

Agenda Item

REPORT OF Planning and Economy Manager
To: Community & Resources
Subject: Covenant for the hotel site Westward Ho!
Date: 9th October 2020

Reference:

PURPOSE OF REPORT:

To consider the recommendation of Internal Overview and Scrutiny made on the 29th September 2020

1. INTRODUCTION

On the 29th September 2020 The Internal Overview and Scrutiny Committee considered the decision made by The Community and Resources Committee not to remove the Restrictive Covenant on the hotel site land in Westward Ho! for a capital receipt of £120,000.00. The matter was called in by Cllrs Jones, Cottle-Hunkin, Bushby, McGeough and Harding and debated at O and S.

2. REPORT

The Report presented to The Community and Resources Committee is attached at Appendix 1 which sets out the full background and detail to the matter.

Internal O and S made the following recommendation to be referred back to C and R:-

It was proposed by Councillor Inch and seconded by Councillor Hames –

That:

The Community & Resources Committee be asked to consider removing the existing covenant and putting on a new covenant requiring that the land be used for commercial use only.

A recorded vote was taken.



COMMITTEE MEMBER	FOR	AGAINST	ABSTAIN
CLLR BOUGHTON, R	X		
CLLR COTTLE-HUNKIN, C	X		
MR S DENGATE		X	
CLLR GUBB, J			X
CLLR HAMES, P	X		
MR I HARPER			X
CLLR INCH, A	X		
CLLR LANGFORD, S	X		
CLLR MANLEY, J	X		
CLLR NEWTON, S	X		
CLLR WATSON, P	X		

(Vote: For

8, Against 1, Abstentions 2)

The motion was carried.

The recommendation will be put to the Community & Resources Committee and if

RECOMMENDATIONS

That Members decide whether to accept the recommendation of O and S or not.

SUPPORTING INFORMATION

Consultations: Chief Executive, Senior Solicitor and Monitoring Officer, Interim S151 Officer
Contact Officer: Sean Kearney
Background Papers: Internal O and S Report dated 29th September 2020



Agenda Item

REPORT OF Planning and Economy Manager

To: Internal Overview and Scrutiny

Subject: Covenant for the hotel site Westward Ho!

Date: 29th 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 7th September a report prepared by the 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 7th September.

SUPPORTING INFORMATION

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

