

## **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