

# Public Document Pack



Date: 20 August 2013  
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## **PLEASURAMA SITE DEVELOPMENT REVIEW TASK & FINISH GROUP**

**29 AUGUST 2013**

A meeting of the Pleasurama Site Development Review Task & Finish Group will be held at **7.00 pm on Thursday, 29 August 2013** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillor Hornus (Chairman); Councillors: Binks, Campbell, Driver, Harrison, Marson, Nicholson and Worrow

## **A G E N D A**

Item  
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATION OF INTERESTS**

To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest form attached at the back of this agenda. If a Member declares an interest, they should complete that form and hand it to the officer clerking the meeting and then take the prescribed course of action.

3. **MINUTES OF PREVIOUS MEETING** (Pages 1 - 4)

4. **TO AGREE A WORK PROGRAMME FOR 2013-2014** (Pages 5 - 10)

5. **REVIEW OF DOCUMENTATION** (Pages 11 - 12)

6. **DUE DILIGENCE**

Report to follow.

### **Declaration of Interests Form**

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## PLEASURAMA SITE DEVELOPMENT REVIEW TASK & FINISH GROUP

Minutes of the meeting held on 18 July 2013 at 7.00 pm in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillor Hornus (Chairman); Councillors Binks, Campbell, Driver, Harrison, Marson and Nicholson

**In Attendance:** Councillors D Green and E Green

### 1. ELECTION OF CHAIRMAN

Mr Harvey Patterson, Corporate & Regulatory Services Manager, presided over the election of the Chairman by calling for nominations from Members.

Councillor Campbell proposed, Councillor Marson seconded and Members agreed that Councillor Hornus be the Chairman of the Pleasurama Site Development Task & Finish Group.

Councillor Hornus in the Chair.

### 2. APOLOGIES FOR ABSENCE

There were no apologies received at this meeting.

### 3. DECLARATIONS OF INTEREST

There were no declarations made at this meeting.

### 4. ESTABLISHING THE PLEASURAMA SITE DEVELOPMENT REVIEW TFG WORK PROGRAMME FOR 2013/14

Mr Patterson advised that Members could recommend amendments to the terms of reference to the Overview & Scrutiny Panel. Councillor Driver proposed that the Task & Finish Group (TFG) considers including the following to the terms of reference:

“To consider the stability of the sea cliff wall and a flood risk assessment for the site, including seeking external professional advice.”

Some Members were concerned that these proposed additions would increase the cost of undertaking the review. Members requested that the due diligence information be made available to Members of the Group. Mr Patterson confirmed that Members would be given access to the due diligence details. He also said that members of the public could be called to give evidence if the TFG so wished to collect evidence from the public. Mr Patterson advised that the issue regarding the carrying out a flood risk assessment was not part of the current planning permission requirements. Other Members indicated that the Council would be responsible for future maintenance of the cliff face. An assessment would help carry out maintenance more effectively.

Mr Mark Seed, Director of Operational Services said that there were no current significant concerns regarding the overall stability of the cliff face. Additional remedial work had been carried out and there was no expectation to undertake significant maintenance work in the near future. He said that conducting a flood risk assessment would be an extremely costly exercise, which would be similar in size to the one carried out for the Margate flood defence project, and would have to be funded by the council.

Councillor Harrison moved, Councillor Campbell seconded and Members agreed that the draft terms of reference as reflected in Annex 1 to the report be adopted. These are as follows:

1. To review due diligence undertaken by the Council on the current developer;
2. To consider the options available to the Council with regard to the future of the development agreement with SFP Ventures (UK) Ltd;
3. To assess the commercial and legal implications of these options using external professional advice if necessary;
4. To consider future options for the Pleasurama site in general and make recommendations to Cabinet;
5. To produce a final report with recommendations for submission to the Overview and Scrutiny Panel and then to Cabinet.

Some Members requested that officers provide a clear definition of due diligence to include the issues that were considered in coming up with the due diligence report. Other Members expressed the view that Members had been advised that the then Chairman of the Overview & Scrutiny Panel would be given sight of the due diligence report in 2012/13. They wanted confirmation that the Chairman had been given access to that document. Members said that it was only by looking at the due diligence report, that Council could determine the worth of a proposed developer.

Councillor Campbell proposed, Councillor Binks seconded that all the documents that refer to due diligence be made available to Members of the TFG.

Councillor Campbell proposed, Councillor Nicholson seconded and Members agreed that the following documents be made available to all Members of the Pleasurama Site Development Review TFG within the next 3 weeks:

1. Development agreements;
2. Site leases;
3. Definition of due diligence;
4. Due diligence documents associated with the agreements and leases;
5. Legal advice associated with the agreements and leases;
6. Relevant Planning Committee reports.

