

## Agenda Item

**REPORT OF** Planning and Economy Manager  
**To:** Internal Overview and Scrutiny  
**Subject:** Covenant for the hotel site Westward Ho!  
**Date:** 29<sup>th</sup> September 2020 **Reference:**

### **PURPOSE OF REPORT:**

To scrutinise the decision of Community and Resources committee against removal of restrictive covenants on the hotel site in Westward Ho!

### **1. INTRODUCTION**

On the 7<sup>th</sup> September a report Planning and Economy Manager was presented by the Senior Solicitor and Monitoring Officer to Community and Resources Committee in relation the removal of a restrictive covenant on the hotel Site land in Westward Ho! that was previously owned by the Council but that is now in private ownership.

The decision of Community and Resources Committee that the removal of the restrictive covenants in return for a capital receipt of £120,000.00 (One Hundred and Twenty Thousand Pounds) exclusive of all other costs be refused is now the subject of call in by Cllrs Jones, Cottle-Hunkin, Bushby, McGeough and Harding.

### **2. REPORT**

At Community and Resources Committee, Mr Alan Smith addressed members with a Public contribution regarding the removal of a covenant for the Hotel Site, Westward Ho!

He confirmed that he had requested for this proposal to be openly considered in Part I of the meeting. Mr Smith outlined his reasons as to why the covenant should be removed, including that the Planning Permission for a hotel had not been welcomed by the Ward Members or local residents. If removed it would allow for the site to be used for an alternative development.

Mr Smith asked that if the removal of a covenant is refused, the reasons be recorded.

The report of the Planning and Economy Manager is appended.

The minutes of Community and Resources Committee record the following:

Councillor Hicks declared a prejudicial interest – acts for Mr Smith on other matters – left the meeting and took no part in the debate and decision making.

The Vice-Chair, Councillor McGeough, took the Chair.

Councillor Laws declared a prejudicial interest – had previously objected to the site – left the meeting and took no part in the debate and decision making.

Councillor Lock sought legal advice on whether a Member sitting on Plans Committee could take part in the discussion and decision making of this item. The Senior Solicitor confirmed



they are entirely separate issues - this report is in relation to the Authority as landowner only and there are no planning issues to be discussed at this meeting.

The Senior Solicitor presented the report, the purpose of which was to present to Members the opportunity to receive Capital Receipt, which would be generated by releasing the restrictive covenant on the property known as the Hotel Site on the Village Green in Westward Ho! The report is presented following repeated requests from the landowner for this proposal to be openly considered in Part 1 by the Community & Resources Committee.

During the debate the following points were raised:

- Valuation figure - the Senior Solicitor advised that the offer made by the Landowner is in line with the valuation advice received by the Authority from an Independent Valuer.
- If Covenant removed what are the proposals for the future development of the site – Officer's advised they were not aware of future plans for the site. Planning would be dealt with by the planning process.

Councillor Christie suggested Officer's explore the idea of Overage as this is a prime site and the capital receipt is a one-off payment. He advised that the reason the site had been sold originally was to develop a hotel which was needed in Westward Ho! The Senior Solicitor clarified that as the Authority do not own the site, an Overage Clause cannot be imposed.

It was proposed by Councillor McGeough, seconded by Councillor Bushby that the restrictive covenants be removed in return for a capital receipt of £120,000.

A recorded vote was taken.

COUNCILLOR	FOR	AGAINST	ABSTAIN
Brenton, D		X	
Bright, C		X	
Bushby, D	X		
Christie, P		X	
Dart, A		X	
Hicks, R			
Hutchings, J	X		
James, K		X	
Laws, N			
Lock, R		X	
McGeough, D	X		
Wiseman, R	X		



### 3. IMPLICATIONS

#### Legal Implications

As set out in C&R report.

In addition, Mr Smith has confirmed to the Senior Solicitor and Monitoring Officer that he is, once again, happy for this item to be discussed in Part 1.

#### Financial Implications

As set out in the C&R report

#### Human Resources Implications

As set out in C&R report

#### Sustainability Implications

As set out in C&R report

#### Equality/Diversity

As set out in C&R report

#### Risk Management

As set out in C&R Report

#### Compliance with Policies and Strategies

As set out in the C&R report

#### Ward Member and Leader Member Views

As set out in the C&R report

### 3. CONCLUSIONS

Community and Resources Committee resolved:

That the removal of the restrictive covenants in return for a capital receipt of £120,000.00 (One Hundred and Twenty Thousand Pounds) exclusive of all other costs be refused

### 5. RECOMMENDATIONS

That Members scrutinise the resolution, as set out above, of Community and Resources Committee on the 7<sup>th</sup> September.

### SUPPORTING INFORMATION

Consultations: Chief Executive, Senior Solicitor and Monitoring Officer, Interim  
S151 Officer  
Contact Sean Kearney  
Officer:  
Background  
Papers:

