

CABINET

Monday, 25 March 2019

Attendance:

Councillor Horrill (Chairman)	– The Leader with Portfolio for Housing
Councillor Humby (Vice-Chairman)	– Portfolio Holder for Business Partnerships
Councillor Ashton	– Portfolio Holder for Finance
Councillor Brook	– Portfolio Holder for Built Environment
Councillor Godfrey	– Portfolio Holder for Professional Services
Councillor Griffiths	– Portfolio Holder for Health & Wellbeing
Councillor Warwick	– Portfolio Holder for Environment

Others in attendance who addressed the meeting:

Councillors Cunningham, Evans, McLean and Thompson

Others in attendance who did not address the meeting:

Councillors Bell and Laming

Apologies for Absence:

Councillors Miller

1. DISCLOSURE OF INTERESTS

Councillor Humby declared a disclosable pecuniary interest with regard to the Movement Strategy (report CAB3140 refers) due to his role as an Executive Member for Environment and Transport at Hampshire County Council. He therefore left the room during this item and took no part in the debate or decision thereon.

Councillors Warwick and Godfrey also declared personal interests with regard to the Movement Strategy as County Councillor and County Council employee respectively. They remained in the room and spoke and voted thereon under the dispensation granted on behalf of the Standards Committee.

Councillor Brook declared a personal (but not prejudicial) interest as she was a member of the West of Waterlooville Forum regarding the report recommending a change to the terms of reference.

Councillor Warwick declared a personal (but not prejudicial) interest with regard to the report on the land transaction (CAB3121 refers) as one of the occupiers of the property was a personal friend.

2. **MINUTES OF THE PREVIOUS MEETING HELD ON 13 FEBRUARY 2019, LESS EXEMPT MINUTE.**

RESOLVED:

That the minutes of the previous meeting held on 13 February 2019, less exempt minute, be approved and adopted.

3. **PUBLIC PARTICIPATION**

Ian Tait spoke during public participation as summarised below:

- With regard to the Movement Strategy (report CAB3140 refers), he queried how and when improvements to pedestrian routes into the town centre along Bridge Street could be achieved. He also raised the issue of decreasing traffic speeds in Winchester.
- With regard to the Market Management (report CAB3145 refers), he highlighted that he had heard the lack of holiday entitlement for market traders caused some disquiet amongst traders.
- With regard to the land transaction to be considered in exempt session, he expressed concern that public perception could be that Councillors were involved in secret deals which impacted on the integrity of the authority.

The Chairman thanked Mr Tait for his comments which would be considered at the relevant points on the agenda.

In addition, Mike Slinn, Mike Lawrence and Phil Gagg spoke regarding the Movement Strategy report (CAB3140 refers) and their comments are summarised under the relevant minute below.

4. **LEADER AND PORTFOLIO HOLDERS' ANNOUNCEMENTS**

Portfolio Holders made a number of announcements as summarised below:

- A recent consultation event had taken place at North Walls regarding the future use of the recreation area and had been attended by over 800 people;
- Up to 100 new nesting boxes for swifts had been installed on Council housing properties;
- Work had started on site for the new Sports and Leisure Centre at Bar End.
- The Ministry of Housing, Communities and Local Government had awarded the Council two grants of £20k to support proposals to improve the High Street and Parks and Open Spaces.
- A meeting of the Cabinet (Station Approach) Committee had been arranged for later that day to consider the Outline Business Case and there had been a positive response to the proposals at The Overview and Scrutiny Committee on 20 March 2019.

5. **CITY OF WINCHESTER MOVEMENT STRATEGY**
(CAB3140)

Having declared a disclosable pecuniary interest in respect of this item, Councillor Humby left the room and took no part in the debate or decision.

Councillor Warwick introduced the report and highlighted it was a good example of joint working. She thanked the officers involved from the City and County Councils.

Three representatives of local groups spoke during public participation as summarised below. Cabinet also had regard to the comments made by Mr Tait during general public participation above.

Mike Slinn, Winchester Walking Group

Mr Slinn expressed disappointment in the Strategy and recommended that it not be approved. He believed that there was no evidence provided for the conclusions reached; the modelling used was not fit for purpose; and it did not demonstrate a vision for the city centre. He supported the vision put forward by Design Engine regarding converting North Walls to two-way and removing the majority of traffic from St George's Street. The Walking Group and Design Engine would like to make a joint proposal to members in due course.

Mike Lawrence, Chairman of Cathedral Street Residents' Association

Mr Lawrence explained that the Association comprised of the various streets surrounding the Cathedral which were predominantly medieval and not designed for modern traffic conditions. In general, he supported the proposals but requested that some "quick win" elements be implemented as soon as possible. In particular, he would wish to see the closure of the "rat run" linking Southgate Street and Market Lane through the streets adjacent to the Cathedral. This had been closed due to Southern Water works earlier in the year and had led to a much improved quality of life for residents.

