



**Winchester**  
City Council

**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 1**

From: Councillor Laming

To: The Leader

“In light of the findings of the Judicial Review, how many other contracts does this ruling affect?”

**Reply**

“The judgment concerned a particular set of facts, and the Council’s decision to vary the development agreement for Silver Hill. The judgment may affect development agreements entered into by other councils, but there are no other development agreements to which the City Council is a party which would be affected by the judgment.

The judgment reflected existing caselaw. From 26 February 2015, new regulations governing public contracts will come into force, and these make specific provisions for variations of public contracts.”



**Winchester**  
City Council

**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 2**

From: Councillor Scott

To: The Portfolio Holder for Housing Services

“Can the Portfolio Holder explain to me the decision taken by him and his fellow Cabinet Members on the Housing Committee 1st October 2014 (CAB2619 HSG) regarding an age limit for replacement of 30 years kitchens and 40 years bathrooms as part of the Councils 30 years programme of investment in it's housing stock, and can he justify the change from 20 years kitchens and 30 years bathrooms?”

Also can the Portfolio Holder explain how the housing stock survey has been used to identify poor quality kitchens and bathrooms and what action has been taken to improve those kitchens and bathrooms since the survey has been conducted?”

**Reply**

“The Housing Revenue Account (HRA) Business Plan, first approved in 2012, included a programme that aimed to ensure all kitchens were no more than 20 years old and bathrooms no more than 30 years old by 2022.

The Stock Condition Survey of all Council homes was completed last year and identified a number of areas where the existing programme needed to be revised, largely to ensure the Council is able to maintain all homes to the Decent Homes Standard.

As set out in CAB2619(HSG), a revised capital programme has been approved that gives priority to the key components (those that keep the property wind, weather-tight and warm) followed by the non –key components (kitchens; bathrooms; etc.).

When different components require replacement to ensure compliance with the Decent Homes standard is determined by assessing a number of factors together, no simply the age of any one component.

A 30 year old kitchen in itself will not fail the “Decent Homes” standard, although a property with both a kitchen over 20 years and a bathroom over 30 years would fail the standard. More information on this is provided in the report.

Investment in kitchens and bathrooms remains high at between £1.8m and £2m per annum. However, spend on key components such as roofs and other elements of the external fabric of buildings has had to increase. It would require additional investment of an estimated £700,000 per annum to comply with previous targets in relation to kitchens and bathrooms, which could only be afforded at the expense of other programmes, such as New Homes Development.

All defects and additional repair requirements noted by surveyors as part of Stock Survey inspections have been passed to the Council and officers are currently in the process of either arranging works or follow up surveys to review specific requirements. The survey did not identify any works required as a result of the Housing and Health Safety Rating system.”



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**Question under Council Procedure Rule 14**

**QUESTION 3**

From: Councillor Gemmell

To: The Portfolio Holder for Environment, Health and Wellbeing

“The recent story in the press about abandoned dogs in Winchester highlighted the work of our animal welfare officers. How big a burden did this case put on the WCC animal welfare budget?”

**Reply**

“As you may be aware, the Winchester district was the chosen locale for the abandonment of nine Poodle cross breed dogs, comprising of eight pups and their mother. All the dogs were found in a similarly awful condition which necessitated, to varying degrees, veterinary treatment for all the dogs. This treatment was administered by four separate veterinary practices, which incurred a total cost of £5058.25.

Winchester City Council is required to keep stray dogs under their control for a statutory seven day period, during which time any owners that come forward are charged for any veterinary fees incurred. In this case, the animals were transferred to the RSPCA after 3-4 days, to kennel the dogs. It was felt that this would be in the best interests of the animals’ welfare and there were no remaining veterinary charges for WCC to pay.

In addition, as part of the officer’s investigation into how these dogs came to be abandoned, a press release was issued to appeal for any witnesses. The unintended consequence of this was an unprecedented local, national and indeed international response from the public, not only expressing their support for the work undertaken by the Animal Welfare Staff at Winchester City Council, but also in many cases offering financial contributions towards the welfare and treatment of these dogs.

As a Local Authority we were unable to accept charitable donations directly; and we agreed that donations should be made directly to the RSPCA. However one particular body, the Poodle Network UK received considerable interest from its membership and collected sufficient donations to cover all of

Winchester City Council's veterinary bills. On advice from Legal Services and Finance, it was agreed that donations would be made directly to the four veterinary practices, leaving Winchester City Council with no fees to pay.

