

REPORT TITLE: DECISION TO WITHDRAW DECISION MADE ON 23 NOVEMBER 2021 IN REPORT CAB3324

25 JANUARY 2022

REPORT OF CABINET MEMBER: Councillor Kelsie Learney Cabinet Member for Housing and Asset Management

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WARD(S): ST BARTHOLOMEW

#### PURPOSE

On 23 November 2021 Cabinet approved entering into an agreement for lease with the University of Southampton, under which Winchester City Council was to dispose of the River Park Leisure Centre site on Gordon Road ("the Site") on a 150 year lease ("the Decision").

Before deciding to dispose of the Site, the Council was obliged to publicise its intention to dispose of any parts of the Site which are open space and to consider any objections, pursuant to s.123(2A), Local Government Act 1972.

This report therefore recommends that the Decision is withdrawn and that the appropriate publicity that has been placed in both the Hampshire Chronicle and the Mid Hampshire Observer is approved.

#### RECOMMENDATIONS:

It is recommended that Cabinet:

1. Withdraw the Decision made on 23 November 2021 pursuant to report CAB3324.

2. Approve the relevant advertisements pursuant to s.123(2A) Local Government Act 1972 placed in the Mid Hampshire Observer from 5 January 2022 for two consecutive weeks and the Hampshire Chronicle from 6 January 2022 for two consecutive weeks.
3. Note that the deadline for objections to be received by the Council is 4pm on Friday 4 February 2022 and that any objections will be considered by Cabinet alongside the proposed disposal at a future date to be confirmed.

## 1 SUPPORTING INFORMATION:

- 1.1 On 23 November 2021, Winchester City Council Cabinet decided, pursuant to report CAB3324: to agree, as landowner of the River Park Leisure Centre site, Gordon Road, Winchester, ("the Site") to enter into an agreement for lease to enable the University of Southampton to progress options for the extension of the neighbouring Winchester School of Art campus on the River Park Leisure Centre site ("the Decision").
- 1.2 The Council has received a pre-action protocol letter in respect of the Decision. The pre-action protocol letter states: "(i) The Council decided to dispose of the land without giving notice of their intention to do so as required by the Local Government Act 1972, section 123(2A)."
- 1.3 The pre-action protocol letter sets out that this step should have been taken before the Decision was made. The intended disposal of that part of the Site which is or may be open space (as defined by section 336(1) of the Town and Country Planning Act 1990), has therefore now been advertised in accordance with section 123(2A) of the 1972 Act.

## 2 OTHER OPTIONS CONSIDERED AND REJECTED

- 2.1 Option 1: Do nothing in response to the pre-action protocol letter.
- 2.2 The Council receives many threats of and actual pre-action protocol letters as this is a standard legal tool, the aim of which is to settle a dispute without recourse to legal proceedings. On this occasion, the matters raised by the pre-action protocol letter have merit with respect to part of the Site, the Council can readily resolve the dispute and has taken steps to do so. The do nothing option was therefore rejected.

## BACKGROUND DOCUMENTS:-

Previous Reports:- CAB3324

## APPENDICES:

Appendix A – Advert

Appendix B – Site Plan