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OVERVIEW AND SCRUTINY MANAGEMENT BOARD 'CALL-IN: TO AGREE TO THE DISPOSAL OF LAND AT ROCKY PARK ROAD'

DATE: WEDNESDAY 5 JANUARY 2011
TIME: 1 PM
PLACE: WARSPITE ROOM, COUNCIL HOUSE

Committee Members –

Councillor James, Chair
Councillor Ball, Vice Chair
Councillors Browne, McDonald, Nicholson, Ricketts, Stevens, Thompson and Wildy.

Co-opted Representatives –

Mr. D. Fletcher (Chamber of Commerce)
Mr. J. Paget (Young People)

Substitutes–

Named substitutes from the Panels may act as a substitute member provided that they do not have a personal and prejudicial interest in the matter under review.

Members are invited to attend the above meeting to consider the items of business overleaf.

Please note that, unless the Chair agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used during meetings.

BARRY KEEL
CHIEF EXECUTIVE

OVERVIEW AND SCRUTINY MANAGEMENT BOARD

PART I (PUBLIC MEETING)

AGENDA

1. APOLOGIES AND SUBSTITUTIONS

To receive apologies for non-attendance submitted by Overview and Scrutiny Management Board Members and to note the attendance of substitutes in accordance with the Constitution.

2. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this agenda.

3. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

4. CALL-IN : TO AGREE TO THE DISPOSAL OF LAND AT ROCKY PARK ROAD (Pages 1 - 14)

The Overview and Scrutiny Management Board will consider the decision called in by Councillors Ken Foster, Wendy Foster and Berrow.

5. EXEMPT BUSINESS

To consider passing a resolution under Section 100A (4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) ... of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE MEETING)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Overview and Scrutiny Management Board is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

NIL.

Procedure to be followed in the meeting

1. Once the Chair has opened the meeting and any previous business on the agenda been dealt with, the Members who called in the decision will be asked to explain why they have done so and what they feel should be reviewed.

The Members making the call-in shall be allowed up to 15 minutes in total to present their case. It shall be up to them to determine how they wish to use their time, they may ask one speaker to speak or share the time among several speakers as they see fit.

2. **15 minutes shall be allowed to respond on behalf of the decision maker(s).** It shall be up to them to decide how to use this allocation. The relevant Cabinet Member, or a senior officer, may make the presentation or they may divide the time between several speakers as they see fit.
3. **After each presentation, Members may ask questions to clarify any points made by the speakers** (although the speakers will not have an opportunity to cross-examine one another).
4. The Board will then discuss the matter. **Members may ask further questions of the Members making the call in or the decision makers during the debate. The Members making the call in and the decision maker will not normally speak during the debate, except to answer questions**
5. When the Chair considers that the matter has been debated for a reasonable length of time, the decision maker will be offered the opportunity to make any final comments on the matter. **One of the Members making the call in will also be offered the opportunity to sum up. Each side will be allowed five minutes for this purpose.**
6. The matter will then move to the vote :
 1. The first question is to consider in principle whether, in light of the case presented by the Members making the call-in and any other points made during the debate, Members wish to refer the decision for further consideration. **If members vote no at this stage, the call-in is ended.** The matter will not be referred back and the original decision may be implemented.
 2. If Members vote in favour of referring the matter for reconsideration, they must vote on the following matters:
 - (a) **Where to refer the matter** - Members must decide whether the decision should be referred back for reconsideration directly to the original decision-maker (i.e. the Cabinet **OR** an Executive Committee **OR** to refer the matter to City Council with a request that they decide whether to refer the matter back to the original decision-maker for reconsideration. The Chair shall ask members to vote in favour of either:

OR (i) Reference directly back to the original decision-maker

(ii) Reference back via the City Council

(b) Reasons for referring the matter back - The Chair will then put to the meeting that the matter be referred back to the original decision-maker (or to the City Council, as the case may be) for the reasons set out in the call-in request. Members will then be invited to move any amendments or additions to those reasons. Members may also move any specific recommendations or issues they would like the original decision-maker or Council to consider. Members must agree on the factors the decision-maker (or Council) are to be asked to consider. The matter may not be referred for reconsideration without reasons being given.

3. If Members of the Overview and Scrutiny Management Board vote to refer the matter back via City Council, they must then decide whether to request that any officers should be available to respond to questions at the Council meeting. If they do wish officers to be available, they should specify which officers they wish to be present to answer questions. They may not request any officer below the level of Head of Service to appear before Council.

REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY A CABINET MEMBER

Delegated Authority Reference No. FPPG 7 10/11

Name of the Matter

Approval to dispose of land at Rocky Park Road, Plymstock to Plymouth Judo Club.

Cabinet Member Exercising Delegated Authority

Councillor Bowyer – Cabinet Member for Finance, Property, People and Governance.

Decision

To agree to the disposal of land at Rocky Park Road.

Reasons for Decision

To regenerate an underused area of land.

Alternative Options Considered and Rejected (if not applicable, please provide explanation)

Not to dispose of the site would mean that approximately half the site remains overgrown and the other half remains as an unsurfaced, informal car park for the public using the adjoining recreation ground.

Financial Implications

There will be a saving to the Council in not having to maintain the site.

In Consultation with:

- .. Other Cabinet Member (if applicable) Councillor Brookshaw
 - .. Corporate Management Team Member (mandatory) Adam Broome
- and

	(Officer's initials or N/A)
• Democratic Support (mandatory)	DSO471011
• Finance (mandatory)	DEVF1010031
• Legal Services (mandatory)	10164/RW
• Human Resources	N/A
• Corporate Property	CJT/057/231110
• IT	N/A
• Strategic Procurement	N/A

(N.B. Sign-off by Democratic Support, Finance and Legal is mandatory. Sign off by HR, CP, IT and SP need only be sought in those cases where there are implications for the particular service. If not appropriate, please enter 'N/A').

Is the Decision

- A key decision (in the Forward Plan)* ~~Y~~/N
- Within the policy and budget framework?* Y/~~N~~
- In accordance with Equalities Assessment?# Y/~~N~~
- A case of special urgency agreed by the Chair of Overview and Scrutiny Management Board*? ~~Y~~/N -

List of Background Papers (If not attached, indicate where it can be accessed. Any confidential information should be included in background papers only and not contained in the delegated decision. If background paper Part II, please indicate and complete Reasons for Part II below)

- Briefing Paper (Part II)
- Delegated Decision signed off by Councillor Bowyer dated 25th September 2008 (Part II)

(The above Part II background papers are not for publication by virtue of Paragraph 3 Local Government (Access to Information) (Variation) Order 2006

Cabinet Member –

I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, City Strategy and Corporate Plan (Medium Term Financial Plan).

Signature *L. Bowyer* Date *6 Dec 2010*

Briefing Paper attached to Delegation Report – Part II

1. On 25th September 2008, Councillor Bowyer approved the disposal of the site at Rocky Park Road extending to 0.28 of an acre (0.11 of a hectare) to provide a leisure facility on site. The delegated paper is attached. Plymouth Judo Club would now like to purchase the site.
2. Plymouth City Council owns the properties 23-25 Embankment Lane, one of which has been rented to the Plymouth Judo Club with the remaining two being in a state of significant disrepair. The Embankment Lane properties are required to be demolished in order to allow for the construction of the new Embankment Lane Link Road which is a key part of the East End Transport Scheme.
3. The project is anticipated to ease many of the traffic problems currently experienced in this area, and provide key pieces of infrastructure that will help to support some of the new development sites to the east of the city as well as access to the city centre. The scheme provides new bus priority, walking and cycling links and makes improvements to the key strategic routes particularly for car drivers leaving the city.
4. Public consultation events were held in the summer of 2008 where members of the public first had the opportunity to see the proposals and regular updates on the project have been provided to the community including the Judo Club. Consultation and community liaison meetings have also been held during this time.
5. The Council has been in direct discussions with the Plymouth Judo Club since August 2009, regarding the proposals for Embankment Lane as part of the East End Transport Scheme and their impact on their tenancy. The Council has been keen to assist the Judo Club in finding alternative accommodation and has been proactive in identifying a number of alternative Council owned buildings and facilities that may be suitable for the club. The Council has also undertaken a search of privately owned properties commercially available for rent. Unfortunately, the Judo Club has felt that none of the properties put forward, would meet their specific requirements.
6. Plymouth City Council served Notice on the Judo Club over six months ago, advising the Club that it would be required to vacate the premises by the 28th of September 2010. Throughout this period, the Council has continued to make efforts to identify alternative premises for the Judo Club – both temporary and permanent.
7. The Judo Club has identified the City Council owned site at Rocky Park Road as being the site for the permanent location.



9. The Judo Club has now obtained planning permission for erection of a building for a martial arts club and function room and would now like to complete the purchase of the site as soon as possible.