Winchester City Council seizes in the region of 150 strays per annum, a significant minority of which require immediate veterinary treatment, for pre existing medical conditions or injuries. Currently Winchester City Council does not have a dedicated budget to pay for such veterinary treatments.

In 2013/14 some £3854.47 was spent on vets fees. For this current year, WCC has incurred some £1612.39 in vets fees. In the majority of cases, around 60% of dogs are reunited with their owners and any vets bills are passed to them, but this still leaves the 40% of dogs that may have medical needs and have to be rehomed after 7 days. From this it can be seen that there is no certain way to forecast such fees, and it should be noted that the condition of a single dog in a severe but treatable condition can have a marked impact on the final figure."



**Winchester**  
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**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 4**

From: Councillor Thompson

To: The Portfolio Holder for Housing Services

"At a time when major providers of social housing are pulling out because of supporting people cuts, what provision is the Council making to pick up the shortfall in funding?"

**Reply**

"The Supporting People programme was never intended as a funding source for social housing provision. It was introduced in 2003 to fund the provision of housing related support to vulnerable residents, irrespective of their housing tenure. It specifically funded accommodation based services such as hostels and supported accommodation, or floating support (low level help with budgeting, maintaining a home etc), intended to support vulnerable people to stay in their homes and prevent homelessness.

Hampshire County Council remains responsible for the provision and funding of this programme but there has been significant cuts to the overall County Budget. .

County Council proposals for reductions in funding to support 'socially excluded' groups will impact directly on a number of social landlords and support providers who operate projects in the Winchester district. Council officers are currently in discussions with the County Council to determine how remaining funds will be distributed. They are also meeting with providers to determine how best to address the current shortfall in "move on" accommodation.

The Council is not in a position to pick up any shortfall in funding. However, we are reviewing how, by working in partnership with support providers, we can make best use of the accommodation and 'floating support' that remains available in the district to support vulnerable households."



**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 5**

From: Councillor Gottlieb

To: The Leader

“Silver Hill is the most significant issue in Winchester – it will come to define both the city’s history and its future. In connection with it, the Judge found that the Council was in ‘serious breach’ of important regulations. These breaches occurred not as a result of mistakes but as a consequence of internal advice purposefully given and decisions subsequently made by the Council, which had full knowledge of the regulations.

The Council has wasted years of opportunity and hundreds of thousands of pounds of taxpayers' money in the process, which includes a two week Public Inquiry for a scheme that was never viable and at which the Inspector was misled.

Had the amended agreement with Henderson been allowed to proceed, the Council would have lost millions of pounds it should have otherwise received had the matter been dealt with in a commercially competent manner.

There has been a flagrant breach of due process, and as a result of the disapproval of the High Court, the Council has suffered the indignity of having its reputation damaged and its integrity doubted.

How bad do things have to be, for those who are responsible for managing the process and for guiding the decision makers, and those who made decisions, all of whom had ample warning and knowledge of the potential problems, to recognise that resigning would be the appropriate and honourable thing to do?”

**Reply**

“This would have been a matter for the previous Leader of the Council.”



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**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 6**

From: Councillor Rutter

To: The Leader

“Can the Leader tell us when the Portable Event Space will be available for community use, and what repairs or modifications have had to be made to ensure it is serviceable?”

**Reply**

“Members may be aware that the company constructing the Council’s portable event space went into Administration last August, having delivered to Winchester an incomplete stage shortly before they did so.

As a bespoke product, officers have been careful to have it assessed for compliance with health and safety regulations, as well as carrying out more routine desnagging checks.

Reports from a local engineering firm and a health and safety consultant were commissioned over the winter and have recently been received. It appears that modifications to the design made by the staging manufacturer without the Council’s authorisation render it unusable in its current form. Officers are therefore investigating the possibility of an insurance claim to see if some or all of the costs can be reclaimed.

Officers had withheld a portion of the costs for desnagging, and – in view of the time it might take to conclude investigations into the original event space – are now exploring the potential to use this remaining budget to buy a smaller, ‘off the shelf’ solution for use by community organisations during the events season ahead.

I will obviously keep you all informed as to the outcomes of these investigations.”





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**Question under Council Procedure Rule 14**

**QUESTION 7**

From: Councillor Byrnes

To: The Portfolio Holder for Built Environment

“Can the Portfolio Holder confirm the total amount paid to District communities as Repair and Renew Grants since the scheme has been running?”

