



North Place & Portland Street

1.0 Background

- 1.1 The Cheltenham Development Task Force met on Friday 14th October, 2011 to consider any bids submitted at the latter stage of the OJEU (Office of the Journal of the European Union) exercise for this site.
- 1.2 There was only one bid to be considered, as the other successful bidder identified through the evaluation process in late July 2011 withdrew voluntarily on 9th August, 2011. This left Augur Buchler as the sole remaining bidder.
- 1.3 This bid was the subject of a public engagement exercise from 22nd August to 10th September, 2011.
- 1.4 A final bid was submitted on 6th October 2011.

2.0 Update

- 2.1 Prior to the Task Force consideration of this item the Chair had invited Adam Lillywhite to address the Task force on behalf of Cheltenham Hoteliers, who expressed concern over the inclusion of a hotel within the Augur Buchler scheme. At the end of the statement, the Chair noted the difference between the role of the Borough Council as a land owner and its role as a planning authority and recommended that Mr Lillywhite ensure that he is acquainted with the planning process, as this would be the time to flag any objections should Cabinet choose to select Augur Buchler as their preferred bidder. It was also probable that the hotel operator could bring forward an alternative town centre site proposal if this scheme did not progress.
- 2.2 In the confidential part of the meeting the Task Force considered the following key items:-
 - A previously circulated paper detailing the background to the scheme and actions taken, including the public engagement exercise;
 - A presentation highlighting key issues, critically the outstanding items to be resolved through the planning process, the financial return and risks that remain until the scheme is delivered;
 - Financial analysis;
 - Evaluation score;
 - A “red book” valuation and commentary from GVA as independent property advisers, confirming that the offer represents best consideration.

GVA and One Legal were present to respond to queries concerning due process.
- 2.3 These items were debated, along with other key aspects, such as the ability to vary the scheme. It was clear from One Legal and GVA that varying the scheme by either requiring a material change from the brief, or changing key components, would require the Council to start the process again, as it was effectively

changing the rules after the procurement process had started. It was noted that Augur Buchler had not considered the site appropriate for underground car parking.

- 2.4 The risks that remain until planning is achieved and conditionality falls away were noted as follows:
- The volatility of the financial markets;
 - Challenge to the procurement process;
 - Ensuring that the price offered and quality of design are maintained up to the point of delivery;
 - Judicial review of the cabinet decision;
 - Planning consent risk;
 - Secretary of State call-in given CBC ownership of the site.
- 2.5 The Chair reminded those present of the advisory nature of the Task Force and the need for the Council as landowner to satisfy itself on all financial, legal, due diligence and other relevant matters, based on the very substantial professional work undertaken by staff and consultants, all of whom had confirmed their support for the recommendation.
- 3.0 Recommendations**
- 3.1 Having considered all of the material presented, the Task Force recommended unanimously that Cabinet should appoint Augur Buchler as preferred bidder for the North Place & Portland Street sites.

Cheltenham Development Task Force membership attendees – 14th October, 2011:

Present: Graham Garbutt (Independent Chair)
Chas Fellows
Michael Ratcliffe
Stephen Clarke
John Rawson
Andrew North
Dorian Wragg
Bernice Thompson
David Oldham
Robert Duncan
Simon Excell (on behalf of Nigel Riglar)
Andrew Willets

Other: Steve Jordan – CBC Leader of Council
Amanda Lawson-Smith – GCC Principal Transport Planning Officer
Paul Jones – Head of Financial Services
David Roberts – Head of Property Services (for item 67/11)
James Petherick – GVA (for item 66/11)
Mark Brunson - GVA (for item 66/11)
Wilf Tomaney – CBC Urban Design Manager

Jeremy Williamson (Managing Director)
Adam Lillywhite – (for a 10 minute presentation at start of meeting)

Apologies: Members – Diane Savory, Andrew Vines, Tony Bray, Cllr Tim Cooper,
Cllr Antonia Noble & attendees Mark Sheldon (sub Paul Jones)