

**SPECIAL URGENT DECISION BY THE LEADER**

**PUBLIC HEALTH, HOUSING, LAND AND PROPERTY PORTFOLIO  
19 APRIL 2007**

**JOINT REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES -  
HLDS/07/29  
and  
HEAD OF REGENERATION SERVICES – HRgn/07/09  
on  
SCARBOROUGH BUSINESS PARK**

**DECISION**

To approve:

- (i) that the Council enters into an agreement with Caddick (Scarborough) Ltd (“Caddick”), Caddick (Properties) Limited (the “Guarantor”) and Plaxton Park Industrial Estate Ltd (“PPIE”) supplemental to the Development Agreement dated 11 December 2006 made between (1) the Council (2) Caddick and (3) the Guarantor (the “Development Agreement”) relating to the construction of infrastructure works (the “Link Road”) on the Business Park Site (the “First Agreement”).
- (ii) that the Council enter into an agreement with PPIE for the construction of infrastructure works (the “PPIE Road”) on the land to the east of the Business Park currently in the leasehold ownership of PPIE Ltd (the “Second Agreement”).
- (iii) that the Council vary the terms of the Yorkshire Forward Funding Agreement and ERDF funding agreement relating to the Business Park and enter into any documentation required by the parties to those agreements to document such variations.
- (iv) that the Council enter into agreements with the relevant statutory undertakers to comply with the terms of the Development Agreement.
- (v) that the Council enter into a Step In Deed with Caddick and its Funders.
- (vi) All such agreements and documentations on terms to be approved by the Council’s Head of Legal and Democratic Services.

**Highlighted Risks**

If the agreements are not completed the Business Park project will be jeopardised. A delay or failure to agree terms between the two adjoining landowners (Caddick and PPIE) in relation to the provision of the Link Road and the PPIE Road may lead to a refusal by Government Office to issue the funding required to carry out the Project. A delay would jeopardise the delivery of the outputs within the timescales set by Yorkshire Forward and Government Office meaning the Project will be effectively terminated.

**REASONS FOR DECISION**

To facilitate the implementation of the Business Park development approved by Cabinet on 20 June 2006 and to further expand upon the infrastructure of the Business Park.

**Reasons for urgent decision**

The Business Park Project is subject to stringent outputs set by Yorkshire Forward and the Government Office as administrators of the European funding stream. Deadlines for the fulfilment of these outputs have been set. The Council has already been through a tendering process to award the construction tender and a contractor is standing by. If the agreements and construction contract are not exchanged within the next few days, it is probable that the outputs will not be achievable, thus rendering the project undeliverable.

**ANY RELEVANT INTERESTS DECLARED BY CABINET MEMBER AND ANY DISPENSATIONS GRANTED**

None.

**DATE OF DECISION:** 19 April 2007

**AGREEMENT OF CHAIRMAN OF PROJECTS AND PARTNERSHIPS OVERVIEW AND SCRUTINY COMMITTEE:** 19 April 2007

**IMPLEMENTATION DATE:** 19 April 2007

**Signed**



**Councillor Tom Fox  
Leader**

**Date of signature**

19 April 2007

**Signed**



**Councillor A Backhouse  
Chairman  
Projects and Partnerships  
Overview and Scrutiny  
Committee**

**Date of signature**

19 April 2007