulted in revenue savings of £150k against approved budgets as a result of the previous contract continuing for the majority of the 20/21 financial year.

Change Issues, Impacts & Risks

Change Issues & Impact: *Summary of changes & solutions received during the project. Please also state the effect on the original Business Justification Case of any that were approved*

The need to change the start date for the new contract is set out above.

Other changes and solutions agreed during the project included:

- Charges for garden waste subscriptions
- Marketing and promotion campaign procured and rolled out to support the new garden waste scheme and recycling initiatives
- Online direct debit payment procedure developed

Procurement of additional bins to meet garden waste subscription demand.

Risks: *Risks identified during the project, which may affect the product(s) in its operational life*

A clear risk register was reviewed by the Board at each meeting. One key risk identified from previous experience was in relation to communication and ensuring the public were made aware of all changes to services in a timely way.

This informed and supported the decision to delay the implementation to February 2021 when it was clear vehicles would be on a longer lead in time as a result of the pandemic. Procuring the support of additional PR support was an additional measure to mitigate this risk.

Quality

Quality:

Please consider the following:

- Did the project outcomes meet the specification? Give Details.*
- Was additional work required?*
- Did we learn anything about specifications and quality standards?*
- Were there any products / elements that were missing or didn't meet the original requirements?*

The new services commenced well in February 2021 and performed well within contract targets (missed bin numbers) from day 1 and continued to do so throughout 2021.

Garden waste subscriptions exceeded targets and achieved 21,000 subscriptions by the summer. Over 6600 tonnes were collected in 2021 (higher than any previous year)

Garden waste volumes collected have been higher for 2021 than previous years.

“Whitespace” integration has worked well, with CSC staff having access on their screens to immediate updates from crews and vice versa, offering significant improvements to missed bin reporting and response.

Performance Monitoring

Performance Monitoring:

Please consider the following:

- Was performance monitored well?*
- Were we effective in identifying and taking corrective action?*
- Did we learn anything about monitoring, control and corrective action?*

The Project Board met frequently (fortnightly for most of period leading to Feb 21 and at least monthly after that through to September).

Progress was monitored closely at all meetings. Prior to Feb 21, focus was on

End of Project Documentation

communication/publicity, vehicle delivery, contractor preparedness, system integration, developing the direct debit online forms and garden waste sign ups. Following contract commencement, the focus was on general contractor performance and continued emphasis on garden waste sign ups broken down by bin types, ward/parish and payment type.

A sample of the report on bin sales against target which was reviewed by each Board meeting is attached at Appendix 2.

The regular summary reports produced by the Project Manager in relation to bin sales updates and budget were invaluable and allowed the whole board to contribute to debate on these issues.

The issue of ensuring adequate ongoing resources to support service delivery is set out in the "Time" section above.

Stakeholders

Stakeholders:

Please consider the following:

- *Were they satisfied with the project outcomes?*
- *Did we communicate well with, and manage, the stakeholders?*
- *Did we work effectively with other organisations, suppliers & professionals?*
- *Have we learned anything new about maintaining effective stakeholder relationships?*

The responsible Cabinet member attended most Board meetings.

The contractor, Biffa, were not represented at Board meetings although in hindsight this would have been useful. The Project Manager assumed responsibility for contractor communications which worked well.

New Developments / Improvements

New Developments:

Please consider the following:

- *As a result of the project, were there any advances in Service / technology / knowledge / skills?*
- *Were any useful methods, tools or techniques developed that will be helpful in the future?*

- ☐ The systems established to roll out garden waste subscriptions worked well. The new direct debit payment system will be useful to support future projects although does require further improvement to make it easier to navigate for customers. The online forms did play an important role on reducing demands on manual processes and the Customer Services team.

End of Project Documentation

- ❑ The successful implementation of the project relied on reasonable resources and budget being allocated early on and on additional resources being brought in to support the project at key stages (Customer Services team when subscription call volumes increased for example).
- ❑ The Hampshire Internal Audit service also provided a “critical friend” review early in the process to ensure processes and procedures were being adhered to. This did provide a useful check (and maybe an incentive to ensure all paperwork and records were well maintained?),
- ❑ Social media was used effectively to promote the garden waste service, with noticeable increase in subscription volumes following promoted posts. The Board had some difficulty directly evidencing the link between social media and sales but all indications supported a direct link here.
- ❑ Online contact details – As part of the garden waste subscription process, the Council now has online contact details for a large proportion of subscribers. This has proved invaluable for providing early warning of issues such as collection delays. The potential to develop this further to provide email alerts could facilitate a move away from card calendars and this is being reviewed currently.