**Reply**

“Since the flooding that occurred during the Winter of 2013/14, a total of £111,000 has been paid out to residents and businesses within the District under the Repair and Renewal Grant scheme.”



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**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 8**

From: Councillor Cook

To: The Leader

“What is the Leader’s response to the Silver Hill judgment in terms of future action?”

What was the estimated cost to the Council of the recent legal action by Councillor Gottlieb in the High Court?”

Reply

“A report to Cabinet’s meeting on 18 March 2015 will include information on the judgment and future action for the Council in the light of the judgment.

The total costs claimed on behalf of Cllr Gottlieb are £138,500. The Court ordered that these costs should be assessed by the Court if not agreed within 21 days, and then paid by the Council. In addition, the Council’s own costs are £123,766.

Henderson have offered and agreed to pay 50% of these costs, on the basis that it can allocate these against the development account.”



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**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 9**

From: Councillor Gosling

To: The Leader

“What was the cost of defending the recent Judicial Review application including the cost of Leading and Junior Counsel?”

**Reply**

“The total costs claimed on behalf of Cllr Gottlieb are £138,500. The Court ordered that these costs should be assessed by the Court if not agreed within 21 days, and then paid by the Council. In addition, the Council’s own costs are £123,766.

Henderson have offered and agreed to pay 50% of these costs, on the basis that it can allocate these against the development account.”



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**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 10**

From: Councillor Pines

To: The Leader

“What are the financial implications of the judgment and what provision has been or can be made in relation to these?”

**Reply**

“The total costs claimed on behalf of Cllr Gottlieb are £138,500. The Court ordered that these costs should be assessed by the Court if not agreed within 21 days, and then paid by the Council. In addition, the Council’s own costs are £123,766.

Henderson have offered and agreed to pay 50% of these costs, on the basis that it can allocate these against the development account.

The 2014-15 budget includes provision to cover the Council’s share of these costs.”



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**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 11**

From: Councillor Evans

To: The Portfolio Holder for Business Services

“What are the criteria for nominations for Mayor's Annual awards?”

**Reply**

“There are no specific guidelines on the matter and it is down to each individual Mayor to make their own selections.”



**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 12**

From: Councillor Lipscomb

To: The Leader

“Will the Leader unequivocally accept the Judgement of The Hon. Mrs Justice Lang DBE in Case No. CO 4150/2014 and assure the Council that no further substantive action will be taken on the development known as Silver Hill without the explicit consent of full Council?”

To facilitate whatever may be determined by Council as appropriate action post the Judgement, will the Leader confirm that a Special Meeting of the Council will be called at the earliest practicable date, to consider all aspects of the Silver Hill development, notably the Judgement?

In anticipation of and preparation for that, will the Leader note the deep concern of Members that the Judgement has exposed serious flaws in the quality of advice and risk assessment provided by Officers and their external advisors, on which Cabinet and ultimately Council relied in making decisions which Mrs Justice Lang has found to be seriously contrary to law. In doing that, will the Leader recognise that various Members had been repeatedly assured that the Council's approach to tendering (or otherwise) the contract(s) presently held by Hendersons and their partners was sound, assurances which are now found to be contrary to law?”

**Reply**

“The Court has decided that the actions of the Council were wrong in that we should have undertaken a fresh procurement exercise in the light of variations to the scheme. That decision does not accord with the clear legal advice the Council had when decisions were taken in July 2014. However, the very purpose of a Judicial Review is to test interpretation of the law, and we must respect the fact that the Judge took a different view from the Council's advisors.

There is consensus that there should be an independent review of the way in which advice was given and decisions taken last summer. It would be appropriate for that review to report to Full Council. Any new Administration will need to decide how the regeneration of that site is to be taken forward in the light of recent events.”



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**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 13**

From: Councillor Green

To: The Portfolio Holder for Communities and Transport

“Can the Portfolio Holder update me on the results of the consultation of mid to lower Stanmore Lane regarding the option of parking permits, and the time frame of implementation of the scheme?”

**Reply**

“The Council carried out informal consultation with residents in October 2014 which established support for new restrictions. The extent of the proposed restrictions is currently being drafted and further consultation is due to be carried out on the detailed proposals within the next couple of weeks.

Subject to the usual support from Councillors and Police the proposals are expected to be formally advertised by the end of March 2015. As is the case with any new parking restrictions the proposal for Stanmore Lane could be subject to objections and other comments and so, at this point, is not possible to say when restrictions may be introduced or the precise form they will take.”