Some Members requested that the Group took witness evidence from the public, including community groups who may have some ideas on how the site could best be utilised. They said that they would like to review the officer reports that were considered by Council in relation to this issue. Other Members advised that it was important for the TFG to be cautious in its conduct so as not to prejudice the legal position of Council in relation to the current development agreement. Mr Patterson said that the current development agreement was still valid and would expire in February 2014. There was however discretion to extend the deadline for completing the project which was dependent on the current development work.

Councillor Campbell proposed, Councillor Binks seconded and Members agreed that the following documents also be made available to Members within the next 3 weeks:

1. The Development Plan;
2. The current planning permission.

Members requested that once all the information had been handed over to the TFG, Members would need 14 days to study the various documents. They said that it was

important that at the end of the review, Members would make positive recommendations moving forward for the area.

Councillor Driver proposed that the following documents be made available to Members:

1. The Engineer report that was commissioned by Council;
2. The letter from the Environment Agency;
3. All due diligence process documents.

There was no seconder and the proposal was lost.

Mr Patterson said that it was important for Members to maintain confidentiality in instances where they were to receive confidential information.

The Chairman suggested and there was general agreement among Members that the next meeting be held within the next 5 weeks, with 22 August 2013 as a potential date.

Meeting concluded: 8.00 pm

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**TO AGREE A WORK PROGRAMME FOR 2013/14**

To: **Pleasurama Site Development Review Task & Finish Group – 29 August 2013**

By: **Democratic Services Manager**

Classification: **Unrestricted**

Ward: **Eastcliffe Ward**

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Summary: **This report invites Members to agree a work programme for the year ahead.**

**For Decision**

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**1.0 Introduction**

1.1 The Task and Finish Group is invited to draw up its work programme for 2013/14. To facilitate this, Members may wish to complete Annex 1, having regard to the various topics to be considered, potential witnesses to be invited, documentation received for review as a result of the last meeting and the possibility of creating sub-groups for the purpose of in-depth consideration of certain aspects of its terms of reference.

1.2 Annex 2 is included with this report as a reminder of the terms of reference agreed upon at the Group's last meeting.

**2.0 Corporate Implications**

**2.1 Financial and VAT**

2.1.1 None arising directly from this report

**2.2 Legal**

2.2.1 None arising directly from this report

**3.3 Corporate Implications**

3.3.1 A structured work programme will help the Group achieve the objectives as set out in its terms of reference.

**3.4 Equity and Equalities**

3.4.1 None arising directly from this report

#### **4.0 Recommendation**

6.1 That the Group considers its work programme for the remainder of this municipal year.

#### **7.0 Decision Making Process**

7.1 Any decisions associated with the work programme are for the Group to take.

Contact Officer:	Glenn Back, Democratic Services & Scrutiny Manager, Ext 7187
Reporting to:	Harvey Patterson, Corporate & Regulatory Services Manager, Ext 7005

#### **Annex List**

Annex 1	Pleasurama Site Development Review Draft Work Programme 2013/14
Annex 2	Pleasurama Site Development Review TFG – Terms of Reference

#### **Background Documents**

<b>Title</b>	<b>Where to Access Document</b>
None	N/A

#### **Corporate Consultation Undertaken**

Finance	N/A
Legal	Harvey Patterson, Corporate & Regulatory Services Manager



# Draft

**PLEASURAMA SITE DEVELOPMENT REVIEW TASK & FINISH GROUP WORK  
PROGRAMME 2013/14**

**NAMES OF MEMBERS**

<b>ELECTED MEMBER</b>	<b>DESIGNATION</b>
Cllr Binks	
Cllr Campbell	
Cllr Driver	
Cllr Harrison	
Cllr Hornus	
Cllr Marson	
Cllr Nicholson	
Cllr Worrow	
<b>SUPPORTING OFFICERS</b>	
	<b>DESIGNATION</b>
Mark Seed	Director of Operational Services
Harvey Patterson	Corporate & Regulatory Services Manager

<b>DATE OF MEETING/ACTIVITY</b>	<b>AGENDA ITEM</b>	<b>WITNESSES TO BE INVITED</b>
Meeting 1 Date/time 18 July 2013 @ 7.00 pm	a. Election of Chairman; b. Agreement of terms of all other items of business to be considered by the Group (Work Programme 2013/14); c. Agreement of timetable for all future meetings before final report is presented to Overview and Scrutiny Panel.	<b>Mr Mark Seed</b> , Director of Operational Services;  <b>Mr Harvey Patterson</b> , Corporate & Regulatory Services Manager
Meeting 2 Date/time 29 August 2013 @ 7.00 pm	a. Agreement of Work Programme 2013/14 b. Report on due diligence c. Review of documentation requested at the previous meeting	
Meeting 3 Date/time		
Meeting 4 Date/time		
Meeting 5 Date/time		
Etc		
Final meeting Date/time	a. Completion of final report b. Agreement of recommendations to be presented to the Overview and Scrutiny Panel	

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**PLEASURAMA SITE DEVELOPMENT REVIEW TASK & FINISH GROUP TERMS OF REFERENCE FOR 2013/14**

**TERMS OF REFERENCE**

**General**

The purpose of the task & finish group is to review the management of the development of the Pleasurama Site by Thanet District Council and advise Cabinet through the Overview & Scrutiny Panel.

