

COUNCIL

Wednesday, 12 January 2022

Attendance:

Councillors Present

Achwal (Chairperson)

Becker	Laming
Bentote	Learney
Bronk	Lumby
Brook	Pearson
Clear	Power
Cook	Prince
Cramoysan	Radcliffe
Craske	Read
Cunningham	Ruffell
Cutler	Rutter
Edwards	Scott
Ferguson	Thompson
Fern	Tippett-Cooper
Gemmell	Tod
Godfrey	Warwick
Gordon-Smith	Weir
Green	Weston
Horrill	Westwood
Isaacs	Williams
Kurn	

Apologies for Absence:

Councillors Clementson, Evans, McLean and Miller

[Audio and video recording](#)

1. TRIBUTE TO FORMER COUNCILLOR LYNDA MURPHY

The Mayor firstly welcomed the family of Lynda Murphy to the meeting and then gave her own personal tribute and reflections. The Chief Executive spoke on behalf of the council's staff and the Leader then highlighted Lynda's various significant achievements whilst a councillor and as a member of Cabinet. The Leader introduced a special video that had been produced in Lynda's memory.

Other members of the council paid their own personal tributes and the Mayor concluded by once again offering her condolences of the whole council to Lynda's family and friends. The Mayor then called for an adjournment to the meeting so that she was able to speak in person with Lynda's family.

2. **MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD ON 22 SEPTEMBER 2021**

RESOLVED:

That the minutes of the Ordinary Meeting of the Council held on 22 September be approved and adopted.

3. **DISCLOSURE OF INTERESTS**

Councillors Lumby, Tod and Warwick declared personal (but not prejudicial) interests in relation to agenda items which may relate to Hampshire County Council matters due to their role as County Councillors.

Councillor Lumby also advised that with regard to agenda item 7 (a), he acted as a consultant within the regeneration group of a Southampton based firm of solicitors and that he was also a First Tier Tribunal Property Chamber Judge.

4. **ANNOUNCEMENTS FROM THE MAYOR, LEADER AND CHIEF EXECUTIVE.**

The Mayor firstly announced the formal launch of the annual Mayor of Winchester's Community Awards and then referred to her various forthcoming charities events. The Mayor then reported on an event that was being arranged to launch and celebrate a refreshed version of the council's Armed Forces Community Covenant. Finally, the Mayor announced that she was very pleased to advise that she had written to the following recipients of the recent Queen's New Year Honours:

- Robin Hutson – an OBE for Services to the hospitality industry and philanthropy.
- Tim Jackson, lately of Sparsholt College - an OBE for Services to Further Education.
- Sonja Huxham, Basic Skills Development Manager, Army Training Regiment Winchester - a MBE for Services to Military Education.

The Mayor would also congratulate former city councillor Sir George Holingbery who had recently been appointed as Her Majesty's Ambassador to the Republic of Cuba and also former city councillor Caroline Dinenage (Minister of State for Health) who was appointed a Dame (DBE) in the 2022 Political Honours.

There were no announcements from the Leader and the Chief Executive announced apologies for the meeting.

5. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

Five written questions had been received from members of the public, who were in attendance at the meeting to present their questions, along with associated

supplementary questions. The questions and response were subsequently set out on the [council's website](#).

6. **TO RECEIVE PETITIONS**

(a) In accordance with Council Procedure Rule 16, a petition was submitted by Ms Lucy Taylor regarding 'a lido for Winchester'. The details of the petition are set out on the agenda.

Ms Taylor introduced her petition and in summary, raised the following matters:

- The petition had been extremely well supported and recommended that there should be a new lido for Winchester. That the lido would be best sited at the former River Park Leisure Centre as it would then be integrated with other existing leisure and recreational activities and also as the land here belonged to the people of Winchester for the purpose of public recreation.
- Lidos provided benefits both to economic recovery and public health and helped support community cohesion for people of all ages. Outdoor swimming was particularly popular with woman and a lido therefore would help boost female participation in sport. A lido would also help ensure that Winchester continued to be a destination.

The Leader responded to the matters in the petition and in Ms Taylor's presentation and in summary, raised the following points:

- Would welcome exploring ideas to expand existing opportunities for open water swimming in and around the district.
- North Walls park and the old River Park Leisure Centre were located on a flood plain and therefore were unsuitable locations for a lido.
- The Town Forum had included plans to improve facilities for open air swimming as part of the North Walls park improvement plans.
- The council needed to provide for all types of sporting facilities across the whole district. Having invested significantly in the Sports and Leisure Park at Bar End, the council was not in a position to invest further in new facilities in Winchester.
- Petitioners could raise their own funds and find a site for a lido. The council would willingly engage with the petitioners, but would be unable to support with any funding.

