

Appendix 2:

Minutes of Community and Resources Committee 4th March 2019 in relation to the report

Councillors J Himan and K Davis declared interests – dual hatted – Northam Town Council

Prior to the presentation of this item, the Head of Paid Service addressed the meeting and clarified the two roles of the Authority - one as a Planning Authority and the other as landowner of the particular site. She emphasised that this Committee would be dealing only with the ownership of the land and the principles of the future of the site, and not with any planning issues. Members were reminded that at a previous meeting of Community & Resources Committee in January 2018 a decision had been made to progress with the development of the site and to submit a planning application for that development. Officers have been working toward that based on that decision.

This Committee had also considered the application from Northam Town Council for a Community Asset Transfer, but this had been rejected.

The Head of Paid Service explained that because of the highly contentious nature relating to the future of this asset and the comments being made, questions being asked it had become necessary to deal with this application in a manner not normally followed with similar applications. As such the application and Business Plan had been reviewed by an external person. This was not the normal process followed by the Authority and in particular when Members had already made a decision, as Officers would normally simply reject the application on that basis.

The Head of Paid Service reiterated her comments that this Committee would only be looking at the principles of this particular matter, and would have to decide on whether to progress with the original decision to develop, keep in house and retain the park or to look at some way of a community asset transfer, which would be at a value. If the latter option was to be supported, it would involve further negotiations and it would be at this point that the Business Plan submitted by Northam Town Council would be considered in detail.

She also explained that the site had been Registered as an Asset of Community Value and such assets were dealt with under a separate process.

Following an enquiry from Councillor Lock, Chair of Plans Committee, the Senior Solicitor advised that Plans Committee Members could participate in the debate and decision making as no discussions would involve the planning application.

The Planning and Economy Manager gave a brief overview of the report, the purpose of which was to update Members in respect of the Land at Avon Lane, and to make recommendations about how to proceed.

A proposal was put forward by Councillor Brenton that Torridge District Council transfer the whole of the park to Northam Town Council on a 99 year lease. There was no seconder. He also called for suspension of standing orders to allow for discussions to take place in relation to the transfer of a community asset, this was seconded by Councillor Davis. The Head of Paid Service clarified that the suspension of standing orders would not be needed as the matter was being debated.

Councillor McGeough proposed to refuse the recommendation and the proposed development and to sell to Northam Town Council for £1. He sought an explanation from the Senior Solicitor if she were minded not to accept his proposal. When giving Legal advice the Senior Solicitor advised that to dispose of the land for £1 would be unlawful. This advice was disputed by Members. There was no seconder to the motion. The Senior Solicitor and Head of Paid Service responded outlining that there was no need to propose to refuse the recommendation as voting against it would achieve that outcome, and that Councillor McGeough could propose an amendment to the recommendation contained in the report.

Councillor A Inch addressed the Committee and stated that when this matter had first been put forward, he had been supportive of the Council disposing of the land for proposed development. He had now had a change of mind, and was of the opinion that the way forward would be by a Lease to Northam Town Council, and to include clauses stating that work within the park to start within 12 months and to be finished within three years. If this was not achieved then the park to come back to this Authority. He suggested this item should be deferred for further investigation.

During the debate the Head of Paid Service reminded Members on numerous occasions of the issues to be debated and voted upon, which had been outlined before the item was presented.

The Head of Paid Service addressed concerns raised in relation to the Business Plan. She advised that the Plan had been circulated by Northam Town Council, and confirmed that Torridge District Council had not imposed any restrictions to the Plan. She further explained that this was not included in the report as Members needed to confirm their original decision or reverse/change that decision.

Councillor Laws addressed the meeting in support of Westward Ho! Park and outlined the arguments against developing the site.

It was proposed by Councillor McGeough that the recommendation be refused and the development proposal not be progressed and that it be kept as an asset of Torridge District Council with a condition that the residents of Westward Ho! maintain the park at no cost to this Authority. This motion was seconded by Councillor Brenton. No vote was taken.

A discussion followed on the voting protocol regarding recommendations and amendments.

Councillor Wiseman proposed that this Council cease the proposed development in Westward Ho! Park. This was seconded by Councillor Davis. No vote was taken.

Councillor Dart expressed her support for the park and suggested that the recommendation be amended to state that the Asset Transfer Application by Northam Town Council be revisited and the development proposal is not progressed.

The Head of Paid Service again reiterated that Officers had been working to Members instructions, and Members were now required to make a decision on whether they wished to change their original decision. If Members were minded to support the Asset Transfer Application, the same process would be followed as other asset transfers and discussions would need to take place with Northam Town Council. A report would be brought back to Members.

Councillor Hicks commented that he had concerns with transferring an asset with an unknown value. He put forward an amendment to the recommendation, that the Transfer be held in abeyance, and Northam Town Council prepare a Business Plan once the value of the land is known, and that the development proposal is put on hold. He stated that the planning application should be submitted as this would be a means of therefore determining the value of the site.

It was proposed by Councillor Brenton, seconded by Councillor Dart that the recommendation be refused. No vote was taken.

Councillor Laws, although supportive of the Park, acknowledged the following:

- the Business Plan having been reviewed by an independent assessor
- it would not be feasible for the Park to be given to the residents of Westward Ho!
- it cannot be transferred for £1, Northam Town Council would need to pay the price, but should be entitled to 1/3 discount.

Motions previously put forward were withdrawn.

It was proposed by Councillor Dart, seconded by Councillor Davis -

That the Asset Transfer Application by Northam Town Council be revisited and the development proposal is not progressed.

A recorded vote was requested and supported by more than five Members as required by the Constitution.

COUNCILLOR	FOR	AGAINST	ABSTAIN
Hurley D	X		
Dart A	X		
Brenton D	X		
Davis K	X		

Hackett P	X		
Hicks R		X	
Himan J	X		
Inch S	X		
Lock R		X	
McGeough D	X		
Wiseman R	X		

(Vote: For 9, Against 2)

Resolved:

That the Asset Transfer Application by Northam Town Council be revisited and the development proposal is not progressed.