

FOI REF:	14745
RESPONSE SENT:	11/10/2024

Request:

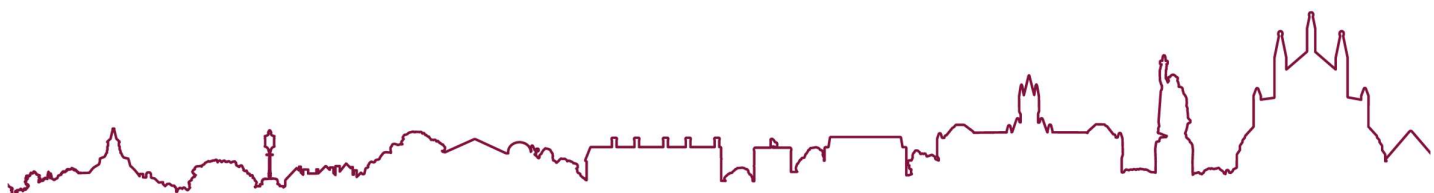
If any of the information is exempt from disclosure, please provide a detailed explanation of the exemptions applied and any parts of the information that can be disclosed.

I submit a Freedom of Information Act request for the following:

1. A list of conflicts of interest for all Winchester City Councillors and Winchester City Council Committee members from 2015-current date, specifically detailing, naming or mentioning any Wates Group employee (company registration number is 01824828).
2. A list of received gifts and/or hospitality of any amount given from any Wates Group employee (company registration number is 01824828) to any Winchester City Councillors and Winchester City Council Committee members from 2015 to the present date.
3. Provide copies of all communications (including emails, WhatsApp messages, text messages, team messages, letters and telephone recordings) regarding the potential site development in Sutton Scotney called 'Brightlands' between any Wates Group employee (company registration number is 01824828) and any Winchester City Councillors, and Winchester City Council employees, and Winchester City Council Committee members from 4th July 2024 to the current date on this letter.

Response

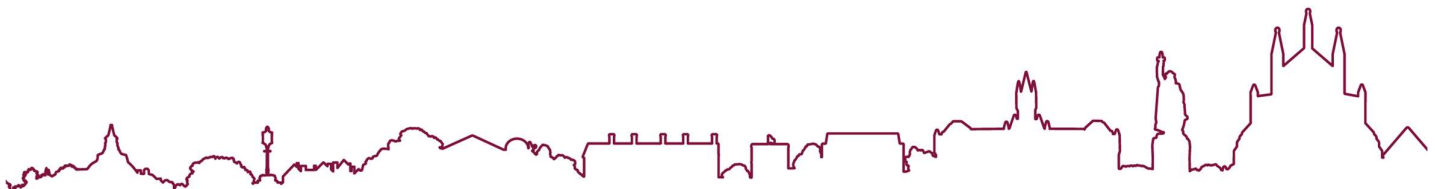
1. The Council holds and publishes on its website, on each [councillor's profile page](#), the *currently* available Declaration of Interests for all its councillors. When a councillor updates their Register of Interest form (which they are required to submit annually regardless of any in-year changes) the existing form is superseded. Older versions are not retained. The Council does not therefore hold Declarations of Interest dating back to 2015. As the Register of interests held by the Council is available on the website, we are not required to disclose a list to you - this information is exempt from disclosure under the Freedom of Information Act (section 21: Information accessible to applicant by other means).
2. The Members' Code of Conduct (Part 5.1 of the [Council's Constitution](#)) stipulates that councillors are required to register, within 28 days, any gifts or



hospitality received with an estimated value of at least £50. Any such gifts and/or hospitality are set out (when disclosed) in Part B, section 8 of their Register of Interest form. Information about gifts and hospitality below the value of £50 is not required to be declared and is not therefore held by the Council – unless a councillor has chosen to make a voluntary declaration (which would be shown on their Register of Interest form).

3. As part 3 of your request relates to a potential development site, this part should properly be considered under the Environmental Information Regulations 2004 (EIR) which provide similar rights to access environmental information held by the public authority. “Environmental information” is information that relates to the state of land and the elements and includes most information that relates directly or indirectly to planning.
 - A search of all emails between winchester.gov.uk and wates.co.uk email addresses has been carried out for the period from 4 July 2024 to the date of your request. This retrieved all emails sent to/from WCC employees or councillors to/from a Wates email account. No emails related to the Brightlands site have been located.
 - Calls made to and from the Customer Service centre are recorded. Calls to and from direct lines are not. We are unable to locate phone recordings without details of the external phone number involved. In the absence of an external phone number, it is not possible to locate call recordings without listening to each call.
 - WhatsApp or text messaging is not used by the Strategic Planning team as a means of external communication. It is unlikely that other officers would have reason to communicate about potential site development therefore, we do not believe there to be any such messages held by the Council.
 - Any information held by a councillor in their capacity as ward councillor (e.g. any records of phone calls or messages), if they exist, are not “held by the Council” for the purposes of FOI or EIR. We have not therefore asked ward councillors about any contact with Wates employees.

Under EIR (unlike FOI), where requested information is not held by the Council, this counts as a refusal (under Regulation 12(4)(a)). Therefore as the



information requested under Part 3 of your request is not held by the Council,
this part of your request is refused.