Phil Gagg, WinACC

Mr Gagg thanked the City and County Councils for working with WinACC and for listening to the public through consultation undertaken. He welcomed many of the Strategy proposals including bus priority, enhancing the public realm and removing "rat runs". He believed it was important for the vision to be approved and then many of the detailed points could follow on. He requested that there be more commitment to reducing parking spaces (including park and ride as demand for cars decreased overall) and that a work place parking levy should not be discounted completely.

At the invitation of the Chairman, Councillors Thompson, Cunningham and McLean addressed Cabinet as summarised below.

Councillor Thompson welcomed the report and thanked the City and County Officers involved. She highlighted the importance of ensuring the amount of traffic in Winchester was reduced.

Councillor Cunningham welcomed the decision to reject the proposal for a western bypass as he believed this would have had a significant negative impact. He questioned the decision to close the existing Andover Road as it was a vital route from the north of the city.

Councillor McLean queried what consideration had been given to market towns and rural parishes?

The Corporate Head of Regulatory and Frank Baxter (Head of Integrated Transport - Hampshire County Council) responded to points raised during public participation and by Councillors as summarised below:

- Mr Baxter disagreed with comments made by Mr Slinn and believed the evidence base with sufficiently robust. He indicated that further modelling could be undertaken during the next stage of the work.
- The Corporate Head of Regulatory confirmed that the Strategy target was to reduce traffic movements by approximately 25% during the AM peak within the city centre which should have a significant impact on air quality.
- The offer of further input from Design Engine and Winchester Walking Group was noted.
- Mr Baxter confirmed that the Strategy undertook to re-examine the proposed closure of Andover Road.
- With regard to the request for improvements to pedestrian access along Bridge Street, Mr Baxter advised that this could be considered as proposals to manage traffic circulation were progressed.
- Mr Baxter stated that if “rat runs” were to be closed before other traffic management measures had been undertaken it could lead to more congestion and worsening air quality. However, there were some measures that could be implemented more quickly, such as introducing contraflow cycling paths. A study of traffic in the Square had been undertaken when the Southern Water road works were underway and the results of this would be added to the evidence base.
- The Corporate Head of Regulatory confirmed that parish councils surrounding the town area had been contacted as part of the consultation process on the emerging strategy and some had attended drop-in sessions arranged to discuss the proposals with community groups and other stakeholders.

The Chairman reported that the Strategy had been discussed by The Overview and Scrutiny Committee at its meeting on 20 March 2019 where Members had received a presentation on the proposals. The same presentation was available to Cabinet at this meeting. Members of the Overview and Scrutiny Committee had welcomed and endorsed the Strategy for adoption and had no matters of significance they wished to raise with Cabinet.

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

RESOLVED:

1. That the City of Winchester Movement Strategy be endorsed and adopted as a key evidence base to support the development of Local Plan 2036, future major projects, future updates of the Air Quality Strategy and Action Plan and the development of the Car Parking Strategy.
2. That the City Council works collaboratively with Hampshire County Council, as the highway and transport authority, to support the

delivery of the nine measures to be taken forward in the action plan section of the Strategy.

3. That the proposal to allocate £250k from the district Community Infrastructure Levy fund from the general fund to support further detailed development work be approved in addition to the £250k already committed from the general fund approved already as part of the budget setting process.

4. That authority is delegated to the Corporate Head of Regulatory to make any minor editorial changes to the City of Winchester Movement Strategy.

6. **PROCUREMENT OF A MARKET MANAGEMENT CONTRACTOR FOR THE WINCHESTER MARKETS (LESS EXEMPT APPENDIX)**
(CAB3145)

Councillor Ashton introduced the report and emphasised that with the changing nature of demands facing high streets, it was important that the market manager appointed was entrepreneurial and could adapt to change.

At the invitation of the Chairman, Councillor Thompson addressed the meeting in support of the proposals and acknowledged the vibrancy the market had brought to the town centre. In the future, she requested that consideration be given to relocating the market to the Broadway where there was more space and would help mitigate concerns previously experienced by some high street traders.

The Strategic Director: Place reported that an Informal Policy Group (IPG) had met on 18 March to consider the market management procurement. The IPG was chaired by Councillor Miller and included Member representation from both political groups. The IPG had considered general matters regarding the market (for example, layout and positioning of stalls) and had agreed that the quality of market provision was of vital importance. Consequently, the IPG agreed to recommend to Cabinet that the evaluation of the tenders be amended to 60% quality and 40% price.

