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## ECONOMY AND REGENERATION OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 27 October 2009

<u>Present:</u>	Councillor	J Hale (Chair)	
	Councillors	AR McLachlan A Jennings A Pritchard K Wood	B Kenny S Niblock A Taylor
<u>Deputies:</u>	Councillors	G Ellis (in place of PSC Johnson) J Crabtree (in place of R Abbey)	

### 19 CHAIR'S WELCOME

The Chair welcomed everybody and explained the reasons as to why he had called this special meeting.

### 20 DECLARATIONS OF INTEREST/PARTY WHIP

Members were asked to consider whether they had a personal or prejudicial interest in any matters to be considered at the meeting 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 matter to be considered and, if so, to declare it and state the nature of the whipping arrangement.

No such declarations were made.

### 21 THE SAIL PROJECT, WEST KIRBY

Prior to consideration of this item, Councillor McLachlan moved –

“(1) That this Committee notes that the Conservative Group have withdrawn their call in of the Cabinet decision of September 24th on the Sail Project, which would have given them the opportunity to question the Cabinet decision, to call witnesses to support their case, and to allow the Overview and Scrutiny Committees to report back to Cabinet before any final decision was made.

(2) This Committee further notes that by withdrawing their call in objecting to the decision of Cabinet, the Conservative Group have, in effect, notified their agreement that the decision can go ahead and this is now a resolved item which will now be implemented, as reflected in Cabinet Minute 129.

(3) This Committee notes that the call in was withdrawn when the Scrutiny Programme Board chose to allocate the call in to Council Excellence, which does not have a Conservative Chair.

(4) In view of the fact that the outcome of this meeting, or the statements of any witnesses, cannot now affect the decision taken by Cabinet, we believe that it would be unfair to those members of the public present to continue with this meeting as a meeting of an Overview and Scrutiny Committee in the belief that it has any power to affect the decisions taken.

(5) This Committee does not wish to take part in the politicisation of the Scrutiny Process, which is against the Council's constitution, and therefore moves that this meeting now be formally closed in order to allow the Conservative members of the committee time to debate this issue and talk to their constituents outside the formal processes of this Council."

Having been seconded by Councillor Taylor, the motion was then ruled out of order by the Chair. The Chair having taken advice from the Director of Law, HR and Asset Management that the meeting was properly constituted in accordance with Standing Order 26(1).

Councillor McLachlan then made a statement to the Committee as follows:

"I wish to make a statement on behalf of the Labour and Liberal Democrat members present, and I would like this statement to be formally minuted please.

I want to make it quite clear to the members of public present, to those who have been called as witnesses, and to any members of the press present, that this meeting is not a call in, although it seems to have been billed as such in the media.

The decision taken by Cabinet on September 24th to move to the stage of drafting a Development Agreement was initially called in by the Conservatives.

However, they later withdrew this call in when it was allocated by the Scrutiny Programme Board to be heard by the Council Excellence Overview and Scrutiny Committee, which does not have a Conservative Chair.

At that call in, they would have had the opportunity to call witnesses, scrutinise the decision and make a recommendation back to Cabinet which would have to be considered before the decision was implemented. By withdrawing the call in they lost this opportunity and the decision is now a resolved item, which means it will go ahead.

This meeting has none of the powers of a call in and if members of the public present believe it does, I can only apologise for the fact that they may have been brought here under false pretences.

We believe that the withdrawal of the call in, and the subsequent holding of this meeting under what we believe to be false pretences, is a clear politicisation of the Scrutiny system which runs counter to the Council's constitution and we wish to lodge a formal objection on this matter."

The Labour and Liberal Democrat Members then withdrew from the meeting.

The meeting remained quorate with 4 Conservative Members present.

Carl Tomlinson was then invited by the Chair to address the meeting on behalf of the Lake Users. Mr Tomlinson made a presentation to the Committee and a copy of a statement from the West Kirby Sailing Centre and Lake Users Group together with a petition of over 300 signatures was circulated to Members.

Mr Tomlinson stated that the Group supported the concept of the Sail Project, however, the Group did have concerns over parking, covered secure storage and the consultation process. Responding to Members' comments he referred to the lake being a world class facility which attracted users from across Europe and emphasised concerns that the development would compromise existing car parking for lake users.

Martin Harrison was then invited by the Chair to address the meeting, on behalf of the West Kirby Working Group. Mr Harrison described the Group as a non-partisan, non-political group who supported well thought out regeneration for residents, traders and visitors built upon an understanding of their needs and consultation with all parties.

Mr Harrison read out a statement on behalf of the Group and stated the Group's support for the sailing school and a hotel if the right place could be found. He elaborated on the Group's three concerns, the process and a full understanding of needs, the robustness of the proposals and the experience of the developers. He urged the Council to focus on a high quality facility for all, reviewing the design of the sailing school and reconsidering the impractical hotel development as a means of achieving this.

Councillor Watt, Ward Councillor for West Kirby and Thurstaston, was then invited to address the meeting. Councillor Watt gave a presentation to the Committee outlining the history of the proposal. The idea of the Sail project had been sold to local ward councillors and residents of the area on the basis that allowing some commercial impact would enable the Council to reprovide all the facilities at the Sailing school there now but only better, in a fit for purpose facility. He questioned the fact that no business plan for the proposed new sailing school had been submitted and described the proposal to hand over the Dee Lane car park to the developer as, 'total madness'.

Responding to comments from the Committee, he remarked upon the knock on effect for parking in the town with the loss of parking at Dee Lane and the use of the lake users' car park for public parking if the proposed development went ahead.

Councillor Ellis commented upon the open aspect from Dee Lane which would be lost if a hotel was built and the traffic congestion which would arise. He suggested the need to look for alternative developers for the Sailing School.

The Chair remarked that he was against a hotel of such size because of the loss of a view from Dee Lane. Parking was an issue as attendances at the lake would be damaged if the general public were allowed to park in the lake users' car park and there would be knock on effects on traders if people couldn't park in the town. People were travelling considerable distances to use the lake and they needed to know that upon arrival they would be able to access the lake with their equipment.

The Chair then explained to the public the reason why the Committee would be moving into exempt session and stated that he would take further steps to try and have reports on the matter, currently exempt, made public. It was then:

**Resolved –That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting due to the remaining discussion on this matter involving the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act.**

The Deputy Chief Executive / Director of Corporate Services responded to Members' comments on the financial issues of the proposed development and also on arrangements to be made in respect of parking which would have to be agreed with the Directors of Technical Services and Regeneration before being incorporated into a development agreement.

On a motion by the Chair, duly seconded it was then:

**Resolved (4:0) –**

**(1) That this Committee believes consultation has been inadequate, insufficient and not properly reported.**

**(2) This Committee advises Cabinet to go back to the start in looking at how to replace the Marine Centre with an up to date facility.**

**(3) This Committee does not believe that the parking problems for public, traders and lake users can be met by the present plans and the effect will be to damage the economy of West Kirby.**

**(4) This Committee believes that the maximum number of parking spaces should be retained at Dee Lane car park and that the lake users' car park be maintained for the use of the lake users and those associated with them.**

**(5) Looking at the financial arrangements on offer at the start of the process and the end of the process this Committee believes that the scheme no longer represents value for money nor has been subject to fair competition.**