**Membership, Chairmanship and Quorum**

Number of Members	Eight
Political Composition	3 Labour 3 Conservative 1 Thanet Independent Group 1 Independent Group
Substitute Members Permitted	Yes
Political Balance Rules apply	No
Appointments/Removals from Office	By the Overview and Scrutiny Panel
Restrictions on Membership	Non Executive Members only
Restrictions on Chairmanship	None
Quorum	Four
Cooption Arrangements	None
Number of ordinary meetings per Council Year	Meetings will be called as required and as reflected in the work programme below

**Terms of reference**

The full terms of reference for the task & finish group are given below. The scope of the group for 2013/14 will be specifically to:

1. To review due diligence undertaken by the Council on the current developer;
2. To consider the options available to the Council with regard to the future of the development agreement with SFP Ventures (UK) Ltd;
3. To assess the commercial and legal implications of these options using external professional advice if necessary;
4. To consider future options for the Pleasurama site in general and make recommendations to Cabinet;
5. To produce a final report with recommendations for submission to the Overview and Scrutiny Panel and then to Cabinet.

**Delegations**

None

**Notes**

This working party was established in principle by the decision of the Overview & Scrutiny Panel on 23 April 2013.

Consideration of legal issues to be undertaken in a way that does not prejudice future court action in which the Council may be involved.

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**TO REVIEW THE DOCUMENTATION REQUESTED BY MEMBERS AT THE PREVIOUS MEETING**

To: **Pleasurama Site Development Review Task & Finish Group – 29 August 2013**

By: **Democratic Services & Scrutiny Manager**

Classification: **Unrestricted**

Ward: **Eastcliffe Ward**

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Summary: **This report invites Members to review the documentation which they received as a result of the previous meeting**

**For Decision**

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**1.0 Introduction**

1.1 Members are invited to review the documents which they received following the previous Group meeting and to consider how this can help the Group develop their work programme for 2013-2014 in terms of issues to address, witnesses to invite and so on.

1.2 Members may also wish to review the documents in conjunction with the report on due diligence.

**2.0 Corporate Implications**

**2.1 Financial and VAT**

2.1.1 None arising directly from this report

**2.2 Legal**

2.2.1 None arising directly from this report

**3.3 Corporate Implications**

3.3.1 None arising directly from this report

**3.4 Equity and Equalities**

3.4.1 None arising directly from this report

**4.0 Recommendation**

4.1 That the Group reviews the documentation and, in so doing, considers the impact that this might have on the work programme for the remainder of the current municipal year.

## 5.0 Decision Making Process

- 5.1 Any recommendations by the Group as a result of the review will be included in its ultimate report to the Overview and Scrutiny Panel.

Contact Officer:	Glenn Back, Democratic Services & Scrutiny Manager, Ext 7187
Reporting to:	Harvey Patterson, Corporate & Regulatory Services Manager, Ext 7005

### Annex List

None	
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### Background Documents

Title	Where to Access Document
None	N/A

### Corporate Consultation Undertaken

Finance	N/A
Legal	Harvey Patterson, Corporate & Regulatory Services Manager

## THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

### Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

### Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
  - exercises functions of a public nature; or
  - is directed to charitable purposes; or
  - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

### **Gifts, Benefits and Hospitality**

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £100 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

### **What if I am unsure?**

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services and Scrutiny Manager well in advance of the meeting.

## **DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS, SIGNIFICANT INTERESTS AND GIFTS, BENEFITS AND HOSPITALITY**

**MEETING**.....

**DATE**..... **AGENDA ITEM** .....

**DISCRETIONARY PECUNIARY INTEREST**

**SIGNIFICANT INTEREST**

**GIFTS, BENEFITS AND HOSPITALITY**

**THE NATURE OF THE INTEREST, GIFT, BENEFITS OR HOSPITALITY:**

.....  
.....  
.....

**NAME (PRINT):** .....

**SIGNATURE:** .....

Please detach and hand this form to the Democratic Services Officer when you are asked to declare any interests.