Council then proceeded to debate the petition and matters therein and in summary, the following matters were raised:

- The number of signatures achieved by the petitioners demonstrated that there was a desire for different types of swimming.

- The Town Forum had recently established an outdoor swimming group to look at opportunities for all types of outdoor swimming in Winchester. There was a commitment for the provision of 'water play' facilities as part of the North Walls park improvements.
- Informal or formalised outdoor swimming in local rivers may impact on wildlife and biodiversity.
- Proposals from the University of Southampton would create opportunities to support other cultural and leisure activities in the area. The Winchester town area has a high level capacity per head for swimming and the council must consider supporting the needs of other sports, arts and leisure groups.
- Campaigning to improve the water quality of rivers was an important priority.
- Lido build costs were estimated to be £8– 10 million and then required extra sources of income or subsidy to cover running costs. Not all existing lidos in the country were run as affordable, community facilities.
- Opportunities for outdoor swimming should be explored and the work of the Town Forum was welcomed along with discussions with interested groups and key stakeholders.

At conclusion of debate, the Leader once again thanked Ms Taylor for bringing the matter forward and the meeting was agreement that there should be ongoing discussion regarding facilities for open air swimming across the district and that the petition and matters therein should be forwarded to the Town Forum outdoor swimming group to consider further.

RESOLVED:

That the petitioner be thanked for bringing the matter forward and that the petition and matters therein be forwarded to the Town Forum outdoor swimming group to consider further.

(b) In accordance with Council Procedure Rule 16, a petition was submitted by Ms Janet Berry on behalf of Highcliffe Forum. The details of the petition are set out on the agenda.

Ms Berry introduced her petition and in summary, raised the following matters:

- The petition was presented on behalf of the communities of Highcliffe, St Giles Hill and Bar End. There should be a properly funded and fully inclusive public consultation exercise before any proposals for the disposal of the former depot site were taken forward.

- The area had limited public transport and essential services and community amenities. Social sustainability was important for the area and the most recent community engagement exercise regarding its future had been in 2002. The more recent Bar End Design Framework work had not related specifically to the depot site.
- There should be a commitment to honour the outcome of a neighbourhood engagement exercise, which would help to develop the community's future. All viable options for the site should be considered that would best serve the needs of the community.

Councillor Cutler (Deputy Leader and Cabinet Member for Finance and Service Quality) responded to the matters in the petition and in Ms Berry's presentation and in summary, raised the following points:

- The depot site was relatively small and a capital receipt for the site remained desirable due to the council's financial position. It was unlikely that all of the local community's aspirations could be achieved by redevelopment of the site.

Council then proceeded to debate the petition and matters therein and in summary, the following matters were raised:

- Redevelopment of the depot site was an opportunity to re-engage with local residents regarding their aspirations for their community.
- Previous ideas from the community had been for a small supermarket, green space, a community hall and a safe route through to the Sports and Leisure Park.
- The Bar End Design Framework had been an important piece of work regarding the future of the site as had considered building height and buffers.
- Several development proposals had already been suggested had been commercially viable. It was unlikely that any single proposal would meet all of the community's aspirations.
- A new food store and a route to the Sports and Leisure Park were likely to be achievable and the Councillor Learney (Cabinet Member for Housing and Asset Management) undertook to commit to engage with the local community before any disposal and redevelopment of the site.

At conclusion of debate, Councillor Cutler thanked Ms Berry for bringing the matter forward and reiterated the commitment to undertake further public engagement in the local area before disposal and redevelopment of the site.

RESOLVED:

That the petitioner be thanked for bringing the matter forward and that Council note the commitment of the Cabinet Member for Housing and Asset Management to consult and engage with the local communities of Highcliffe, St Giles Hill and Bar End before any disposal and redevelopment of the former council depot site

7. **TO CONSIDER AND DETERMINE THE FOLLOWING RECOMMENDED MINUTES:**

a) **Cabinet - 15 December 2021 - Central Winchester Regeneration - Outline Business Case (less exempt appendix E) (Report Reference CAB3322)**

Councillor Learney (Cabinet Member for Housing and Asset Management) moved that the recommended Minute of Cabinet be approved and adopted (seconded by the Leader, Councillor Thompson).

Council proceeded to ask questions on the matters in the recommended minute and the report. Council agreed that it did not need to ask questions or debate the information in exempt Appendix E to Report CAB3322.