The points made by Mr Tait were noted and with regard to comments made by Councillor Thompson, the Strategic Director highlighted that the possibility of moving the market was a longer term aim and the contract would have the flexibility to enable this.

One Member expressed some concern that the proposals did not allow for Member involvement in the selection process for the market contractor. The Chairman commented that with previous tender selection processes, Members had been given the opportunity to observe presentations and requested that this be arranged again. The Strategic Director acknowledged this was our previous approach and would be put in place for this procurement process. In response to questions, the Strategic Director confirmed that the requirement for market traders to remove waste from their stalls was within the contract and any issues reported could be addressed through the management of the market.

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

RESOLVED:

1. That the Council proceed with the public tender for the appointment of a Market Management Contractor.
2. That the Evaluation Panel to consider the submitted Tenders shall comprise: the Corporate Head of Asset Management, Senior Estates Surveyor, Programme Lead (Central Winchester) and Finance Business Partner.
3. That the highest scoring tenderer as determined by the Evaluation Panel be approved and authorised by the Strategic Director Place, in consultation with Portfolio Holder for Estates and the Head of Legal Services (Interim).
4. That the Head of Legal Services (Interim) be authorised to enter into a contract for the services with the successful bidder.
5. That the assessment be undertaken using 60% quality and 40% price to reflect the importance of Winchesterness in the proposed assessment framework.

7. **WEST OF WATERLOOVILLE FORUM - REVISED TERMS OF REFERENCE (CAB3150)**

Councillor Brook introduced the report as a member of the Forum. She stated that both Havant Borough Council and Hampshire County Council had confirmed they did not have any comments regarding the proposals.

At the invitation of the Chairman, Councillor Evans addressed the meeting on two matters which were not directly related to the report, as summarised below:

- Query regarding the electoral boundary between Denmead and Southwick and Widley Wards;
- Query regarding the asset distribution with respect to the new Newlands Parish Council as the Returning Officer, the Chief Executive advised that the electoral register had been corrected as soon as the error was noticed and an initial response had been issued to Councillors with further details to be sent shortly.

Councillor Brook stated that she had received verbal confirmation from relevant parties that the matter regarding the community building would be resolved in time for the first meeting of the Newlands Parish Council to be held there.

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

RESOLVED:

That the revised terms of reference for the West of Waterlooville Forum attached as Appendix 1 to the report be agreed, to take effect after the parish council election on 2 May 2019.

8. **MINUTES OF THE CABINET (LEISURE CENTRE) COMMITTEE HELD 11 FEBRUARY 2019, LESS EXEMPT MINUTE**
(CAB3155)

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

RESOLVED:

That the minutes of the Cabinet (Leisure Centre) Committee held 11 February 2019, less exempt minute, be received.

9. **ESTABLISHING THE WINCHESTER HOUSING COMPANY (LESS EXEMPT APPENDICES)**
(CAB3139(HSG))

Cabinet noted that this report had not been notified for inclusion on the agenda within the statutory deadline. The Chairman agreed to accept the item as a matter requiring urgent consideration in order that a decision on the way forward could be made without delay.

The Chairman stated that the report had been considered at Cabinet (Housing) Committee and The Overview and Scrutiny Committee at their meetings on 20 March 2019 where Members had supported the proposals. In addition, the proposals had been supported by TACT.

The Strategic Director: Services (Interim) advised that the proposal was for a relatively straightforward model of company which had been developed following discussions with other local authorities. It would enable the Council to develop alternative housing tenures which could not currently be provided within the Housing Revenue Account.

One Member expressed concern that with only one Member appointed to the Board, Members would not have overall control over decisions. The Strategic Director commented that it was unusual for companies to include any Member representation on the Board as their input was by being a shareholder. In addition, it was recommended that a Shareholder Advisory Group be established.

The Chairman emphasised that the proposal was for a further report to be submitted for approval once additional legal advice had been obtained. In addition, the Strategic Director highlighted that in the future, the Council might look to establish additional housing company(ies) to pursue a wider selection of possibly larger developments.

Cabinet moved into exempt session to consider the contents of the exempt appendices to the report before returning to open session to agree the recommendations as set out below.

