

# WINCHESTER CITY COUNCIL DECISION RECORD

VERSION 5. APRIL 2022

<b>Reference Number</b>
<b>Officer Completing the Form:</b> Veryan Lyons
<b>Lead Director:</b> Dawn Adey
<b>Subject:</b> Central Winchester Regeneration Development Agreement

**Details of Decision:** *Please provide a brief explanation as to what decision was made, including any financial implications. This should be done in easy to understand, non-technical language - as this wording will appear on the website for the public to read. Also please remember all staff will be able to see this document.*

Central Winchester Regeneration (CWR) is a once in a lifetime opportunity to transform the centre of our historic city, bringing homes for local families, providing jobs for local people, making a visit to this heritage city one which will be remembered. The council has a unique opportunity to bring forward sensitive development, adapting to the challenges faced by a new generation and critically to be delivered through the lens of responding to climate change.

The Council carried out extensive work to bring forward the CWR project, from adoption of the CWR Supplementary Planning Document in June 2018 through to conclusion of the procurement process to find a development partner in December 2022. Cabinet met on 6th March 2023 to consider report CAB3371 which detailed the outcome of the procurement and sought approval to appoint the preferred bidder.

At that meeting, Cabinet authorised the Strategic Director with responsibility for the Central Winchester Regeneration project, in consultation with the Leader and Cabinet Member for Asset Management and the Service Lead – Legal, to incorporate the recommended Development Partner’s tender submission into the Development Agreement (DA), finalise the content of the Development Agreement and any necessary ancillary documents, and arrange for the Development Agreement and any necessary ancillary documents to be entered into on behalf of the council in accordance with Part 2, Article 14, of the council’s constitution, report CAB3371

The DA and ancillary documents are now in final form and the decision to enter into the agreement has now been made.

**Type of Decision: (please tick. see reverse for definitions)**

<input type="checkbox"/> Key Decision (Executive) & Subject to Call-In (see section 2A on reverse of this form) Note, these decisions are published on winchester.gov.uk
<input checked="" type="checkbox"/> Significant Operational Decision (see section 2B (1) on reverse of this form). Note, these decisions are published on winchester.gov.uk
<input type="checkbox"/> Other Decisions to be Published (see section 2B (2) on reverse of this form) Note, these decisions are published on winchester.gov.uk
<input type="checkbox"/> Administrative Decision (see section 3 on reverse of this form)

**Reason for the Decision:** *A brief overview of your reasons for taking this course of action.*

At meeting on 6<sup>th</sup> March 2023, Cabinet authorised the Strategic Director with responsibility for the Central Winchester Regeneration project, in consultation with the Leader and Cabinet Member for Asset Management and the Service Lead – Legal, to incorporate the recommended Development Partner’s tender submission into the Development Agreement (DA), finalise the content of the Development Agreement and any necessary ancillary documents, and arrange for the Development Agreement and any necessary ancillary documents to be entered into on behalf of the council in accordance with Part 2, Article 14, of the council’s constitution, report CAB3371

In accordance with the authorisation given, the Development Agreement and ancillary documents have now been finalised and entered in to.

**Alternative Options Considered & Rejected:** *All alternative options considered need to be outlined here. Please include detail of any representations received. This will include your response to any alternatives suggested by those making representation and the reasons why these alternatives were rejected.*

The other option is not to proceed to enter into the development agreement and ancillary documents with the preferred bidder. This would not be in compliance with the Cabinet approval of 6<sup>th</sup> March and would not result in the realisation of the anticipated benefits to Winchester City centre and the community as set out in the March report. Therefore we have considered and discounted that option.

**Supporting Information:** *If your decision relates to delegated authority derived from a specific Committee resolution, please confirm the name of the Committee, the date of the meeting and paste the resolution into this box.*

On 6th March 2023 after a comprehensive procurement process, Cabinet considered report CAB3371 (Appointment of Development Partner and next steps) approved the appointment of the council’s development partner for the Central Winchester Regeneration project. The preferred bidder was a consortium known as “Jigsaw” which was a newly formed Joint Venture between Genr8 Kajima Regeneration Ltd and Pfp-igloo LP that was established specifically to deliver the scheme.

The draft DA formed part of the report pack and was fully considered at that meeting. The terms and conditions were set out in detail but there were points that, until the appointment had been approved, could not be agreed and drafted.

The recommendations in CAB 3371 include that Cabinet;

"Authorise the Strategic Director with responsibility for the Central Winchester Regeneration project, in consultation with the Leader and Cabinet Member for Asset Management and the Service Lead – Legal, to incorporate the recommended Development Partner's tender submission into the Development Agreement, finalise the content of the Development Agreement and any necessary ancillary documents, and arrange for the Development Agreement and any necessary ancillary documents to be entered into on behalf of the council in accordance with Part 2, Article 14, of the council's constitution."

Once appointed and further due diligence carried out by Jigsaw, some points contained in the draft DA were discussed and negotiated with the council and subsequently amended. This is usual for an agreement of this nature.

In order to agree those final points and amends to the drafting, authorisation was given to the Strategic Director with responsibility for the Central Winchester Regeneration project, in consultation with the Leader and Cabinet Member for Asset Management and the Service Lead – Legal finalise the content of the DA and associated documents and arrange to enter into the final DA.

The agreed and amended points have been incorporated into the DA which, together with the associated documents, is now in final form.

