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## MOTION ON NOTICE REFERRED BY COUNCIL - RAMSGATE ROYAL SANDS

To: **Cabinet - 22 January 2013**

Main Portfolio Area: **Commercial Services**

By: **Harvey Patterson, Corporate & Regulatory Services Manager**

Classification: **Unrestricted**

Ward: **Eastcliff**

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**Summary:** Pursuant to Council Procedure Rule 16.3, to consider the Motion on Notice referred to Cabinet at the meeting of Council held 6 December 2012 concerning Ramsgate Royal Sands.

### For Decision

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#### **1.0 Introduction**

1.1 At the meeting of Council held 6 December Councillor Driver placed on notice the following motion, seconded by Councillor Wells:

*'This Council expresses its concern about the worrying lack of progress of SFP Ventures (UK) Ltd in developing the Royal Sands construction project.*

*Council notes that SFP Ventures (UK) Ltd have been in negotiations with the Council to change the current development agreement.*

*Council understands that this new agreement is ready for approval once SFP Ventures (UK) Ltd has demonstrated that:*

- A) it has finance in place to complete the project; and*
- B) that it has an agreement in place with a hotel management company to run the hotel which forms part of the development agreement with the Council.*

*Council notes that more than 4 months have elapsed since it requested SFP Ventures (UK) Ltd to provide the information in A) and B) above.*

*Council recommends to Cabinet that if SFP Ventures (UK) Ltd are unable to provide the information requested by the Council in A) and B) above by 31 January 2013 that Cabinet refuses to agree any new terms with this company and will robustly enforce the existing agreement including taking back the leasehold of the Royal Sands development if necessary.'*

1.2 Council resolved not to debate the motion as a result of which the motion stood referred to the Cabinet for consideration.(Minute 58/2011 refers).

#### **2.0 Background**

2.1 On 26 July 2012 the Cabinet received and considered an exempt report concerning Ramsgate Royal Sands. Upon the motion of Councillor Poole, seconded by Council Hart it was resolved as follows (minute14/2012 refers):-

*'THAT the revised development agreement summarised in Annex 1 to the report is agreed, with delegated authority granted to the Corporate and Regulatory Services Manager to sign the final agreement, once all advance conditions are met, in consultation with the Cabinet Member for Commercial Services.'*

2.2 On 16 August the Overview and Scrutiny Panel considered a 'call-in' of the decision of the Cabinet in relation to the Ramsgate Royal Sand site. Upon the motion of Councillor Harrison, seconded by Councillor Bayford, it was resolved to recommend to Cabinet as follows (minute 282/2012 refers):-

1. *That before any final decision is made, external due diligence be undertaken and the report brought back to the Overview & Scrutiny Panel;*
2. *That the final decision is made by the Cabinet Member for Commercial Services, Leader of Council and Officers;*
3. *That points (i.e. all unanswered Questions/Queries) raised by Members of the Panel be responded to and the report authors be present when such issues would be considered next'.*

2.3 On 23 August 2012 Cabinet received and considered an exempt report in relation to the recommendations of the Overview & Scrutiny Panel. Upon the motion of Councillor Poole, seconded by Councillor Fenner, it was resolved as follows (minute 24/2012 refers:-

*.'As all the concerns expressed by the Overview & Scrutiny Panel have now been addressed, Cabinet confirms its decision taken on 26 July 2012.'*

#### **4.0 Options**

4.1 To debate the Motion on Notice referred by Council or to not debate the Motion on Notice referred by Council

#### **5.0 Corporate Implications**

##### **5.1 Financial and VAT**

5.1.1 The financial and VAT implications have been considered by the Cabinet at previous meetings.

##### **5.2 Legal**

5.2.1 The Legal implications have been considered by the Cabinet at previous meetings.

##### **5.3 Corporate Implications**

5.3.1 The Corporate implications have been considered by the Cabinet at previous meetings.

##### **5.4 Equity and Equalities**

5.4.1 The Public Sector Equalities duty is not engaged.

## 6.0 Recommendation

6.1 That Cabinet considers the Motion on Notice and determines whether or not to debate it.

## 7.0 Decision Making Process

7.1 This is a non-key decision. However, the decision of the Cabinet will be referred back to Council for noting.

Contact Officer:	Harvey Patterson, Corporate & Regulatory Services Manager, ext 7005
Reporting to:	Dr Sue McGonigal, Chief Executive

## Annex List

None	N/A
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## Background Documents

Title	Where to Access Document
None	N/A

## Corporate Consultation Undertaken

Finance	N/A
Legal	N/A
Communications	N/A