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**Question under Council Procedure Rule 14**

**QUESTION 14**

From: Councillor Pines

To: The Leader

“Who instructed Leading Counsel instructed in the name of Winchester City Council to argue that as Cllr Gottlieb had no monetary interest in the development that meant he ought not to be permitted to challenge the scheme?”

**Reply**

“Leading Counsel was instructed by the Council to defend the Council’s position in response to the claim which had been brought against it. He presented a case which set out what he considered to be all relevant arguments in support of that case.”





**Winchester**  
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**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 15**

From: Councillor Weir

To: The Portfolio Holder for Built Environment

“What assurance can the Portfolio Holder give residents in Winchester Town wards that under LPP2 they can have any influence at all in the shape of developments in their neighbourhoods and safeguard the qualities they value most in the areas in which they live?”

Reply

“The Local Plan (Parts 1 and 2) will set out the policies and criteria by which planning proposals and applications will be judged. It also allocates sites for necessary development and includes various protective policies. There has been extensive public involvement and consultation in developing Local Plan Part 1 and Part 2 and this will continue through the process of adopting Local Plan Part 2, with various opportunities for residents to comment and to have issues considered by an independent Inspector.

In addition to the overall policy framework provided by the Local Plan, the City Council has adopted various Supplementary Planning Documents that provide guidance on design and the important characteristics of various parts of Winchester. These include 2 ‘Local Area Design Statements’ (for Chilbolton Avenue and Sleepers Hill) and 4 ‘Neighbourhood/Village Design Statements’ (for West Fulford, St Barnabas West, St Giles Hill, and Oliver’s Battery). The City Council supports the development of additional design statements by local communities.

In addition the Council’s Statement of Community Involvement sets out guidance in relation to early consultation by those developing planning applications. There are also requirements in relation to pre-application consultation set out in Government policy and guidance.

There have been and will be various opportunities for local residents to influence both the development of planning and design policies, and to be involved in and comment on individual planning applications as they come forward.”



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**Question under Council Procedure Rule 14**

**QUESTION 16**

From: Councillor J Berry

To: The Portfolio Holder for Finance and Organisational Development

“Is the Portfolio Holder confident that all residents in Winchester who may suffer hardship due to housing costs in the coming year will be able to be helped following the reduction in Discretionary Housing Payments for 2015-16 awarded to Winchester City Council and other councils, together with the loss of nearly £100 million in government funding for Local Welfare which is allotted to upper tier councils, such as Hampshire County Council?”

Reply

“Winchester City Council has been awarded £96,253 for Discretionary Housing Payments in 2015/16. This is a reduction of £5,203 from the £101,456 that was awarded in 2014/15.

The £101,456 that was awarded for 2014/15 was ‘topped-up’ with £7,800 of additional DWP funding that was carried forward from 2013/14, creating an increased budget of £109,256. So far this financial year we have spent/committed £101,971 and it is anticipated that all of the revised budget of £109,256 will be spent/committed.

The reduction in Discretionary Housing Payment funding awarded for 2015/16 is disappointing but the budget and awards will be closely monitored by the Benefits Manager, as they have been in 2013/14 and 2014/15, and any requirement for the 2015/16 budget to be ‘topped-up’ will be discussed.”



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**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 17**

From: Councillor Horrill

To: The Portfolio Holder for Finance and Organisational Development

“Will the Portfolio Holder please advise what preparations have been made to bring the Council up to speed on the Banking Reform Legislation which will impact our Treasury Management Strategy for 2015/16?”

**Reply**

“In accordance with the Council’s Treasury Management Practices (AUD084, March 2014) member training is offered to all members by the Chief Finance Officer. This is arranged on an annual basis prior to the Treasury Management Strategy being presented for approval by full Council in February each year.

The most recent member training event was held on 18 November 2014, and presented by Mark Pickering, a Director at Arlingclose, the Council’s Treasury Management Advisers. This was well received by the Members who attended and the feedback from the event was excellent.

The implications of the Banking Reform Legislation were covered in detail in this training. The increased credit risk associated with the legislative changes, which can be summarised as: the outlawing of bail-outs, the introduction of bail-ins, and the preference being given to large numbers of depositors other than local authorities leading to the risks of making unsecured deposits rising relative to other investment opportunities. Secured investment options are therefore being favoured over unsecured bank and building societies and this is reflected in the Treasury Management Strategy being proposed.”



