

OVERVIEW AND SCRUTINY PANEL

Minutes of the meeting held on 11 February 2014 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Gideon (Chairman); Councillors Harrison, Campbell, I Gregory, K Gregory, Huxley, Hornus, King, Matterface, Nicholson, D Saunders, M Tomlinson and Watkins

In Attendance: Councillor Everitt, Johnston and M Saunders

379. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Driver, substituted by Councillor King.

380. DECLARATIONS OF INTEREST

There were no declarations of interest.

381. EXCLUSION OF PUBLIC AND PRESS

Councillor Campbell proposed, Councillor Harrison seconded and Members agreed that the public and press be excluded from the meeting for agenda item 4 as it contained exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

382. PLEASURAMA SITE DEVELOPMENT AGREEMENT - RECOMMENDATIONS OF THE PLEASURAMA SITE DEVELOPMENT REVIEW TASK & FINISH GROUP

Mr Harvey Patterson, Corporate & Regulatory Services Manager introduced the report. Mr Patterson said that all the Pleasurama Site Development Task & Finish Group reviewed the development agreement as directed by the Overview & Scrutiny Panel and had fulfilled all the terms of reference except one. He said that due to time constraints the sub-group was not able to produce a final report for the Extraordinary Panel meeting. However the sub-group will be forwarding their final report for the 11 March 2014 Overview & Scrutiny Panel meeting.

Members generally agreed that the final report of the sub-group should include the following issues:

1. The long stop date;
2. Reactions of Cabinet to the recommendations from the Panel;
3. Reactions of the developer to the Cabinet decision.

Members also requested that the Panel should be advised by officers on who the expert advisor on the construction works is if the work were to resume.

Councillor Harrison proposed, Councillor Campbell seconded and Members unanimously agreed to forward the following to Cabinet:

1. That the current development agreement and leases be terminated;
2. That there be no re-negotiation of the current development agreement;

3. That the previous advice from Eversheds Solicitors be reviewed to determine why the development agreement did not contain a longstop date entitling the Council to terminate the agreement if the development was not completed by that date;
4. That as part of the preparatory steps to terminate the development agreement, a rigorous development programme be established in consultation with a construction expert to include clear milestones for all phases of the construction work necessary to complete the development;
5. That the construction expert appointed by the Council to advise on the development programme be retained to support the officers in the monitoring of the development programme;
6. That the quality and condition of the existing construction work (including the foundation structure) be checked to confirm that it remains fit for purpose and any issues to form part of the development programme in 4 above.

And that in making their decision on 20 February 2014; Cabinet Members pay attention to the following:

1. As the Development Agreement requires the Developer to complete the development by 28 February 2014, an extraordinary meeting of the Cabinet had been arranged for 20 February 2014 to consider the Council's response to the failure of the Developer to progress the development. Consequently, in order to ensure that the Overview & Scrutiny Panel retained the opportunity of making recommendations to the Cabinet on this issue, Members were requested to consider and reflect on the recommendations of the TFG in advance of receipt of the formal report of the TFG; that will now be presented to the next ordinary meeting of the Overview & Scrutiny Panel for decision.

Meeting concluded: 7.15 pm