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## Overview and Scrutiny Management Board

Wednesday 5 January 2011

### PRESENT:

Councillor James, in the Chair.

Councillor Ball, Vice Chair.

Councillors Browne, McDonald, Nicholson, Ricketts, Stevens, Thompson and Wildy.

Co-opted Representatives: Jake Paget

Also in attendance: Giles Perritt - Head of Performance, Policy and Partnerships

The meeting started at 1.00 pm and finished at 2.15 pm.

*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.*

#### 74. **DECLARATIONS OF INTEREST**

There were no declarations of interest made by Councillors in accordance with the code of conduct.

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

There were no items of chair's urgent business.

#### 76. **CALL-IN : TO AGREE TO THE DISPOSAL OF LAND AT ROCKY PARK ROAD**

The Overview and Scrutiny Management Board considered the call-in of the Cabinet Member decision: Approval to Dispose of Land at Rocky Park Road, Plymstock, to Plymouth Judo Club.

The Overview and Scrutiny Management Board heard –

(a) from Councillors Ken and Wendy Foster, having called the decision in with Councillor Berrow, on the grounds that –

- part of the land disposed, a gravel area which was used as a car park, was, as both Members were aware, public open space for which the relevant consents for the disposal to proceed had not been sought or secured;
- the land being used as a car park did not form part of the surplus property declaration in 2007 so it was not a surplus asset available for disposal;

(b) from Councillor Bowyer, Cabinet Member for Finance, Property, People and Governance, Phil Jones, Principle Development Surveyor and Ron Williams, Senior Lawyer, who responded that –

- a surplus property declaration was signed by Councillor Bowyer, as Cabinet Member, in September 2008 for the Forresters Hall, Rocky Park Road site – this declaration was accompanied by a location map which included the gravelled area recently used as a car park;
- the surplus property declaration was circulated to all Members, including Plymstock Radford ward Councillors Ken and Wendy Foster and Michael Leaves in October 2007. Records indicated that the email notification was read by Councillors Wendy Foster and Michael Leaves;
- a planning application for the transfer of the Rocky Park Road site was submitted to the Planning Committee in October 2010 – after the meeting Councillor Bowyer emailed Councillors Michael Leaves and Ken Foster as they had objected to application, in an attempt to resolve the issue and asked for evidence to highlight that the decision was incorrect however this was not provided;
- in their opinion the decision was taken correctly, as the gravelled area, recently used as the car park, was included in the surplus property declaration made in 2008, Ward Councillors were consulted and were given a further opportunity to provide evidence to the Cabinet Member that the decision was incorrect.

Agreed that -

- (1) the original decision be implemented;

Recommended that –

- (2) careful consideration of residents needs be taken into account when implementing this decision.

77. **EXEMPT BUSINESS**

There were no items of exempt business.