



Minutes of the Overview and Scrutiny Board

4 November 2015

-: Present :-

Councillor Stockman (Vice-chairman) (In the Chair)

Councillors Barnby, Bent, Stocks, Thomas (D), Tolchard and Tyerman

(Also in attendance: The Mayor and Councillors Haddock, Morey and Morris)

26. Apologies

Apologies for absence were received from Councillors Bye and Darling (S). It was also reported that, in accordance with the wishes of the Conservative Group, the membership of the Board had been amended by including Councillor Thomas in place of Councillor Lewis.

27. Churston Covenant - Application of the General Disposal Consent Order 2003

The Board considered the details of a call-in by five Members of the Council of the decision of the Mayor to apply the General Disposal Consent Order 2003 to the disposal (by way of a restrictive covenant) of the land comprising Churston Golf Club. The decision meant that the specific consent of the Secretary of State would not be required.

One of the Call-in Supporters (Councillor Bent) (on behalf of the Call-in Promoter) set out the reasons for calling-in the decision.

A representative of the Golf Club and a local resident addressed the Board.

The Mayor, supported by the Executive Director and the Assistant Director – Corporate and Business Services, responded to the points raised by the Call-in Supporters and other members of the Board.

In particular, the Board asked the Mayor to explain how he had reached his decision and, whilst it was noted that he had taken legal advice, the Board was not able to satisfy itself that there was a proper record of the information considered by the Mayor before he made his decision.

Resolved: (i) that the responses received from the Mayor at the meeting did not give the Board the assurances it needed and therefore the matter be referred to the Council in order that an officer report can be prepared setting out all of the information on which the Mayor relied in making a decision; and

(ii) that prior to the meeting of the Council, the Board request the Executive Director to consider whether obtaining a second legal opinion and/or valuation would make the Council's position stronger in defending any future legal challenge.

(Note: Prior to consideration of the item in Minute 27, the Vice-chairman declared a non-pecuniary interest as the Chairman of the Neighbourhood Forum within which the area of land in question fell. Councillor Haddock attending under Standing Orders also declared a non-pecuniary interest as a local landowner.)

(Note: During consideration of the item in Minute 27, the Board adjourned for a short time to enable the Assistant Director – Corporate and Business Services to join the meeting.)

Chairman