**Winchester**  
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**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 18**

From: Councillor Gottlieb

To: The Leader

“If there is going to be an inquiry can the Leader confirm that; 1) it will be truly independent, 2) it will be fully transparent and accessible by the public, 3) it will not be limited in scope, and that 4) no one who has had any involvement in the matter so far will be given any responsibility for its establishment?”

Can the Leader ensure that it also includes an examination of how the Council handled the issue of what I have previously described as the 'missing money', ie the historic costs of over £5m that the Council allowed Henderson to claim, a matter I have asked to be independently investigated on numerous previous occasions?”

**Reply**

“The consensus is that there should be an independent review of the way in which advice was given and decisions taken last summer. It is likely that such a review would report to Full Council. Its terms of reference will need to be agreed.”



**Winchester**  
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**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 19**

From: Councillor Gosling

To: The Leader

“What is now the timetable for progressing a Silver Hill Scheme in light of the Judgement of Mrs Justice Lang and what are the procedural steps?”

**Reply**

“Any timetable will depend on what option the Council chooses in the light of the judgment. A report will be brought to Cabinet’s meeting on 18 March 2015 which will include information on the judgment and future action for the Council.”



**Winchester**  
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**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 20**

From: Councillor Horrill

To: The Leader

“Will the Leader accept the judgement of The Hon. Mrs Justice Lang DBE that the Council’s decision to authorise variations to the Development Agreement, without carrying out a procurement process as required by Directive 2004/18/EC and the Public Contracts Regulations 2006, was unlawful. In so doing would the Leader be kind enough to advise his recommended next steps?”

**Reply**

“A report on the judgment by the Monitoring Officer will be made to Cabinet on 18 March 2015. The report will include information on the judgment and future action for the Council in the light of the judgment.”



**Winchester**  
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**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 21**

From: Councillor Lipscomb

To: The Portfolio Holder for Finance and Organisational Development

“Will the Portfolio Holder please say to what extent the Council's Investment Policy is constrained by ethical considerations?”

**Reply**

“The Council's Investment Policy is set in accordance with the CIPFA Code and DCLG guidance, with the primary aim of ensuring that the Council's funds are invested securely whilst achieving the best returns, within this context, to support the Council's budget and delivery of services.

Typical Local Authority investments with banks, building societies and money market funds via one means or another, provide no control over who that counterparty chooses to invest with or lend to.

It would therefore be quite difficult to define and implement such a policy. At the extreme the Council could choose to invest only in the UK Government via the Debt Management Office, currently paying rates of c.0.25% (compared with an average of just under 1% being achieved).

If any Members have any thoughts on what ethical considerations the Council should be applying and how this could be implemented I would be happy to give them further consideration in the future.”



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**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 22**

From: Councillor J Berry

To: The Leader

“In view of the fact that the Secretary of State for Communities and Local Government has now frozen the planning application for the Silver Hill Development, where does this leave the Council with regard to this project?”

**Reply**

“The Secretary of State is considering whether to call in the application following a standard procedure for referring edge of town retail planning applications. If he does call it in, he will be responsible for the final decision as to whether to approve it or not.”





**Winchester**  
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**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 23**

From: Councillor Pines

To: The Leader

“Did any officer or member have any discussion or correspondence internally or involving a third party prior to or during the CPO inquiry as to the potential unlawfulness of the procurement process and, in the event of such discussions having taken place, please provide detail of the same?”

**Reply**

“The procurement process was one of the objections raised by objectors which was considered at the CPO inquiry. The Inspector concluded that the development agreement had not been legally challenged, and remained a lawful and valid document. The Secretary of State agreed with these conclusions, and decided that there was nothing of sufficient substance to indicate that confirmation of the CPO would not be in the public interest. Accordingly, he therefore confirmed the CPO.”



**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 24**

From: Councillor Gottlieb

To: The Leader

“In its statement issued last week, the Council indicated that it could still rely on the advice of Deloitte to the effect that the proposed amended agreement provided the Council with ‘best consideration’ for its assets and interests.

It is however, quite clear that the Judge considered that the proposed amended agreement would have unduly advantaged the developer by millions of pounds. At paragraph 146 the Judge expresses ‘real doubt on whether the scheme proposed by the Developer is the best scheme on the best terms available’, and at paragraph 147 she explains how the advice of Deloitte was lacking because it was ‘subject to the constraints imposed by the Council’.

