

Public Document Pack

Council

Minutes of Proceedings

At the **Extraordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 14 January 2016**

Present

Councillors	Acomb
	Joy Andrews
	Paul Andrews
	Steve Arnold
	Val Arnold (Chairman)
	Bailey
	Burr MBE
	Clark
	Cleary
	Cowling
	Cussons
	Duncan
	Farnell
	Frank
	Gardiner (Vice-Chairman)
	Goodrick
	Hope
	Ives
	Jowitt
	Keal
	Maud
	Oxley
	Potter
	Raper
	Sanderson
	Shields
	Thornton
	Wainwright
	Windress

In Attendance

Simon Copley
Denise Hewitt
Gary Housden
Peter Johnson
Phil Long
Kim Robertshaw
Janet Waggott
Anthony Winship

Minutes

64 **Apologies for absence**

Apologies for absence were received from Councillor Jainu-Deen.

65 Declarations of Interest

The following interests were declared:

Councillor Paul Andrews declared a personal non-pecuniary but not prejudicial interest as a supporter of local businesses.

Councillor Steve Arnold and Frank declared that they had been lobbied.

66 Notices on Motion

It was moved by Councillor Duncan and seconded by Councillor Ives

"This Notice of Motion hereby given by us under the said Rule 14.1 to rescind all decisions made by the Council on 8th October 2015 under Agenda Item 10 in regard to Minutes Nos. 23 and 24 of the meeting of the Council's Policy and Resources Committee which was held on 24 September 2015."

Upon being put to the vote, the motion was carried.

Voting Record

29 For

0 Against

0 Abstentions

It was moved by Councillor Burr and seconded by Councillor Paul Andrews

"This notice of motion hereby given by us under Rule 23 to suspend Rule 14.2 so far as to allow and enable the Motion to be debated under the said Rule 11.1 (of which notice of motion is hereby given by us)."

Upon being put to the vote, the motion was carried.

Voting Record

29 For

0 Against

0 Abstentions

It was moved by Councillor Duncan and seconded by Councillor Ives

"The Council resolves to terminate the contract with GMI to sell WSCP with immediate effect. The Council will investigate other options available for the development of the Wentworth Street Car park site. Any future plans for development on this site should have support from a cross section of the people of Malton and Norton and the people of Ryedale as a whole."

An amendment was moved by Councillor Cowling and seconded by Councillor Steve Arnold:

"1. The Council hereby resolves to terminate the Conditional Agreement for Lease dated 4 May 2011 and between the Council and GMI Holbeck Land (Malton) Limited and GMI Construction Group PLC to transfer the long leasehold part of WSCP. The District Council will review the options for maximising the use of this underutilised strategic asset, taking account of:

- changing development needs and opportunities and the potential to address these in and around Malton and Norton
- the Ryedale Local Plan Strategy
- a wider review of the Council's asset holding in the face of recent and ongoing changes to local government finance
- the scrutiny review of assets

Any future plans will be subject to consultation, including working with other town centre landowners and seeking the views of local people. The intention is to deliver broad consensus where possible.

2. The Council Solicitor is authorised to serve notice on GMI Holbeck Land (Malton) Limited to bring the Conditional Agreement for Lease to an end – in accordance with the provisions contained within that Agreement.

3. The Council's Finance Manager is authorised to repay to GMI Holbeck Land (Malton) Limited the deposit paid by them; in accordance with the provisions of the Conditional Agreement for Lease."

Upon being put to the vote the amendment was carried.

Voting Record

24 For

4 Against

1 Abstentions

A further amendment was moved by Councillor Clark and seconded by Councillor Thornton:

"This Council apologises to the people of Ryedale for the waste of over half a million pounds and the weak leadership by Ryedale District Council over the last 3 years."

Upon being put to the vote the amendment was lost.

Recorded Vote

For

Councillors Joy Andrews, Paul Andrews, Burr, Clark, Jowitt, Maud, Potter, Shields and Thornton.