10. At present, part of the site is also subject to a planning application submitted by a local football club to erect a shipping container for the storage of sports equipment. The planning application has yet to be determined. The Judo Club has said that it will work with the Football Club to try and accommodate the container somewhere on site should planning permission be forthcoming.

11. Councillors Michael Leaves, Ken Foster and Wendy Foster have objected to the sale of the informal car parking area to the Judo Club on the grounds that it was not originally declared surplus to City Council requirements.

12. Without the entire site, the Judo Club could not achieve the development as proposed.

13. The City Council's records indicate that the entire site, including the car parking area, was declared surplus to City Council requirements. Refer to surplus property declaration attached as attached as part of the Delegated Report signed off in 2008.

14. Despite the objections to the sale of the entire site, it is recommended that the City Council continues with the sale of the site to the Judo Club, in order to relocate the Club from the premises at Embankment Lane.

REPORT OF ACTION TAKEN UNDER DELEGATED CABINET MEMBER DECISIONS

Delegated Authority Reference No. (Democratic Support to complete)

BAMRBPG 11 08/09

Name of the Matter Site of former Plymstock fitness club. 0.28 acres – Rocky Park Road, (previously known as 'Forrester's Hall').

Cabinet Member Exercising Delegated Authority Councillor Ian Bowyer

Decision To dispose of site of former Plymstock fitness club and to continue to provide a leisure facility on the site.

Reasons for Decision Disposal accords with Strategic Objective 2, & Paragraph 2.2 of the Corporate Plan.

Alternative Options Considered and Rejected (if not applicable, please provide explanation) Do nothing – leave site in current state. Continue to incur maintenance costs.

Financial Implications Any generation of capital receipts will be allocated to the single capital pot.

In Consultation with:

- ... Other Cabinet Member (if applicable) N/A
- ... Corporate Management Team Member N/A

and

- | | |
|--------------------------------------|-----------------------------|
| | (Officer's initials or N/A) |
| • Head of Finance (mandatory) | HH890009 |
| • Head of Legal Services (mandatory) | RW 3.9.08 |
| • Head of Human Resources | N/A |
| • Head of Asset Management | NTS/163/10.9.08 |
| • Head of IT | N/A |
| • Head of Strategic Procurement | N/A |

(N.B. Sign-off by Finance and Legal is mandatory. Sign off by HR, AM IT and SP need only be sought in those cases where there are implications for the particular service. If not appropriate, please enter 'N/A').

Was the Decision

- A key decision?* Y/~~N~~
- In the Forward Plan?* Y/~~N~~
- Within the policy and budget framework?* Y/~~N~~
- In accordance with Equalities Assessment?# Y/N N/A

- A case of special urgency agreed by the Chair of Overview and Scrutiny Commission*? /N -

If Yes

Signed by Chair of Overview and Scrutiny Commission

.....

Reason for Urgency (please indicate how delay for call-in would seriously prejudice the Council's or the public interest)

* See Forward Plan for explanation on all these issues.

For further advice, contact Acting Head of Safer Communities, ext. 4321/4004

List of Background Papers (If not attached, indicate where it can be accessed. Any confidential information should be included in background papers only and not contained in the delegated decision. If background paper Part II, please indicate and complete Reasons for Part II below.)

- Briefing Report (Part I/Part II)
- Surplus Property Declaration Form

(The above Part II background papers are not for publication by virtue of Paragraph(s) Part 1 of Schedule 12A of the Local Government Act 1972.)

Cabinet Member –

I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, City Strategy and Corporate Plan (Medium Term Financial Plan).

Sign 1. J. Simpson Date 25 Sept 08

V2: 18.11.05

Part 2 Background Paper

Forrester's Hall - Site of Former Plymstock Fitness Club

This site is approximately 0.28 acres.

Background

This was formerly the site of Plymstock Health & Fitness Club until the building was demolished in 2007.

The site measures 0.28 acres and is largely unsurfaced and unfenced.

The tenants of the club surrendered their lease amidst financial problems and vacated in June 2006.

The Council found the premises to be in a very poor and dangerous state of repair and there were concerns for safety and problems with vandalism and trespassing on the site. This led to the decision to demolish the building.

The site is situated in a residential area with houses in Rocky Park Road immediately adjacent to the South.

Initial investigations suggest that there are no specific planning impediments to disposal of the site. However there are some concerns about traffic and parking in the area and any development on site would need to be self sufficient in its parking requirements.

There is a covenant running with the land, which restricts the land from being used for any purposes except leisure or residential use whilst the adjoining field is still designated public open space/playing fields. Any trade use is prohibited, although it is questionable whether or not this covenant is now enforceable.

