

# COUNCIL EXCELLENCE OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 8 July 2010

<u>Present:</u>	Councillor	P Gilchrist (Chair)	
	Councillors	J Keeley A Brighthouse P Kearney B Kenny	A McArdle D McCubbin S Williams
<u>Deputies:</u>	Councillors	AER Jones (In place of P Davies) C Meaden (In place of J Stapleton)	
<u>Cabinet Member:</u>	Councillor	S Holbrook	
<u>In attendance:</u>	Councillors	G Ellis	J Hale

## 6 CALL-IN OF CABINET MINUTE 406 (15 APRIL 2010) - HOYLAKE LIFEBOAT STATION

At its meeting held on 15 April 2010, the Cabinet considered an exempt report of the Director of Law, HR and Asset Management in relation to offers received for the car park adjoining the original Lifeboat Station in Hoylake after the joint marketing of the site with Peel Holdings. The Cabinet resolved –

*That the offer from M Rice on the terms set out in the report be accepted and, in the event of the sale not proceeding, the offer from S Barnes be accepted.*

That decision has been called in by Councillors G Ellis, J Hale, J Green, Mrs L Rennie and T Anderson on the grounds that “The proposal runs counter to the criteria for regeneration of the area and that the proposals for use would not be consistent with this designation. The proposals would also be detrimental to The Kings Gap Conservation Area”.

## 7 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST/PARTY WHIP

Members were asked to consider whether they had personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Members were reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

Councillor S Williams declared a personal interest by virtue of his acquaintance with Mr Curry, a call-in witness, who had submitted a written statement for consideration by the Committee.

Councillor A Jones declared a personal interest by virtue of him having an association with the RNLI, being a member of the Management Committee of New Brighton Lifeboat Station.

The Head of Legal and Member Services advised the Committee that prior to the meeting he had offered advice to those Members who were also Members or deputies of the Planning Committee of the need for them to be mindful of potential issues of pre-determination in relation to any subsequent planning application that could be made in relation to Hoylake Lifeboat Station.

## **8 SUMMARY OF EXEMPT REPORT CONSIDERED BY THE CABINET**

The Chair indicated that the report considered by the Cabinet at its meeting on 15 April 2010 had been an exempt report which, together with the exempt delegated decision report (of June 2009) to declare the land a surplus asset, had been provided to Members with their agenda. He had requested the officers to prepare a summary of the document, which did not contain exempt information. Accordingly, the Director of Law, HR and Asset Management presented a revised version of his earlier report, which had advised the Cabinet of the offers received for the car park adjoining the original Lifeboat Station in Hoylake, after joint marketing the site with Peel Holdings, who owned the buildings.

The Cabinet had been advised that six offers had been received for both the Council's land and the building owned by Peel Holdings and he indicated that the capital receipt would be split on a 50/50 basis, less legal and other disposal costs. The sale would also be subject to an overage payment clause, which would entitle Peel Holdings and Wirral Council to 50% (to be split 50/50) of any increase in value of the property if planning permission for an alternative use, with a market value higher than existing use, was obtained within 25 years of the sale.

The Director had outlined for the Cabinet each of the offers made and the local considerations in relation to the site. Ultimately, however, he indicated that it would be for the potential purchaser to satisfy the Planning Committee as to the appropriateness of any future use. He set out the planning implications in relation to the site and commented that local residents would have an opportunity to register their views as part of the planning application process.

## **9 EXPLANATION OF CALL-IN BY LEAD SIGNATORY**

Councillor G Ellis referred to the historical significance of the Hoylake Lifeboat Station and expressed the view that the Cabinet, instead of marketing the site, should authorise negotiations to take place with Peel Holdings on the basis that they should make the property available to the Council at a peppercorn rent, so as to enable the building to be used as a Lifeboat Museum.

Councillor J Hale commented that the site was immediately adjacent to a Site of Special Scientific Interest (SSSI) and, being located within the Kings Gap

Conservation Area directly on the promenade, was not suitable for use a commercial activity. He referred to the Council's Regeneration Master Plan (2004), which indicated that there had been public support for a Lifeboat Museum. However, since that time, there had been no further public consultation in relation to any other use for the site and the Director of Law, HR and Asset Management had recommended its joint disposal in order to secure the optimum capital receipt.

In response to questions from Members in relation to funding for the proposed Lifeboat Museum, Councillor Hale indicated that grant funding was available which, he believed, could accessed with the support of Council officers, in terms of their time and expertise.

## 10 **EVIDENCE FROM CALL-IN WITNESSES**

Mr J Curry advised the Committee that although he was a former Mersey River Pilot, he was also the Lifeboat Operations Manager of the Hoylake Lifeboat. He commented that there were five trust lifeboat museums throughout the Country and that each had had a significant benefit for the communities in which they were located. He referred specifically to the Moelfre Lifeboat Museum and its positive effect on the local economy. He expressed the view that there would be widespread support for a Lifeboat Museum in Hoylake and that the Council's assistance in negotiations with Peel Holdings would be vital for it to be achieved.

Mr J Percival advised the Committee that in addition to him being the proprietor of the Hoylake Sailing Club, he was a Deputy at the Hoylake Lifeboat. He referred to the significant numbers of educational visits to the Lifeboat Station and the high levels of interest in the local history of the institution. However, as the station was operational, it could not function as a museum. He referred to the benefits of tourism for the local economy and upon the potential for increased numbers of visitors to a Lifeboat Museum in Hoylake. He added that, if the project did not come to fruition, the assets belonging to the Council and to Peel Holdings would still be available for future disposal.

