

## Cooperative Scrutiny Board

**Wednesday 19 June 2013**

### **PRESENT:**

Councillor James, in the Chair.

Councillor Mrs Aspinall, Vice Chair.

Councillors Ball, Bowie, Bowyer, Philippa Davey, Sam Leaves, Murphy, Singh (substitute for Councillor Casey) and Tuffin.

Apologies for absence: Councillor Casey.

Also in attendance: Peter Ford (Head of Development Management), Ian Gillhespy (Valuation Surveyor), Councillor Nicholson, Giles Perritt (Head of Policy, Performance and Partnerships), Julie Rundle (Senior Lawyer) Councillor Vincent (Cabinet Member for Environment) and Helen Wright (Democratic Support Officer).

The meeting started at 10.00 am and finished at 11.55 am.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### 14. **DECLARATION OF INTEREST**

In accordance with the code of conduct, the following declarations of interest were made –

<b>Name</b>	<b>Reason</b>	<b>Interest</b>
Councillor James	Ward Councillor	Personal
Councillor Sam Leaves	Ward Councillor	Personal

### 15. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

### 16. **CALL-IN: LAND REAR OF 29 - 37 LUCAS LANE, PLYMPTON, PLYMOUTH, PURCHASE NOTICE SECTION 137 TOWN AND COUNTRY PLANNING ACT 1990**

The Cooperative Scrutiny Board considered the call-in of the Cabinet decision; land rear of 29 – 37 Lucas Lane, Plympton, Plymouth – Purchase Notice Section 137 Town and Country Planning Act, 1990.

The Cooperative Scrutiny Board heard that –

(a) Councillors Mrs Beer, Darcy and Nicholson had called the decision in for the following reasons –

- no consultation had taken place with the Cabinet Member for Children and Young People who had responsibility for Boringdon Primary School and other schools in the city; consultation should have taken place regarding the impact of this decision; the procurement of the land would benefit both the School and the wider community and also resolve this issue for the landowner;
- there was no indication that the Director for People, who had responsibility for education had been consulted;
- since the publication of the decision, Councillor Nicholson had consulted with the Head Teacher of Boringdon Primary School who confirmed that no consultation with the School had taken place; following further discussions with the school it had transpired that direct contact had been made by the council with the Business Manager at the School; however, during these discussions the Business Manager had not fully understood this part of the planning process;
- Boringdon Primary School was in support of the land being secured for educational purposes;

(b) Councillor Vincent (Cabinet Member for Environment) Peter Ford (Head of Development Management), Ian Gillhespy (Valuation Surveyor) and Julie Rundle (Senior Lawyer) responded that -

- at this stage of the process, no consultation had taken place with either the Cabinet Member for Children and Young People or the Director for People, as the council was only required to either accept or reject the Purchase Notice; (the Notice had been served on the council by the landowner under section 137 of the Town and Country Planning Act 1990);

(a Purchase Notice was a mechanism whereby any landowner who believed their land had become incapable of reasonably beneficial use by virtue of a planning decision might seek to have the land acquired by the local planning authority and be paid compensation for the value of the land);

the council was normally required to respond within three months of receiving a Purchase Notice (which had been received on 13 December 2012); however the council had been in contact with the landowner to explain the process and that it would take longer than three months to provide its response;

- the key point of the decision was whether the council should accept or reject the Purchase Notice; if the council accepted, or the Secretary of State directed the council to accept the Notice, then it would have to purchase the land; (there were no monies allocated within the council's approved capital programme for the purchase of the land); (due to the statutory obligation, the council would have to purchase the land regardless of its condition);

if the council rejected the Notice, the matter would be referred to the Secretary of State;

- consultation in the form of telephone conversations had taken place with the Business Manager of Boringdon Primary School; during these discussions the process had been clarified and it had been the Valuation Surveyor's clear understanding that the Business Manager would liaise with the Head Teacher regarding this matter;
- at this stage of the process, the council was not attempting to demonstrate suitable alternative uses for the site but that the council's decision to reject the Purchase Notice was based on a beneficial use as private amenity land.

In response to questions raised by the Board members, it was reported that –

- (c) the Purchase Notice would apply regardless of the condition of the land;
- (d) should the council accept the Purchase Notice or the Secretary of State direct the council to purchase the land, this would not set a precedent for other pieces of land within the City that may have a Purchase Notice served on them, as each case would be taken on its own merits;
- (e) consultation had taken place, in the form of telephone conversations with the Business Manager of Boringdon Primary School (who was also the Clerk to the School's Governors); this matter had not been referred to the School Governors;
- (f) the council was required to serve a Response Notice within three months of receiving the Purchase Notice; as this was a rarely used piece of legislation the process had taken longer (an indication of the council's decision had been submitted to the landowner's solicitor within the three month statutory timescale); further delays could result in the Secretary of State directing the council to accept the Purchase Notice;

- (g) if the council accepted the Purchase Notice and proposed any alternative use of the land a planning application would need to be submitted and considered on its merits; (previously this piece of land had not been deemed appropriate for residential development); the Planning Committee would not be required to take into account that a Purchase Notice had been accepted on this land;
- (h) if the council accepted the Purchase Notice then it would be accepting there was no beneficial use to the landowner for this land;
- (i) following the call-in of the decision, a meeting had been held with the Cabinet Member for Children and Young People; there were no monies allocated within the council's approved capital programme for the purchase of the land;
- (j) the Cabinet Member for Environment confirmed that the decision had been made based on the four values of the Brilliant Co-operative Council;
- (k) it may be possible that the minutes from this meeting would be submitted to the Secretary of State by the landowner;
- (l) the Cabinet Member for Environment, confirmed that at this stage of the process there had been no requirement to consult with the Cabinet Member for Children and Young People and the Director for People (who had responsibility for education), as the key point of the decision was whether the council accepted or rejected the Purchase Notice;
- (m) if the decision had been to accept the Purchase Notice then the Cabinet Member for Finance and the Cabinet Member for any council service, to make future use of the land, would have been consulted due to the commitment being made by the council.

The Board agreed to confirm that the decision should be implemented

17. **EXEMPT BUSINESS**

There were no items of exempt business.