AMENDMENT – Moved by Councillor Horrill and seconded by Councillor Lumby as follows:

“Under Council Procedure Rule 17.3 d this Council refers back the whole of this minute to Cabinet.

The Council supports the regeneration of Central Winchester strictly in accordance with the Supplementary Planning document 2018, including phased delivery with separate developers.

Cabinet is directed to bring a procurement proposal based on this approach to Council as soon as possible.”

With the permission of the Mayor, the meeting adjourned to allow informal discussion of the Amendment.

Upon its reconvening Council proceeded to ask questions and debate the Amendment.

As it was the request of five Members present in the meeting a recorded vote was taken the Amendment.

The following Members voted in favour of the Amendment:

Councillors Brook, Cook, Cunningham, Gemmell, Godfrey, Horrill, Isaacs, Kurn, Lumby, Pearson, Read, Ruffell, Scott, Warwick, Weston.

The following Members voted against the Amendment:

Councillors Achwal, Becker, Bentote, Bronk, Clear, Cramoysan, Craske, Cutler, Edwards, Fern, Ferguson, Gordon-Smith, Green, Laming, Learney, Power, Prince, Radcliffe, Rutter, Thompson, Tippett-Cooper, Tod, Weir, Westwood, Williams.

No Members abstained from voting.

AMENDMENT NOT CARRIED.

Council then proceeded to continue to debate the matters in the recommended minute and the report.

As it was the request of five Members present in the meeting a recorded vote was then taken on the recommended minute of Cabinet.

The following Members voted in favour of the recommended Minute of Cabinet:

Councillors Achwal, Becker, Bentote, Clear, Cramoysan, Craske, Cutler, Edwards, Fern, Ferguson, Gordon-Smith, Green, Learney, Power, Rutter, Thompson, Tippett-Cooper, Tod, Weir, Westwood, Williams.

The following Members voted against the recommended Minute of Cabinet:

Councillors Brook, Cunningham, Gemmell, Godfrey, Horrill, Isaacs, Kurn, Lumby, Pearson, Read, Ruffell, Warwick, Weston.

The following Members abstained from voting:

Councillors Bronk, Cook, Laming, Prince, Radcliffe, Scott.

RESOLVED:

That the Strategic Director with responsibility for the Central Winchester Regeneration project be authorised to initiate and conduct the procurement process for the selection of a development partner for the Central Winchester Regeneration project.

Councillors Fern, Green, Prince, Ruffell and Radcliffe left at this point of the meeting.

b) **Audit and Governance Committee - 11 November 2021 - Final Report and Pay Policy Statement 2022/23 (Report Reference AG62)**

Councillor Power (Chairperson of the Audit and Governance Committee) moved that the recommended Minute of the Audit and Governance Committee be approved and adopted (seconded by Councillor Laming).

Council proceeded to ask questions on the matters in the recommended minute and the report.

RESOLVED:

That the Pay Policy Statement for the financial year 2022/23 be adopted.

c) **Licensing and Regulation Committee - 8 December 2021 - Review of Principles under Gambling Act 2005 (Report Reference LR549)**

Councillor Bentote (Chairperson of the Licensing and Regulation Committee) moved that the recommended Minute of the Licensing and Regulation Committee be approved and adopted (seconded by Councillor Read).

RESOLVED:

That subject to the correction of minor typographical or formatting issues identified by the Committee, the draft Statement of Principles as set out at Appendix 1 to Report LR549 be adopted.

d) **Audit and Governance Committee - 16 December 2021 - Invitation to become an opted in authority - The Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015 (Report Reference AG66)**

Councillor Power (Chairperson of the Audit and Governance Committee) moved that the recommended Minute of the Audit and Governance Committee be approved and adopted (seconded by Councillor Laming).

RESOLVED:

That the Council accepts the Public Sector Audit Appointments (PSAA) invitation to 'opt-in' to the sector led option for the appointment of external auditors for five consecutive financial years commencing 1 April 2023.

8. **NOTICES OF MOTION**

- (a) **In accordance with Council Procedure Rule 10, a Motion had been submitted by Councillor Tippet-Cooper as follows. The Motion was seconded by Councillor Tod.**

“Winchester City Council is committed to welcoming asylum seekers and refugees to our District and including them in our activities. The people in our district have shown kindness and openness in recent months with huge support when donations for evacuees from Afghanistan were needed. We are also a district with a rich network of organisations providing support to the most vulnerable in our society. As a Council, we recognise the importance of reflecting this spirit of our community and core values of openness, kindness and respect for others. Winchester City Council also recognises asylum seekers' and refugees' potential contribution to our district, and also recognises that a co-

ordinated and forward-looking approach is needed if the welfare of people moving into the town, and community cohesion between new and existing communities, are to be supported effectively.