The Committee gave consideration also to a detailed written submission from Mr J Parr, who had been unable to attend the meeting. His submission referred to the historical importance of the Hoylake Lifeboat and to the widespread public enthusiasm for a Lifeboat Museum on the site, which would be unique in the North West. Mr Parr had stated that he was both willing and able to take a leading role in the establishment and development of a Lifeboat Museum.

## 11 **EVIDENCE FROM CABINET MEMBER'S WITNESSES**

Mr I Brand, Head of Asset Management, reported that the original decision to dispose of the Council owned car park area adjoining the Lifeboat Station was taken in June 2009 as a delegated decision by the Cabinet Member for Corporate Resources. The provisional basis for the sale, as a joint disposal with the Lifeboat Station buildings owned by Peel Holdings, had been agreed as the terms were considered to be favourable for the Council. That decision had not been called-in and he commented that the planning process would determine the ultimate use of the site. All bidders for the site had been advised of Planning policies.

With regard to the suggestion that the officers negotiate with Peel Holdings for the building to be made available at a peppercorn rent, he commented that Peel Holdings had already clearly stated that they were unable to do this and that in respect of their non-strategic assets, such as Hoylake Lifeboat Station, which were not deemed part of the Ports core business, it was their strategy to dispose at the best price determined by the open market. They had indicated recently that this remained the case at Hoylake.

He confirmed that the Council did not have to market the car park site jointly with the buildings. If it did not, Peel Holdings could act as it saw fit and the Council would retain the car park, albeit with a restrictive covenant, the benefit of which lay with Peel Holdings and the opportunity to maximise its value could be lost. In response to a question from a Member, he outlined the restrictive covenant held by Peel Holdings and indicated that they were prepared to release it if the site was marketed jointly, as agreed.

## **12 SUMMING UP BY MOVER OF THE CALL-IN**

Councillor G Ellis referred to the expertise available locally to ensure the success of a Lifeboat Museum in Hoylake and in particular to Mr J Parr, who was unable to be present. However, the support of Council officers was vital and he referred to the expertise of the Council's Lottery Funding Officer and Heritage Officer. He was concerned that Peel Holdings appeared to be unwilling to reconsider their policies, having regard to the significant development being undertaken elsewhere in Wirral, but was confident that officers could negotiate further to assist the project. He requested the Committee to refer the matter back to the Cabinet in order for its decision to be reconsidered.

## **13 SUMMING UP BY CABINET MEMBER**

The Cabinet Member for Corporate Resources commented that the decision of the Cabinet was to accept an offer for the sale of a piece of land. If the sale proceeded as agreed by the Cabinet, the purchaser would have to apply for planning permission for any change of use. All such planning related matters were not within the remit of the Council Excellence Overview and Scrutiny Committee.

If the car park was marketed jointly with the buildings owned by Peel Holdings, the Council would share in the combined value of the asset. However, if Peel proceeded with the sale of the building, the value of the car park in isolation at a future date would be further diminished because of the restrictive covenant.

He confirmed that he had approved the disposal of the land on 22 June 2009 under delegated powers, after consulting with Ward Councillors, and that his decision had not been called-in. The property had therefore been available in effect for a year. He commented also that he had subsequently been requested to make a delegated decision in relation to the sale of the land but, having consulted with Ward Councillors, had referred the matter to the Cabinet for determination, to enable Ward Councillors to attend the Cabinet meeting to put forward their views. This offer was not taken up and the Cabinet agreed to accept an offer on the terms set out in the report of the Director of Law, HR and Asset Management.

He further commented that officer time was valuable and that all were busy doing important work for the Council. To allocate time to this matter would inevitably mean doing less elsewhere.

#### 14 COMMITTEE DECISION

The Head of Legal and Member Services indicated that upon consideration of an executive decision which had been the subject of a valid call-in, the following options were open to the Committee –

- If the Overview and Scrutiny Committee agreed with the decision, it need take no further action and the decision would become effective immediately at the close of the meeting.

Or

- If the Overview and Scrutiny Committee did not agree with the decision, it may refer it back to the Cabinet for reconsideration, providing a statement of reasons for the referral. The Cabinet's reconsideration of the matter, and subsequent decision would be final.

Or

- If the Overview and Scrutiny Committee did not agree with the decision and, having taken appropriate advice, it considered the decision was contrary to the Council's policy framework or approved budget, or was not within the Cabinet's remit or powers, it could refer the matter to the Council.

It was moved by Councillor Jones and seconded by Councillor Gilchrist –

“That the Cabinet be requested to seek discussions with Peel Holdings, with a view to facilitating the Hoylake Lifeboat Museum Project.”

It was moved as an amendment to the Motion by Councillor Keeley and seconded by Councillor Williams –

“That a time limit of three months be recommended to the Cabinet for the completion of negotiations.”

The Motion by Councillor Jones, incorporating the amendment by Councillor Keeley was carried. (10:0)

**Resolved – That this Committee considers it appropriate for the Cabinet to explore whether the Hoylake Lifeboat Museum project is feasible and recommends that the Cabinet be requested to authorise relevant officers to enter into discussions and/or negotiations with Peel Holdings, for a maximum period of three months, with a view to exploring and/or facilitating the Hoylake Lifeboat Museum Project.**

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