

WINCHESTER CITY COUNCIL

At an Ordinary Meeting of the Council held in the Guildhall, Winchester on 15 July 2015.

Attendance:

Councillor Clear (The Mayor in the Chair) (P)

Councillors:

Achwal (P)	Mather (P)
Berry E (P)	Maynard (P)
Berry J (P)	McLean (P)
Bodtger (P)	Miller (P)
Byrnes (P)	Newman-McKie
Burns (P)	Osborne (P)
Cook Simon (P)	Pearson (P)
Cook Susan (P)	Phillips (P)
Cutler (P)	Power (P)
Dibden (P)	Prowse (P)
Evans (P)	Read (P)
Fancett (P)	Ruffell L (P)
Gemmell (P)	Ruffell T (P)
Godfrey (P)	Rutter (P)
Gosling (P)	Sanders
Gottlieb (P)	Scott
Green (P)	Scowen (P)
Hiscock	Southgate (P)
Horrill (P)	Stallard (P)
Humby (P)	Tait (P)
Hutchison (P)	Thacker (P)
Huxstep (P)	Thompson (P)
Izard (P)	Tod (P)
Jeffs (P)	Twelftree (P)
Johnston (P)	Warwick (P)
Laming (P)	Weir (P)
Lipscomb (P)	Weston (P)
Mason (P)	Wright (P)

1. **MINUTES**

RESOLVED:

That the minutes of the Ordinary Meeting of the Council held on 1 April 2015, less exempt minute, the Annual Meeting of the Council held on 20 May 2015 and the Extraordinary Meeting held on 18 June 2015, be approved and adopted.

2. **COMMUNICATIONS FROM THE MAYOR**

The Mayor announced that that she was to host a VJ Day tea party in Abbey House on 15 August 2015 for the Royal British Legion and for veterans.

The Mayor then thanked those Members who attended the King's Royal Hussars Freedom Parade held on 9 July 2015 and reminded Members that the Adjutant General Corps were also exercising their freedom rights on Saturday 24 October.

The Mayor then drew Members' attention to the Annual Mayor's Bowls Match which was to be held on Friday 4 September.

3. **COMMUNICATIONS FROM THE LEADER**

None.

4. **DISCLOSABLE PECUNIARY INTERESTS**

Having regard to their roles as Hampshire County Councillors, Councillors Humby, Huxstep, Mather, Stallard and Tod each declared a disclosable pecuniary interest in any matter on the agenda which may have a County Council involvement. Councillor Godfrey made the same declaration due to his role as a County Council employee as did Councillor Thacker, whose husband was a Hampshire County Councillor. However, as there was no material conflict of interest, they all remained in the room under the dispensation granted on behalf of the Standards Committee, to participate and vote in all such matters.

Councillor Gottlieb declared a personal, but not prejudicial interest in matters on the agenda that relate to the Silver Hill development proposals due to his links with the Winchester Deserves Better campaign group.

The Chief Operating Officer explained that Councillor Gottlieb had been advised that he should consider whether, at such time during the meeting that the Council may wish to consider its response to the letters received from Solicitors acting on his behalf in relation to the agenda item on Silver Hill, that it may not be appropriate for him to remain in the meeting. However the need for Councillor Gottlieb to leave did not arise. He participated and voted in the debate.

Councillor Lipscomb declared a personal (but not prejudicial) interest in matters on the agenda that relate to the Silver Hill development proposals due to him being a member of the Council of the City of Winchester Trust. He participated and voted in the debate.

Councillor Gottlieb declared a personal and prejudicial interest with regard to the item on the agenda relating to 153 High Street, Winchester due to him

having made an offer to purchase the freehold of the property on behalf of a community trust. Councillor Gottlieb left the meeting during consideration of the matter.

Councillors Evans and Pearson both declared a personal (but not prejudicial) interest in respect of the Notice of Motion regarding archaeology at the Silver Hill site as they were members of the Winchester Excavations Group. However, this item was deferred to the adjourned meeting on 23 July 2015.

5. **QUESTIONS UNDER COUNCIL PROCEDURE RULE 14**

The Mayor announced that in view of the number of members of the public present for the matters related to Silver Hill, Questions would now be considered later in the agenda.

6. **CONSIDERATION OF RECOMMENDED MINUTES**

Appendices to Report CAB2700 (3a, and exempt appendices 9, 10, 11, 12, 13, 14, 15a, 15b, 15c, 16, 16a, 17, 18, 19 and 20), Report CAB2706 and Reports CL113 and CL114 (including exempt minutes) were circulated with Supplementary Agendas after the statutory deadline. The Mayor decided to accept the reports and the appendices onto the agenda, because of the urgent need for Council to consider matters contained therein, including the Recommended Minutes from Cabinet and The Overview and Scrutiny Committee. It was also clarified that CAB2700 and Appendices 1 – 7 had been circulated separately to the Council Minute Book, but within the statutory deadline.

Cabinet – 13 July 2015

Silver Hill – Submissions by Silverhill Winchester No 1 Ltd and Council's Response (Less Exempt Appendices)

The Chief Operating Officer drew attention to additional documents circulated to the meeting. These included the minutes of both Cabinet and The Overview and Scrutiny Committees held on 13 July 2015 as set out in Report CL114 and also further information requested by the meetings which was included in exempt Appendices 16a (Supplementary Opinion of Ms Lieven QC), 18, 19 and 20 (clarification of heads of terms).

The Mayor agreed that Council should adjourn for 10 minutes to allow Members to familiarise themselves with the information in each of the documents, although the majority had been circulated electronically in advance of the meeting.

Council reconvened and the Leader drew Members' attention to a proposed revision to the Recommended Minute of Cabinet within Report CL114. The Leader reported that the matters before Council had been considered at the meetings of Cabinet and The Overview and Scrutiny Committee. The Revised Proposition reflected the discussions of The Overview and Scrutiny Committee.

Detailed responses to the heads of terms, as requested by The Overview and Scrutiny Committee, were set out in Exempt Appendix 20.

The Leader moved that the Revised Proposition be approved and adopted. The item was seconded by the Deputy Leader, Councillor Weston.

- | | | |
|--------|------------------------|-----------------------|
| Motion | (1) Councillor Godfrey | (2) Councillor Weston |
|--------|------------------------|-----------------------|
1. That Council supports the approach taken by Cabinet, including:
 - (i) (in connection with the Social Housing Condition) the identity of the housing association be approved and the heads of terms for the provision of affordable housing be approved following the receipt of further clarification detailed in Exempt Appendix 20;
 - (ii) (in connection with the Funding Condition) the identity of the fund be approved and the heads of terms for the provision of finance for the development be approved following the receipt of further clarification detailed in Exempt Appendix 20;
 - (iii) (in connection with the Financial Viability Condition) the development be considered to be financially viable at this point in time;
 2. That the position in respect of the Works Commencement Date and the legal advice on whether it has been met be noted, and that Cabinet determine they should not issue Notice of Termination on the grounds that the Developer has not complied with the requirements of the Development Agreement.
 3. That Cabinet should continue to seek improvements to the scheme that are:
 - (i) consistent with the Development Agreement and associated legal constraints;
 - (ii) consistent with the compulsory purchase order;
 - (iii) consistent with viability.
 4. That Cabinet and The Overview and Scrutiny Committee should commit to regular monitoring of key factors for the scheme.

5. That Cabinet should appoint a dedicated implementation officer to the Silver Hill project with suitable experience, skills and training to manage the Council's contribution to the scheme.

This now became the Revised Original Motion.

The Leader then asked the officers and external advisers to outline key points in the report and appendices to Members. Members then asked questions of the Leader, officers and external advisers.

Amendment (1) Councillor Burns (2) Councillor Southgate

Replace 2 in the Revised Original Motion before Council with:

“That in view of the Works Commencement Date condition not having been met prior to 1 June 2015, this Council advises the Leader of the Council and Cabinet to instruct the Head of Legal and Democratic Services to serve notice immediately on Silverhill Winchester (No 1) Ltd (TH Real Estate), to give effect to the termination of the Development Agreement dated 22 December 2004.”

The meeting resolved to move into Exempt Session to allow it to discuss the information set out in the Exempt Appendices before returning to open session to consider the Amendment and the Revised Original Motion further and to make its decision.

7. **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 item 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>
##	Silver Hill – Submissions by Silverhill Winchester No 1 Ltd and)) Information relating to the financial or business affairs of any particular person (including the authority holding that

Council's)	information). (Para 3 Schedule
Response -)	12A refers)
Exempt)	
Appendices)	Information in respect of which a
)	claim to legal professional
Silver Hill –)	privilege could be maintained in
Submissions)	legal proceedings. (Para 5
by Silverhill)	Schedule 12A refers)
Winchester)	
No 1 Ltd and)	
Council's)	
Response –)	
Exempt)	
Minutes of)	
Cabinet and)	
The Overview)	
and Scrutiny)	
Committee)	

Cabinet – 13 July 2015

The Overview and Scrutiny Committee – 13 July 2015

Silver Hill – Submissions by Silverhill Winchester No 1 Ltd and Council's Response (Exempt Appendices)

The meeting discussed the information set out in the Exempt Appendices of Report CAB2700 and the Exempt Minutes of the meetings of Cabinet and The Overview and Scrutiny Committee (both held on 13 July 2015).

The meeting asked a number of detailed questions with regard to the information in Exempt Appendix 20 and as a consequence made one change to the proposed response to the heads of terms for the Social Housing Condition (details in Exempt Minute).

RESOLVED

1. That the Exempt Minute of Cabinet as set out in Report CL114, be noted.
2. That Exempt Recommended Minute of The Overview and Scrutiny Committee as set out in Report CL114, be noted.
3. That the meeting now return to open session to consider the proposals further and to make its decision.

Cabinet – 13 July 2015The Overview and Scrutiny Committee – 13 July 2015Silver Hill – Submissions by Silverhill Winchester No 1 Ltd and Council's Response (Less Exempt Appendices)

Council debated the amendment moved in open session by Councillor Burns.

As more than a quarter of the Council present indicated that it was their wish, the Mayor agreed that a recorded vote be taken.

Division Lists

The following Members voted in favour of the amendment:-

Councillors J Berry, Burns, Susan Cook, Dibden, Gosling, Gottlieb, Laming, Southgate, Warwick.

The following Members voted against the amendment:-

Councillors Achwal, E Berry, Bodtger, Byrnes, Clear, Simon Cook, Cutler, Evans, Fancett, Gemmell, Godfrey, Green, Horrill, Humby, Huxstep, Izard, Jeffs, Johnston, Lipscomb, Mason, Mather, Maynard, McLean, Miller, Pearson, Phillips, Power, Prowse, Read, T Ruffell, Rutter, Scowen, Stallard, Tait, Thacker, Thompson, Tod, Twelftree, Weir, Weston, Wright.

The following Members abstained from voting:-

Councillors Hutchison and Osborne.

Amendment lost.

Amendment (1) Councillor Power (2) Councillor Thompson

1. In recommendation 4 in the Revised Original Motion before Council remove "and The Overview and Scrutiny Committee."
2. Add an additional recommendation 4A "That a Major Projects Scrutiny Committee be establishment to publicly monitor our performance in implementing major projects and the benefits they deliver.

Amendment lost.

Council then considered the Substantive Proposition from the Leader (Revised Original Motion). Following, the discussion in the exempt session on Exempt Appendix 20, with the leave of Council, the Leader, seconded by Councillor

Weston, proposed minor adjustments to its wording to take account of that discussion.

Substantive Proposition, as then further revised, carried as set out below.

RESOLVED:

1. That Council resolves that Cabinet be advised:
 - (i) (in connection with the Social Housing Condition) the identity of the housing association be approved and the heads of terms for the provision of affordable housing be approved subject to the Council's responses detailed in Exempt Appendix 20, as amended;
 - (ii) (in connection with the Funding Condition) the identity of the Fund be approved and the heads of terms for the provision of finance for the development be approved subject to the Council's responses detailed in Exempt Appendix 20;
 - (iii) (in connection with the Financial Viability Condition) the development be considered to be financially viable at this point in time;
2. That the position in respect of the Works Commencement Date and the legal advice on whether it has been met be noted, and that Cabinet determine they should not issue Notice of Termination on the grounds that the Developer has not complied with the requirements of the Development Agreement.
3. That Cabinet should continue to seek improvements to the scheme that are:
 - (iii) consistent with the Development Agreement and associated legal constraints;
 - (iv) consistent with the compulsory purchase order;
 - (iii) consistent with viability.
4. That Cabinet and The Overview and Scrutiny Committee should commit to regular monitoring of key factors for the scheme.
5. That Cabinet should appoint a dedicated implementation officer to the Silver Hill project with suitable experience, skills and training to manage the Council's contribution to the scheme.
6. That the Recommended Minute of The Overview and Scrutiny Committee as set out in Report CL114, be noted.

Cabinet – 13 July 2015

The Overview and Scrutiny Committee – 13 July 2015

153 High Street, Winchester

The Leader of the Council, Councillor Godfrey moved that the Cabinet Recommended Minute in Report CL114 be approved and adopted.

RESOLVED:

1. That Cabinet Recommended Minute in Report CL114 be approved and adopted.
2. That Recommended Minute of The Overview and Scrutiny Committee as set out in Report CL114, be noted.

8. **ADJOURNMENT OF MEETING**

The Mayor announced that due to the late hour and the number of agenda items still to be considered, it was proposed that the meeting be now adjourned, to be reconvened to consider the remainder of the business items on Thursday 23 July at 7pm in the King Alfred Conference Chamber, Guildhall.

The meeting commenced at 7pm and was adjourned at 12.45am.