Details of these points can be seen in the accompanying officer decision report and appendices.

**Declared Officer and/or Member interests:** List any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision and, in respect of any declared conflict of interest, any note of dispensation granted by the Monitoring Officer.

None

Departmental Review			
Legal review:	Tick this box to confirm legal team have reviewed proposed decision	<input checked="" type="checkbox"/>	
Finance review:	Tick this box to confirm finance team have reviewed proposed decision	<input checked="" type="checkbox"/>	
Other review:	Tick this box to confirm any other departmental review of proposed decision (and specify department)	<input type="checkbox"/>	
Public Sector Equality Duty:	Tick this box to confirm you have considered the PSED requirements (see section 4 on reverse of this form)	<input type="checkbox"/>	

PTO

**Are the details of the decision open or exempt?**

Open

Part Exempt.

The points agreed and amended since the Cabinet meeting on 6<sup>th</sup> March 2023, and referred to in the attached report, contain some information relating to the financial or business affairs of any particular person (including the authority holding that information) and information in respect of which a claim in legal professional privilege could be maintained in legal proceedings. In the relevant exempt information in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Accordingly, part of the attached report and appendices to the report are exempt under paragraphs 3 and paragraph 5 of Schedule 12A of the Local Government Act 1972 as amended.

Exempt. Please expand

**Decision Taker (name):** This needs to be the specific Officer or Cabinet Member who holds the delegation within the constitution/or referred to by a committee

**Decision Taker (Signature):**

**Date:** Click or tap to enter a date.

7/2/24

Dawn Adey  
Strategic Director with Responsibility for Central Winchester Regeneration



**In Consultation with:**

Cllr Martin Tod  
Leader and Cabinet Member for Asset Management

Bernie Ryan  
Service Lead- Legal

## Notes.

### 1) Why record officer decisions?

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require local authorities to produce a written statement of an executive decision made by an officer as soon as is reasonably practicable after the decision is taken (see Paragraph 13). This written statement must include the information requested in the questions of the pro forma on the previous page.

### 2) What sort of decisions are there?

- a) **Key decisions.** A key decision is defined by Regulation 8 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 as being an executive decision which is likely:
- i. To result in the local authority incurring expenditure, which is or the making of savings which are significant having regard to the local authority's budget for the service or function to which the decision relates; **(For Winchester City Council, the financial limit above which a decision is regarded as significant is £250,000 per year), or;**
  - ii. To be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules, Access to Information Procedure Rules (Part 4) and the Officer Scheme of Delegation (Part 3) of this Constitution.

- b) **Non-Key Decisions.** Officers will usually take non-key executive decisions. A non-key decision is an executive decision that does not meet either criterion of a key decision as laid out above. These decisions are divided into significant operational decisions and administrative decisions.

1. **Significant Operational (Non-Key) Decisions.** This is a decision in relation to a Council or executive function which is not a key decision and results in one of the following:
  - i. Revenue expenditure or making savings (including the receipt or loss of income) between £100,000 and £250,000 per year;
  - ii. Capital expenditure (i.e. if they involve entering into new commitments and/or making savings) and/or contract awards of between £100,000 and £250,000
  - iii. When, in the opinion of the Chief Executive, the Section 151 Officer or Monitoring Officer, a published record of the decision is required to provide openness and transparency.
  - iv. A significant decision should be recorded in order to comply with Regulation 13 (Recording of executive decisions made by individuals) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (No. 2089).
2. **"Other" Decision.** Regulation 7 of the Openness of Local Government Bodies Regulation 2014 requires a written record to be produced as soon as reasonably practicable after an officer has made a decision under delegation which a) grants a permission or licence or b) affects the rights of an individual.
3. **Administrative Decision:** *(these do not require recording on this form unless one or more of the following applies)*
  - i. There is a financial implication;
  - ii. It is in conflict with the Budget and Policy Framework or other approved policies approved by full Council; and
  - iii. It raises new issues of policy.

### 3) Which officer decisions need to be recorded on this form?

Officers need to record:

- 1) any key decision, i.e., decisions that have a significant effect on 2 or more divisions, or have a cost/saving of £250,000 or more. (see 2A above)
- 2) any Significant Operational Decisions. (see 2B (1) above)
- 3) "Other" officer decisions regarding the granting of a permission or licence or that affect the rights of an individual (see 2B (2) above)
- 4) Administrative decisions for which there is a financial implication.

### 4) What are the relevant processes to be followed?

For all decisions, the report author needs to complete the Forthcoming Decisions record in Sharepoint.

Establish which type of decision it is (see 2 A and 2B above.)

Most officer decisions require to be recorded on this form (see 3 above) Once completed, please ensure that it is reviewed by legal, finance and the relevant Director prior to signing. Once approved, the form should be forwarded to Democratic Services for adding to the Council's website where it can be viewed by members of the public on the decisions page (unless it is an Administrative decision).

Public Sector Equality Duty. Contact your Corporate Head of Service should you require any clarification regarding the council's Public Sector Equality, including whether you may need to complete an impact assessment as part of this decision record.

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<b>Call In dates (key decisions only) and Implementation date:</b>	
Commencement of call in: (date)	Click here to enter a date. <i>(Please refer to Dem Services for this)</i>
Last date for call in: (date)	Click here to enter a date. <i>(Please refer to Dem Services for this)</i>
Planned Implementation Date:	Click here to enter a date.