Post Implementation Review

Measuring Achievement of Expected Benefits: *List your projects expected benefits and explain how the achievement of these Benefits will be measured*

Increased recycling rate and minimising of residual waste per household – monitored through monthly “weighbridge” information from Project Integra and contractor reporting (WEE items) and through annual benchmark comparisons.

Number of garden waste subscriptions monitored through Financials and internal systems.

Carbon Reduction – More efficient vehicles will have a direct impact on reducing carbon emissions to be monitored through annual reporting.

The issue of ensuring adequate ongoing resources to support service delivery is set out in the “Time” section above.

Timing of Measurements: *Explain when and how often the various benefits can start to be measured*

As highlighted above

Required resources: *Explain what resources are needed to carry out the review work*

The Council's Contract Monitoring team is responsible for monitoring performance and ensuring contractor compliance with the specification.

An additional staff member has been added and recruited to the team to increase capacity to manage the garden waste subscription service and provide support to the Contract management team (funded through increased sales)

The issue of ensuring adequate ongoing resources to support service delivery is set out in the "Time" section above.

Outstanding Actions and Follow-Up

Summary of Outstanding Actions:

The project was fully implemented and the first year of operation has gone well, accepting the initial period following the end of the formal project board required remedial action to address resource issues.

The Council now faces the challenge of re-signing all year 1 garden waste subscriptions and extending to additional households. Progress to date is in line with sales in Feb 2021.

The formal Project Board disbanded in the summer of 2021 and the focus switched to managing business as usual and preparing for year 2 subscriptions renewals. It is accepted that in doing so, insufficient resource had been allocated to the core team to support service delivery, although this has now been addressed and has been incorporated into the operational risk register.

Summary of Project Spend

2020/21	
	£
<u>Revenue</u>	Total Actuals plus planned
IT	
One-off project integration & set up of the System	46834
Set up Direct Debit mandates (Bottom Line)	5000
Direct debit issue resolution	3000
Bookings integration with whitespace	4455
Direct debit issue resolution	990
Missed Bins issue - whitespace change	1485
Legal	
Fixed Browne Jacobson fee for 8yr contract	4000
Browne Jacobson fee for 8ry contracts amends - TBC	7541.96
Comms	
<u>Comms & Marketing external support</u>	16900
Print, packaging and delivery of calendars + A5 leaflets to 54,500 homes (Biffa pay 50%)	16737.28
TBC Print flyers through doors / bin hangers	
TBC Delivery of flyers / bin hangers	
Fee to implement comms & marketing strategy all offline and online media (est 21,000 in total)	20633
Council tax leaflet	2000
2nd leaflet to postcodes under 50% WCC	1431
RH advertising - creation of online and offline media	9260
Continuation of communications (social media) for April	10000
WYG advice	1086
Customer Service Support	10000
Total Revenue	154423.24

Sale chart



End of Project Documentation

Appendix 3 – Follow On Actions Report

	Description	Who	When
Outstanding Actions: <i>include items that should have been done as part of this project but have not. Include who to handover and when</i>	None		
Outstanding Requests for Change: <i>requests for change that were considered to have merit but were not implemented during the project</i>	Ongoing review and improvement of online forms	C Roberts	Sept 22
Off Specification: <i>missing items or items that do not meet the original requirements</i>	None		
Training Needs: <i>any identified training needs</i>	None		
Future Enhancements: <i>areas identified for future development</i>	Improvements to Direct Debit sign up process	Policy/IT team	Sept 22
	Further promoting the use of “My Council Services” (potential for email/text alerts to residents?)	Policy/IT team	Dec 22
Any Other Action: <i>any other activities needed to take the product to the next stage of its life</i>	Amendment of “End of Project” documentation to reflect the need for project boards to consider the ongoing resource requirements to support future service delivery and to include commentary on this in future post implementation review reports.	Policy Team	March 22

This page is intentionally left blank



**Strategic Director:
Resources**

City Offices
Colebrook Street
Winchester
Hampshire
SO23 9LJ

Tel: 01962 848 220

Fax: 01962 848 472

email ngraham@winchester.gov.uk

website www.winchester.gov.uk

Forward Plan of Key Decisions

March 2022

The Forward Plan is produced by the Council under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The purpose of the Plan is to give advance notice of Key Decisions to be made by the Cabinet, Cabinet Members or officers on its behalf. This is to give both Members of the Council and the public the opportunity of making their views known at the earliest possible stage.