To this end, we resolve to:

- Support organisations such as the University of Winchester (which is a University of Sanctuary), the community group Winchester City of Sanctuary, the Southampton & Winchester Visitors Group, Hampshire Cultural Trust and other key charities and community groups in their work to make Winchester a place of sanctuary;
- Welcome to Winchester district those fleeing violence and persecution in their own countries;
- Value the contribution those seeking sanctuary can make to our District;
- Support taking practical steps, in dialogue with the organisations above, to welcome and integrate all people into our communities, activities and culture;
- Challenge anti-refugee and anti-migrant attitudes wherever they are found and support the Southampton and Winchester Visitors Group and Winchester City of Sanctuary in the promotion of the Together With Refugees campaign calling for a fairer, kinder and more effective approach to supporting refugees in the UK;
- Nominate a current Councillor(s) to act as a “Sanctuary Champion(s)”, who will endeavour to communicate with the organisations listed above to explore how we can develop further ideas to support asylum seekers and refugees who are resettled in our district;
- We are willing for our organisation’s name to be added to a list of supporters of City of Sanctuary”

Councillor Tippett-Cooper introduced his motion and Council then proceeded to ask questions and debate the Motion.

At conclusion of debate, Members were unanimous in its support of the motion. Members particularly highlighted that the motion formalised the existing support to those in need that was provided by the council and local communities and also the demonstrated willingness to welcome refugees to the district.

RESOLVED:

That this Council:

1. Supports organisations such as the University of Winchester (which is a University of Sanctuary), the community group Winchester City of Sanctuary, the Southampton & Winchester Visitors Group, Hampshire Cultural Trust and other key charities and community groups in their work to make Winchester a place of sanctuary;

2. Welcomes to Winchester district those fleeing violence and persecution in their own countries;

2. Values the contribution those seeking sanctuary can make to our district;

3. Supports taking practical steps, in dialogue with the organisations above, to welcome and integrate all people into our communities, activities and culture;

4. Challenges anti-refugee and anti-migrant attitudes wherever they are found and support the Southampton and Winchester Visitors Group and Winchester City of Sanctuary in the promotion of the Together With Refugees campaign calling for a fairer, kinder and more effective approach to supporting refugees in the UK;

5. Nominates a current Councillor(s) to act as a “Sanctuary Champion(s)”, who will endeavour to communicate with the organisations listed above to explore how we can develop further ideas to support asylum seekers and refugees who are resettled in our district;

6. Are willing for our organisation’s name to be added to a list of supporters of City of Sanctuary.

(b) In accordance with Council Procedure Rule 10, a Motion had been submitted by Councillor Godfrey as follows. The Motion was seconded by Councillor Horrill.

“This Council commits to clearly demonstrate that it is open and transparent in all its decision-making, specifically by:

- Properly consulting all councillors and the public before making any significant decisions about council projects or other major financial transactions.
- Within 12 months of a decision being made, publishing without restriction all papers used to support decisions on projects and other major financial transactions that were marked as exempt from publication at the time of the decision unless Full Council decides that these papers should remain exempt for a further 12 months.
- Recording the discussions, submissions and decisions at all meetings attended by any person outside Winchester City Council and, where those meetings relate to any decision made afterwards, for these records to be available to all councillors within 2 weeks and to the public within 12 months of the meeting unless Full Council decides that these papers should remain exempt for a further 12 months.
- Stopping the use of Non-Disclosure Agreements that councillors have been required to sign before being able to see some Council or Committee

papers and to cancel any indemnity clauses in such Non-Disclosure Agreements previously signed by serving Councillors.”

Councillor Godfrey introduced his Motion and Council then proceeded to ask questions and debate the Motion. In summary, the following matters were raised:

- Some Members raised concern of the use of Non-Disclosure Agreements regarding exempt and confidential information that was required to be provided to Members as part of the decision making process.
- Other areas of the motion referred to the council being open and transparent in all its decision-making and it was highlighted that various improvements to this had included introduction of public questions at council, streaming and videoing meetings and regular open forum meetings.
- Some other areas of the motion may require further discussion regarding their legality and the practicality and resource implications although processes to review previously exempt information were already in place however their implementation had been delayed due to the pandemic.