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

RESOLVED:

1. That the proposal to establish a company limited by shares and wholly owned by the Council to deliver and manage sub market rented and shared ownership accommodation, including the partnered home purchase scheme (PHP) be approved. A further report will be made to Cabinet and Council before a final decision is made to establish the company and start trading.
2. That a combined loan facility & equity shareholding of £10m from the General Fund be approved to support the company's development activity.. This was previously approved in CAB2990 (HSG) 22 November 2017 as a £10m loan facility only.
3. That the five year business plan be approved.
4. That the Corporate Head of Housing in consultation with the Corporate Head of Resources, the Leader with Portfolio for Housing Services and the Portfolio Holder for Finance be authorised to:
 - a) Determine the balance of commercial and other loans to equity with due regard to state aid regulations.
 - b) Determine the terms of all loans.
5. That the proposed governance structure be approved, and:
 - a) Full Council assumes the role of shareholder of the company.
 - b) A Shareholder Advisory Group of three elected members of the Cabinet Housing Committee be established to advise the Council in its capacity as shareholder with senior officers to attend as required.
 - c) That the appointment of one elected member and two senior officers to the board of directors, namely The Chair of the relevant Policy Committee, The Corporate Head of Housing and the Head of New Homes Delivery, be approved.
6. That delegated authority be given to the Chief Executive in consultation with the Leader with Portfolio for Housing Services to appoint additional independent directors at a future date should the need arise.
7. That authority to finalise the articles of association and shareholder agreement be delegated to the Corporate Head of Housing in

consultation with the Legal Services Manager, the Leader with Portfolio for Housing Services and external legal advisors.

8. To ensure that the company is able to commence trading from October 2019, that authority to undertake all remaining steps detailed at table 5 be delegated to the Corporate Head of Housing in consultation with the Legal Services Manager and Leader with Portfolio for Housing Services.

10. **FUTURE ITEMS FOR CONSIDERATION**

RESOLVED:

That the list of future items, as set out in the Forward Plan for April 2019, be noted.

11. **EXEMPT BUSINESS:**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
12	Exempt minute of the previous meeting) Information relating to the financial or business affairs of
20	Guildhall café – future operation) any particular person (including the authority holding that
14	Procurement of market management contractor (exempt appendix)) information). (Para 3 Schedule 12A refers)
21	Land Transaction - CAB3121)
22	Exempt minute of Council held 28 February 2019)
24	Land Transaction - CAB3152)
17	Establishing the Winchester Housing Company (exempt appendices))
18	Exempt minute of)

Cabinet (Leisure Centre))
 Committee held 11)
 February 2019)

- 17 Establishing the) Information in respect of which a
 Winchester Housing) claim to legal professional
 Company (exempt) privilege could be maintained in
 appendices)) legal proceedings. (Para 5
) Schedule 12A refers)

12. **EXEMPT MINUTE OF THE PREVIOUS MEETING HELD ON 13 FEBRUARY 2019**

RESOLVED:

That the exempt minute of the previous meeting held on 13 February 2019 be approved and adopted.

13. **GUILDHALL CAFÉ - FUTURE OPERATION**
 (CAB3148)

Cabinet considered the above report which set out proposals for the future operation of the Guildhall cafe (detail in exempt minute).

14. **PROCUREMENT OF A MARKET MANAGEMENT CONTRACTOR FOR THE WINCHESTER MARKETS (EXEMPT APPENDIX)**
 (CAB3145 - APDX A (EXEMPT))

Cabinet considered the exempt appendix to the report which contained more detailed financial information regarding the proposed procurement.

RESOLVED:

That the content of the exempt appendix to the report be noted.

15. **LAND TRANSACTION**
 (CAB3121)

16. **EXEMPT MINUTE EXTRACT FROM COUNCIL HELD 28 FEBRUARY 2019**
 (CAB3156)

As he had previously raised at the Council meeting on 28 February 2019, one Member questioned the requirement to consider the above report during exempt session, particularly having regard to the fact that a number of details relating to the proposals had been published in a local newspaper.

The Corporate Head of Resources repeated advice given at Council that this report should be considered in exempt session because of the commercial sensitivity of its contents. This was consistent with the approach taken on previous occasions with other land transaction reports. She would also have

governance concerns if the report was made public simply because its contents had been published in the press.

Cabinet considered the above report which dealt with a proposed land transaction in Winchester (detail in exempt minute).

Cabinet also considered the exempt minute extract from Council which considered the Land Transaction report (CAB3121) above (detail in exempt minute).

17. **ESTABLISHING THE WINCHESTER HOUSING COMPANY (EXEMPT APPENDICES)**
(CAB3139(HSG) - EXEMPT APPENDICES)

Cabinet considered the content of the exempt appendices to the report.

RESOLVED:

That the content of the exempt appendices be noted.

18. **EXEMPT MINUTE OF THE CABINET (LEISURE CENTRE) COMMITTEE HELD 11 FEBRUARY 2019**
(CAB3155)

RESOLVED:

That the exempt minute of the previous meeting held 14 January 2019 be received.

19. **LAND TRANSACTION**
(CAB3152)

Cabinet considered the above report which dealt with a proposed land transaction in Winnall (detail in exempt minute).

The meeting commenced at 1.10 pm and concluded at 4.15 pm