This is the Forward Plan prepared for the period **1 - 31 March 2022** and will normally be replaced at the end of each calendar month.

The Plan shows the Key Decisions likely to be taken within the above period. Key Decisions are those which are financially significant or which have a significant impact. This has been decided, by the Council, to be decisions which involve income or expenditure over £250,000 or which will have a significant effect on people or organisations in two or more wards.

The majority of decisions are taken by Cabinet, together with the individual Cabinet Members, where appropriate. The membership of Cabinet and its meeting dates can be found [via this link](#). Other decisions may be taken by Cabinet Members or Officers in accordance with the Officers Scheme of Delegation, as agreed by the Council (a list of Cabinet Members used in the Plan is set out overleaf).

The Plan has been set out in the following sections:

Section A – Cabinet

Section B - Individual Cabinet Members

Section C - Officer Decisions

Anyone who wishes to make representations about any item included in the Plan should write to the officer listed in Column 5 of the Plan, at the above address. Copies of documents listed in the Plan for submission to a decision taker are available for inspection on the Council's website or by writing to the above address. Where the document is a committee report, it will usually be available five days before the meeting. Other documents relevant to the decision may also be submitted to the decision maker and are available on Council's website or via email democracy@winchester.gov.uk or by writing to the above

**CUSTOMER
SERVICE
EXCELLENCE**



The Government Standard



INVESTOR IN PEOPLE

Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 refers to the requirement to provide notice of an intention to hold a meeting in private, inclusive of a statement of reasons. If you have any representations as to why the meeting should be held in private, then please contact the Council via democracy@winchester.gov.uk or by writing to the above address. [Please follow this link to definition of the paragraphs](#) (Access to Information Procedure Rules, Part 4, page 32, para 10.4) detailing why a matter may be classed as exempt from publication under the Local Government Acts, and not available to the public.

If you have any queries regarding the operation or content of the Forward Plan please contact David Blakemore (Democratic Services Manager) on 01962 848 217.

Cllr Lucille Thompson

Leader of the Council

31 January 2022

Cabinet Members:	Title
• Cllr Lucille Thompson	Leader & Cabinet Member for Partnerships
• Cllr Neil Cutler	Deputy Leader & Cabinet Member for Finance & Service Quality
• Cllr Angela Clear	Communities & Wellbeing
• Cllr Russell Gordon-Smith	Built Environment
• Cllr Kelsie Learney	Housing & Asset Management
• Cllr Hannah Williams	Climate Emergency
• Cllr Martin Tod	Economic Recovery

	Item	Cabinet Member	Key Decision	Wards Affected	Lead Officer	Documents submitted to decision taker	Decision taker (Cabinet, Cabinet Member or Officer)	Date/period decision to be taken	Committee Date (if applicable)	Open/private meeting or document? If private meeting, include relevant exempt paragraph number
Section A Decisions made by Cabinet										
1	Car parks improvement programme	Cabinet Member for Economic Recovery	Expenditure > £250,000	All Wards	Andy Hickman	Cabinet report	Cabinet	Mar-22	9-Mar-22	Open
2	Parking charges review	Cabinet Member for Economic Recovery	Expenditure > £250,000	All Wards	Andy Hickman	Cabinet report	Cabinet	Mar-22	9-Mar-22	Open
3	WCC Landscape Character Assessment - response to consultation	Cabinet Member for Built Environment	Significantly effect on 2 or more wards	All Wards	Simon Finch	Cabinet report	Cabinet	Mar-22	9-Mar-22	Open