AMENDMENT – Moved by Councillor Cutler and seconded by Councillor Thompson as follows (changes shown in bold):

“This Council **asks that the Audit and Governance Committee review** that the Council commits to clearly demonstrate that it is open and transparent in its decision making, specifically by:

- Properly consulting all councillors and the public before making any significant decisions about council projects or other major financial transactions.
- Within 12 months of a decision being made, publishing without restriction all papers used to support decisions on projects and other major financial transactions that were marked as exempt from publication at the time of the decision unless Full Council decides that these papers should remain exempt for a further 12 months.
- Recording the discussions, submissions and decisions at all meetings attended by any person outside Winchester City Council and, where those meetings relate to any decision made afterwards, for these records to be available to all councillors within 2 weeks and to the public within 12 months of the meeting unless Full Council decides that these papers should remain exempt for a further 12 months.
- Stopping the use of Non-Disclosure Agreements that councillors have been required to sign before being able to see some Council or Committee papers and to cancel any indemnity clauses in such Non-Disclosure Agreements previously signed by serving Councillors.

And that in their considerations the Audit and Governance Committee review the legality, practicality and resource implications of these specific proposals.”

Council proceeded to ask questions and debate the Amendment. In summary the following matters were raised:

- Some commercially and personally sensitive information should be managed appropriately, however the expectation should be for disclosure wherever possible. However, reviewing this information at full council was not practical.
- To create a record of all meetings with outside organisations and with individuals would be inappropriate in most cases and would create an unacceptable level of bureaucracy.
- It was appropriate to revisit what may be practical to further increase the council’s commitment to being open and transparent by having further discussion of the motion at the Audit and Governance Committee.
- Regarding the third part of the motion, the only discussions that should be recorded were those that concluded with the council committing to expenditure. The remaining three elements of the motion were not controversial and should be accepted without referral to the Audit and Governance Committee.
- Not all councils release exempt information to all Members.
- The council’s code of conduct already obliged Members to keep exempt information confidential.
- Non-Disclosure Agreements indemnified each individual for the council’s losses and should therefore be released as soon as possible.

AMENDMENT CARRIED

Council then voted on the substantive motion (original motion as amended).

SUBSTANTIVE MOTION CARRIED

RESOLVED:

This Council asks that the Audit and Governance Committee review that the Council commits to clearly demonstrate that it is open and transparent in its decision making, specifically by:

- Properly consulting all councillors and the public before making any significant decisions about council projects or other major financial transactions.

- Within 12 months of a decision being made, publishing without restriction all papers used to support decisions on projects and other major financial transactions that were marked as exempt from publication at the time of the decision unless Full Council decides that these papers should remain exempt for a further 12 months.
- Recording the discussions, submissions and decisions at all meetings attended by any person outside Winchester City Council and, where those meetings relate to any decision made afterwards, for these records to be available to all councillors within 2 weeks and to the public within 12 months of the meeting unless Full Council decides that these papers should remain exempt for a further 12 months.
- Stopping the use of Non-Disclosure Agreements that councillors have been required to sign before being able to see some Council or Committee papers and to cancel any indemnity clauses in such Non-Disclosure Agreements previously signed by serving Councillors.

And that in their considerations the Audit and Governance Committee review the legality, practicality and resource implications of these specific proposals.

9. **CHANGES TO COMMITTEE MEMBERSHIPS**

RESOLVED:

1. For the Scrutiny Committee, Councillor Cramoysan to replace Councillor Williams as a full member of the committee and Councillor Rutter to replace him as a deputy.

2. For the Licensing and Regulation Committee, Councillor Evans to replace Councillor Williams.

3. For the Health and Environment Committee, Councillor Fern to replace Councillor Williams as a full member of the committee and Councillor Laming to replace him as a deputy.

10. **QUESTIONS FROM MEMBERS OF COUNCIL**

11 written questions had been received and are set out in full on the [council's website](#) together with responses from the relevant cabinet member.

Due to the late hour of the meeting, Members agreed that should there be any supplementary questions arising from the response provided, that the original questioner contact the corresponding cabinet member directly.

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>
7(a)	CWR Outline Business Case (exempt appendix)) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)

12. **ITEM 6 (A) - CENTRAL WINCHESTER REGENERATION OUTLINE BUSINESS CASE - APPENDIX E**

RESOLVED:

That the contents of the exempt appendix be note

The meeting commenced at 6.30 pm and concluded at 1.00 am (adjourned at the following times: 7pm – 7.30pm, 8.55pm – 9.05pm, 10.20pm – 10.35pm and 11.35pm – 11.45pm).

The Mayor