



Briefing Report No: **83/2011** Public Agenda Item: **Yes**

Title: **Churston Golf Club Proposals – Call-In**

Wards Affected: **Churston with Galmpton Ward**

To: **Cabinet** On: **5 April 2011**

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1. Key points and Summary

- 1.1 At its meeting on 17 February 2011, the Overview and Scrutiny Board considered the Notice of Call-in of the decision of the Mayor (taken at the Cabinet meeting on 2 February 2011) to grant a variation to the lease of Churston Golf Club (as set out in Report 34/2011). The Board resolved that the decision of the Mayor be referred to Council for consideration. The Council considered Report OSB/4/11, at its meeting held on 24 March 2011, which set out details of the Notice of Call-in and advice from the Monitoring Officer.

It was proposed by Councillor Thomas (J) and seconded by Councillor Oliver:

“that the Mayor be requested to consider making a decision on the points outlined in Report 34/2011. The Council also recommend that all parties concerned are contacted to reach a compromise decision.”

In accordance with Standing Order A19.4, a recorded vote was taken on the motion. The voting was taken by roll call as follows: **For:** Councillors Amil, Baldrey, Carter (C), Carter (R), Charlwood, Darling, Doggett, Ellery, Excell, Faulkner (J), Hodge, Horne, Hytche, Lewis, Manning, McPhail, Mills, Morey, Oliver, Pentney, Phillips, Richards, Scouler, Stocks, Stringer, Thomas (D) and Thomas (J) (27); **Against:** The Mayor, Councillors Aiton, Bent, Butt and Parrott (5); and **Absent:** Councillors Addis, Faulkner (A) and Tolchard (3). Therefore, the motion was declared **carried**.

- 1.2 The 3 reasons for the call-in as outlined in Report 34/2011 were:

- 1) The Mayor was wrong to assert that if the Golf Club became bankrupt that the whole area would be built on.
- 2) There is a lack of evidence that a compromise solution has been considered.
- 3) The Mayor is abdicating his responsibility by hiding behind the Planning Process.

1.3 The Mayor is therefore requested to consider the recommendation of Council set out in paragraph 1.1 above.

2. Introduction

2.1 At the adjourned meeting of Cabinet held on 2 February 2011, the Mayor considered Report 11/2011 which provided an update on the proposals regarding the variation to the lease of Churston Golf Club, to enable residential development on part of the land, following consideration of a petition at the Extraordinary Council meeting on 3 November 2010. The Report responded to the issues raised at the Council meeting and included Report 267/2010 which provided detailed background information regarding the proposals. The Mayor agreed:

- “(i) that the Head of Legal Services be authorised to complete the documentation contained in Appendix 2 to report 267/2010 (which provides for a surrender by the Golf Club of that part of the Club’s lease shown edged red on plan EM1950 and the grant a long lease of that land to Bloor Homes conditional upon planning permission being obtained) and make any amendments in consultation with the Mayor that may be necessary to the documentation provided such amendments do not materially alter the terms of the transaction; and
- (ii) that Bloor Homes be advised that the above documentation is to be entered into by the Council, as landowner, and is without prejudice to any discussions/decisions made by the Council as Local Planning Authority/Highway Authority and that the appropriate planning/highway procedures will need to be followed in the normal way.”

2.2 The Mayor’s decision was called-in and considered at the Overview and Scrutiny Board meeting on 17 February 2011 where Members referred the matter to the Council for consideration. The Council considered the call-in at its meeting held on 24 March 2011 and their recommendation is set out in paragraph 1.1 above.

2.3 The Mayor must consider the Council’s recommendation and either:

- (i) confirm the decision without modification; or
- (ii) confirm the decision with modification; or
- (iii) rescind the decision.

Richard Thorpe
Executive Head of Governance

Appendices

None

Documents available in members’ rooms

None

Background Papers:

The following documents/files were used to compile this report:

Report OSB/4/11 – Churston Golf Club Proposals – Notice of Call-In

Minute 484.1/2/11

Report 11/2011 – Churston Golf Club Proposals

Report 267/2010 – Churston Golf Club Proposals