The Surplus Property Declaration form (attached) 150 has been signed by Councillor Ian Bowyer only on the proviso that the site disposal would be for a sports or leisure development.

Recommendation

It is recommended that the site is declared surplus and expressions of interest are sought for proposals involving a sports or leisure land use.

SURPLUS DECLARATION

UPRN: Pro-forma No: 151

SURPLUS PROPERTY DECLARATION

Property:Forresters Hall, Rock Park Road, **Tenure:** ~~Freehold/Leasehold~~
Rocky Park Road, Plymstock Health Club

Existing Use: None

Holding Portfolio: Budget & Asset Management, ~~Operational~~/**Investment:**
Revenues and Benefits, Governance

Current rental income (if any):£ None

Date of commencement of consultation period:

Anticipated date of cessation of existing use: N/A

Recommended disposal method~~Freehold~~**Private Treaty**
(if disposal proceeds):~~Leasehold~~**Auction**
Informal Tender
Formal Tender
Negotiated Tender

Implications of disposal:

This disposal is expected to raise a Capital Receipt.

Corporate Plan: This disposal accords with Strategic Objective
2: "Developing a prosperous Economy" paragraph 2.2 of the Corporate Plan 2006-
2009 page 12.

Planning & Regeneration Implications: Local Development Framework – Core Strategy (adopted 23.04.07). There are no planning impediments to disposal of the site in question. (A specific application for planning permission will be required should the new owner/tenant seek to change the use of the land or develop the site. The Sustainable Neighbourhoods Site Allocations Development Plan Document (DPD) is not due for adoption until late 2010 so any change of use request proposed before then would need to be resolved at planning application stage. Relevant policies in the Core Strategy would depend on the type of proposal).

Signed:
(Head of Asset Management) (Councillor Ian Bowyer)

.....
(Assist Head of Asset Management)

No.151DH/SPP/CD



COMMERCIAL & VALUATION ASSET MANAGEMENT DIVISION	
Forresters Hall, Rocky Park Road	
Map reference: SX5153SW	November 2007
DRAWING REF: 171/06	
Scale: Not to Scale	

TITLE Forresters Hall, Rocky Park Road

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Call-In Request Form

Decision to be called in	To agree disposal of land at Rocky Park Road
Decision made by: (Delete the choices which do not apply)	<input checked="" type="checkbox"/> The Cabinet or <input checked="" type="checkbox"/> A Cabinet Member or <input type="checkbox"/> Executive decision made under joint arrangements
Date decision was made	6TH DEC 2010
Are you calling the decision in because you believe it to be outside of the Budget or Policy Framework	Yes/No (If Yes, state the reasons why you believe it to be outside the Budget or Policy Framework in the reasons section below)
Reasons for the Call-In The reason for call in must fall within one or more of the following categories: <input checked="" type="checkbox"/> The process by which the decision was made was deficient in some way. e.g. did the decision maker neglect to consult people who should have been consulted? <input type="checkbox"/> The decision maker failed to consider alternative courses of action <input type="checkbox"/> The decision taker failed to take into account relevant factors <input checked="" type="checkbox"/> The decision was wrong in law or fact– the call in form must state why	<p>The process by which the decision was made was deficient and was wrong in law because:-</p> <p>PART OF THE LAND DISPOSED, A GRAVEL AREA WHICH IS USED AS A CAR PARK, IS, AS FAR AS WE ARE AWARE, public open space for which the relevant consents for this disposal to proceed have not been sought or secured; and</p> <p>The land used as a car park (being in our view public open space as advised in (i) above) did not form part of the surplus property declaration 2007 so is not in any event a surplus asset available for disposal.</p>
To be valid THREE Members must support the request. All three Members should sign the form OR all three Members should e mail the Democratic Support Section (democratic.support@plymouth.gov.uk) expressing their support for the call-in. In this case, the form should be completed and attached to all of the e-mails.	

cont

Signatures of THREE Members

Name	Signature
1. Cllr PETER BERRON	P D BERRON
2. Cllr KEN FOSTER	K Foster
3. Cllr WENDY FOSTER	W B Foster

Contact Details:	
Name of councillor to be contacted if there are any difficulties or questions.	

Notice of call-in for non-urgent decisions -

- (i) must be received in the Democratic Support Unit by 4.30 p.m. on the 5th working day after Members have been notified that the decision has been made;
- (ii) can be submitted to the Democratic Support Unit or by using the on-line form which should be e-mailed to democratic.support@plymouth.gov.uk