Against

Councillors Acomb, Steve Arnold, Val Arnold, Bailey, Cleary, Cowling, Cussons, Farnell, Frank, Gardiner, Hope, Ives, Oxley, Raper, Sanderson, Wainwright and Windress.

Abstentions

Councillor Keal.

Did not vote

Councillors Duncan and Goodrick

Upon being put to the vote, the motion was carried.

Voting Record

29 For

0 Against

0 Abstentions

Resolved

- (i) That all decisions made by the Council on 8th October 2015 under Agenda Item 10 in regard to Minutes Nos. 23 and 24 of the meeting of the Council's Policy and Resources Committee which was held on 24 September 2015 be rescinded;
- (ii)
 1. The Council hereby resolves to terminate the Conditional Agreement for Lease dated 4 May 2011 and between the Council and GMI Holbeck Land (Malton) Limited and GMI Construction Group PLC to transfer the long leasehold part of WSCP. The District Council will review the options for maximising the use of this underutilised strategic asset, taking account of:
 - changing development needs and opportunities and the potential to address these in and around Malton and Norton
 - the Ryedale Local Plan Strategy
 - a wider review of the Council's asset holding in the face of recent and ongoing changes to local government finance
 - the scrutiny review of assetsAny future plans will be subject to consultation, including working with other town centre landowners and seeking the views of local people. The intention is to deliver broad consensus where possible.
 2. The Council Solicitor is authorised to serve notice on GMI Holbeck Land (Malton) Limited to bring the Conditional Agreement for Lease to an end – in accordance with the provisions contained within that Agreement.
 3. The Council's Finance Manager is authorised to repay to GMI Holbeck Land (Malton) Limited the deposit paid by them; in

accordance with the provisions of the Conditional Agreement for Lease.

[An officer advice note had been circulated at the meeting and is attached as appendix 1 to these minutes.]

The meeting closed at 7.23pm.

This page is intentionally left blank

Extraordinary Council Meeting on 14 January 2016

Supplementary Officer Advice on the Conditional Agreement for Lease Dated 4 May 2011

The District Council entered into a Conditional Agreement for Lease with GMI Holbeck Land (Malton) Limited (Buyer) and GMI Construction Group PLC and Holbeck Land Limited (Guarantor) Dated 4 May 2011 relating to part of Wentworth Street Car Park, Malton.

The Conditional Agreement for Lease contained 7 conditions, 6 of which were to be satisfied by the Buyer and one to be satisfied by the Council.

These are :-

- 1 Buyer obtaining the Grant of Satisfactory Planning Permission,
- 2 Buyer satisfying Ground Investigation Condition,
- 3 Buyer delivering Buyers Plans,
- 4 Buyer delivering Programme of Works,
- 5 Buyer completing a Letting Agreement or Letting Agreements,
- 6 Buyer entering into the Highways Agreement;
- 7 Council securing Vacant Possession of the Property.

The conditions to be satisfied by the Buyer had an ultimate date for satisfaction of the 4 May 2015, known as the Longstop Date in the Conditional Agreement for Lease.

Council Officers have been in correspondence with representatives of GMI Holbeck Land (Malton) Limited to try and establish their intention in relation to the fulfilment of their contractual obligations.

The Conditional Agreement for Lease provides that in the event that the Buyer does not satisfy any of the Conditions 1-6 then the Council may serve notice to terminate.

Members may recall that at a Policy and Resources meeting of this Council on 24 September 2015 and subsequent Council Meeting on 8 October 2015 Members considered a Notice on Motion from 2 Members of Council that the Conditional Agreement for Lease be not renewed. An Officer report to the Policy and Resources Committee contained an analysis of the risks to the Council of terminating the Conditional Agreement for Lease.

The Officer recommendation is that the Council terminates the Conditional Agreement for Lease dated 4 May 2011 and between the Council and GMI Holbeck Land (Malton) Limited.

This page is intentionally left blank