Having had more time to consider the judgment, does the Leader now accept that the proposed amended agreement with Henderson could not possibly have reflected best consideration? Furthermore, does the Leader agree that it was entirely inappropriate for those liaising with Deloitte on behalf of the Council to impose any constraints upon the advice being sought, and upon any instructions given to Deloitte to negotiate with Henderson?”

**Reply**

“The advice provided by Deloitte was only constrained to the extent that the Council wished them to consider disposal of the land in accordance with the development agreement as varied. The land falls to be valued under S233 Town & Country Planning Act 1990.

The purpose of s.233 TCPA, as provided for in s.233(1), is to ensure that where land has been acquired or appropriated for planning purposes it may be disposed of in such manner and subject to such conditions as appear to the local authority to be expedient to secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out on it (whether by the local planning authority or as in this case by any other party) or to secure the erection, construction of

carrying out on it of any buildings or works appearing to them to be needed for the proper planning of the area.

In assessing best consideration in accordance with s.233 Town and Country Planning Act 1990, it is appropriate to have regard to the wider circumstances of the land transaction and the manner and conditions of the disposal. It is also appropriate for a local authority to have regard to the use that is to be made of the land being disposed of, as the disposal is being made for "planning purposes" as identified in the s.233(1) TCPA. This purpose is the basis on which the assessment of best consideration is to be based.

This approach is different from the more general provisions for the disposal of surplus land by a local authority under section 123 of the Local Government Act 1972. Under those provisions it is not permissible to disregard the effects on value of voluntarily imposed conditions on the disposal or alternative permissible uses for the land which could produce a higher value when assessing best consideration.

Deloittes concluded in the report that the disposal was best consideration and have not indicated that they wish to withdraw that advice."



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**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 25**

From: Councillor J Berry

To: The Portfolio Holder for Finance and Organisational Development

“Will Winchester City council, as a living wage employer, be following in Brent Council’s footsteps, and offering business rate discounts to firms which pay the living wage?”

**Reply**

“The Council continues to support the promotion of the Living Wage for all workers in Winchester. The Council also intends to extend this to the contracts which we award whilst ensuring that we are aware of the financial implications in doing so.

The Council does have the regulatory ability to award business rate relief to certain ratepayers or classes of ratepayers. This potentially could include businesses that pay the Living Wage. This would also need to be balanced with the financial impact of the relief on the Council.

We will investigate the possibility of offering incentives to Winchester businesses that pay their staff at least the Living Wage in order to assess the likely impact on their behaviour and the impact on the Council’s budget.”



**Winchester**  
City Council

**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 26**

From: Councillor Horrill

To: The Leader

“Does the Leader accept that the Council’s failure to follow an open, competitive, transparent and non-discriminatory procurement process for such an important contract, at any stage, casts real doubt on whether the scheme proposed by the Developer is the best scheme on the best terms available?”

**Reply**

“I am not going to make a statement which contradicts a learned judge. She said that there should be a re procurement process. What the outcome of that would be she does not know, and nor do I or anyone else.

If the Council now wishes to pursue a new scheme then that is what we will do. But Members should not be under the impression that a new procurement process will guarantee to deliver what everyone in Winchester wants, or that we will obtain better terms for what we can achieve.”



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**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 27**

From: Councillor Gottlieb

To: The Leader

“In its 500+ word statement issued by the Council in response to the Silver Hill Judgment, not once can I see the word ‘sorry’.

Why is it that ‘sorry’ always seems to be the hardest word?”

**Reply**

“This would have been a matter for the previous Leader of the Council.”



**Winchester**  
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**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 28**

From: Councillor Pines

To: The Leader

“Does the Leader accept that the judgment of Mrs Justice Lang DBE brings the Council into disrepute both among the citizenry of Winchester and, crucially for any Silver Hill Scheme, among Property Developers?”

**Reply**

“It is for the citizens and business of Winchester, and the wider property community, to form their own view of Winchester City Council. The Council’s job is to secure regeneration of this important site.”



**Winchester**  
City Council

**COUNCIL MEETING – 19 February 2015**

**Question under Council Procedure Rule 14**

**QUESTION 29**

From: Councillor Horrill

To: The Leader

“Has the Finance Portfolio Holder now adjusted the budget and resource expectations to take into account the further work required for Silver Hill [post judicial review]?”

**Reply**

“The revised Budget discussed at Cabinet and The Overview and Scrutiny Committee, which is before Council tonight, does take account of the immediate implications of the judgment. Some provision is also made for expenditure to consider next steps. However, we do not yet know how matters will move forward, so are not yet in a position to identify the full costs of further work.”