Page 256

	Item	Cabinet Member	Key Decision	Wards Affected	Lead Officer	Documents submitted to decision taker	Decision taker (Cabinet, Cabinet Member or Officer)	Date/period decision to be taken	Committee Date (if applicable)	Open/private meeting or document? If private meeting, include relevant exempt paragraph number
4	Risk Management Policy 2022/23	Deputy Leader and Cabinet Member for Finance and Service Quality	Significantly effect on 2 or more wards	All Wards	Amy Tranah	Cabinet report	Cabinet	Mar-22	9-Mar-22	Open
	Land transaction	Cabinet Member for Housing and Asset Management	Expenditure > £250,000	All Wards	Geoff Coe	Cabinet report	Cabinet	Mar-22	9-Mar-22	Part exempt 3

Section B

Decisions made by individual Cabinet Members

6	Great Minster Street and The Square Experimental Traffic Regulation Order	Cabinet Member for Economic Recovery	n/a	St Michael	Andy Hickman	Cabinet member decision report	Cabinet Member for Economic Recovery Decision Day	Mar-22	7-Mar-22	Open
---	---	--------------------------------------	-----	------------	--------------	--------------------------------	---	--------	----------	------

	Item	Cabinet Member	Key Decision	Wards Affected	Lead Officer	Documents submitted to decision taker	Decision taker (Cabinet, Cabinet Member or Officer)	Date/period decision to be taken	Committee Date (if applicable)	Open/private meeting or document? If private meeting, include relevant exempt paragraph number
7	The Broadway Sunday Experimental Traffic Regulation Order	Cabinet Member for Economic Recovery	n/a	St Michael	Andy Hickman	Cabinet member decision report	Cabinet Member for Economic Recovery Decision Day	Mar-22	7-Mar-22	Open
8	Refurbishment of 16 Tower St ,Winchester: Final Business Case	Cabinet Member for Housing and Asset Management	Expend-iture > £250,000	St Bartholomew	Andrew Palmer	Cabinet member decision report	Cabinet Member for Housing & Asset Management Decision Day	Mar-22	7-Mar-22	Part exempt 3
9	West of Waterlooville Major Development Area (MDA) Transfer of land to Newlands Parish Council	Cabinet Member for Housing and Asset Management	Expend-iture > £250,000	Denmead	Sue Croker	Cabinet member decision report	Cabinet Member for Housing & Asset Management Decision Day	Mar-22	7-Mar-22	Open

	Item	Cabinet Member	Key Decision	Wards Affected	Lead Officer	Documents submitted to decision taker	Decision taker (Cabinet, Cabinet Member or Officer)	Date/period decision to be taken	Committee Date (if applicable)	Open/private meeting or document? If private meeting, include relevant exempt paragraph number	
Page 258	10	Designated Protected Area Waiver	Cabinet Member for Housing and Asset Management	n/a	Whiteley & Shedfield	Andrew Palmer	Cabinet member decision report	Cabinet Member for Housing & Asset Management Decision Day	Mar-22	7-Mar-22	Open
	11	Open Space Strategy	Cabinet Member for Built Environment	Significantly effect on 2 or more wards	All Wards	Sue Croker	Cabinet member decision report	Cabinet Member for Built Environment Decision Day	Mar-22	7-Mar-22	Open

Section C

Decisions made by Officers

12	Treasury Management - decisions in accordance with the Council's approved strategy and policy	Deputy Leader and Cabinet Member for Finance and Service Quality	Expenditure > £250,000	All Wards	Designated HCC Finance staff, daily	Designated working papers	Designated HCC Finance staff, daily	Mar-22	Mar-22	Open
----	---	--	------------------------	-----------	-------------------------------------	---------------------------	-------------------------------------	--------	--------	------

Notification of additions to the March 2022 Forward Plan

On 8 February 2022, the following additional items were notified for inclusion in the March 2022 Forward Plan:

	Item	Cabinet Member	Key Decision	Wards Affected	Lead Officer	Documents submitted to decision taker	Decision taker (Cabinet, Cabinet Member or Officer)	Date/period decision to be taken	Committee Date (if applicable)	Open/private meeting or document? If private meeting, include relevant exempt paragraph number
Section A										
Decisions made by Cabinet										
Page 259	King George V (KGV) Pavilion Funding	Cabinet Member for Housing and Asset Management	Expenditure > £250,000	All Wards	Susan Robbins	Cabinet report	Cabinet	Mar-22	9-Mar-22	Part exempt 3

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank