

WINCHESTER CITY COUNCIL

At an Extraordinary Meeting of the Council held in the Guildhall, Winchester on 18 June 2015.

Attendance:

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

Councillors:

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

1. **COMMUNICATIONS FROM THE MAYOR**

The Mayor referred to Queen's Birthday Honours List and announced that letters of congratulation would be sent to the following people who lived or worked in the District:-

Donal Brown - a CBE awarded for services to International Development.

Professor Averil Mary Macdonald - an OBE for services to Women in Science and Public Engagement with Science.

Roger Mark Witcomb - an OBE for services to the Competition and Consumer Regime.

Captain Christopher Tarleton Feltrim Fagan, DL - an MBE for services to the Gallipoli Association.

Commander Anthony Higham - a BEM for services to the community in Hambledon, Hampshire and for charitable service.

Mrs Janina Barbara Lazarski - a BEM for services to Higher Education and to the community in Hampshire.

Richard Francis John Steel - a BEM for services to the community and to charity in Winchester, Hampshire.

The Mayor then reminded the meeting that it was the Armed Forces Day Flag Raising Ceremony at The Great Hall on Monday 22 June 2015. Residents and visitors were also invited to attend. A selection of military music was to be played by the Band of the Royal Logistics Corp at the Buttercross, Winchester.

2. **COMMUNICATIONS FROM THE LEADER**

None.

3. **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 him being a member of the Winchester Deserves Better campaign group.

The Chief Operating Officer explained that a letter from Solicitors acting on behalf of Councillor Gottlieb dated 18 June 2015 had been circulated to the meeting. The letter referred to the likelihood of legal action being taken against the Council. Councillor Gottlieb was advised that he should consider whether at such time during the meeting that the Council may wish to consider its response to the letter, it would not be appropriate for him to remain in the meeting, but the need did not arise.

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

The Mayor announced that following the agreement of Group Leaders, it had been agreed that questions would not be taken at this meeting.

5. **REPORT FROM THE LEADER ON THE TERMINATION OF THE DEVELOPMENT AGREEMENT DATED 22 DECEMBER 2004, BETWEEN THE COUNCIL AND SILVERHILL WINCHESTER NO 1 LTD (PREVIOUSLY KNOWN AS THORNFIELD PROPERTIES (WINCHESTER) LTD).**

(Report CL110 refers)

Report CL110 was circulated with a Supplementary Agenda after the statutory deadline. The Mayor decided to accept the Report onto the agenda, because of the urgent need for Council to consider the matter in advance of meetings of Cabinet, The Overview and Scrutiny Committee and Council. The Mayor also clarified that should there be a need to take advice in exempt session, it was proposed to move back into open session for the debate and final decision.

The Chief Operating Officer drew attention to additional documents circulated to the meeting. These were letters from Solicitors acting on behalf of Councillor Gottlieb. The first letter was dated 17 June 2015 and included a previous letter appended, which was dated 20 May 2015. Further correspondence had been received today (18 June) from the Solicitors in response the circulation to Members of an Opinion obtained by the Council from David Elvin QC and Richard Moule dated 17 June which had also been circulated to Members.

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

Council reconvened and the Leader moved that the Recommendation in Report CL110 be approved and adopted. The item was seconded by the Deputy Leader, Councillor Weston. The Leader introduced the Report.

Amendment (1) Councillor Thompson (2) Councillor Tod

Replace original motion before Council with:

“That Council considers that *at the present time*, it is not in the best interests of Winchester for a notice of termination to be issued under the terms of the Development Agreement between the Council and Silverhill Winchester No. 1 Ltd dated 22 December 2004 *as all the necessary information for a fully informed decision is not available for consideration* at this meeting and that Cabinet be advised accordingly.”

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 Bodtger, Byrnes, Clear, Simon Cook, Cutler, Dibden, Evans, Fancett, Gemmell, Godfrey, Hiscock, Horrill, Humby, Hutchison, Huxstep, Izard, Jeffs, Johnston, Laming, Lipscomb, Mason, Mather, Maynard, Miller, Newman-Mckie, Osborne, Pearson, Phillips, Power, Read, L Ruffell, T Ruffell, Rutter, Scott, Scowen, Stallard, Tait, Thacker, Thompson, Tod, Twelftree, Weir, Weston.

The following Members voted against of the amendment:-

Councillors J Berry, Burns, Susan Cook, Gosling, Gottlieb, Sanders, Warwick, Wright.

Amendment carried, which now became the Substantive Proposition.

Amendment (1) Councillor Gottlieb (2) Councillor Burns

Replace original motion before Council with:

“That 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 (“Henderson”), to give effect to the termination of the Development Agreement dated 22 December 2004, so as to enable the Council to fulfil its constitutional and legal duties as regards procurement.”

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, Gosling, Gottlieb, Sanders, Warwick, Wright.

The following Members voted against of the amendment:-

Councillors Bodtger, Byrnes, Clear, Simon Cook, Cutler, Evans, Fancett, Gemmell, Godfrey, Hiscock, Horrill, Humby, Huxstep, Jeffs, Johnston, Lipscomb, Maynard, Miller, Newman-Mckie, Osborne, Pearson, Phillips, Power, Read, L Ruffell, T Ruffell, Rutter, Scott, Scowen, Stallard, Thacker, Thompson, Tod, Twelftree, Weir, Weston.

The following Members abstained from voting:

Councillors Dibden, Hutchison, Izard, Laming, Mason, Mather, Tait.

Amendment lost.

Council took a vote on the Substantive Proposition.

Substantive Proposition carried unanimously.

RESOLVED:

That Council considers that at the present time, it is not in the best interests of Winchester for a notice of termination to be issued under the terms of the Development Agreement between the Council and Silverhill Winchester No. 1 Ltd dated 22 December 2004 as all the necessary information for a fully informed decision is not available for consideration at this meeting and that Cabinet be advised accordingly.

6. **NOTICES OF MOTION**

None.

7. **MEMBERSHIP CHANGES TO COMMITTEES**

RESOLVED:

That Councillor Clear be replaced by Councillor Izard as a member of the Standards Committee.

The meeting commenced at 7pm and concluded at 9.50pm.

The Mayor