



# EXECUTIVE BOARD DECISION

**REPORT OF:** Executive Member for Regeneration  
Executive Member for Resources

**LEAD OFFICERS:** Director of Planning and Prosperity

**DATE:** 9 March 2017

**PORTFOLIO/S AFFECTED:** Regeneration Resources

**WARD/S AFFECTED:** Wensley Fold

**KEY DECISION:** YES  NO

**SUBJECT: Disposal of Land off Wainwright Way, Blackburn**

## 1. EXECUTIVE SUMMARY

1.1 This report seeks approval to the disposal of a number of plots of land off Wainwright Way, Blackburn to the preferred bidder.

## 2. RECOMMENDATIONS

That the Executive Board:

- 2.1 Approves the provisionally agreed terms relating to the disposal of these plots of land.
- 2.2 Delegates authority to the relevant Director in consultation with the Executive Member, Resources to approve the final heads of terms.
- 2.3 Authorises the Director of HR, Legal and Corporate Services to complete the necessary legal formalities.

## 3. BACKGROUND

3.1 The plots of land (shown edged red on the attached plan) were marketed for sale by informal tender on the basis as outlined in the previous report to the Executive Member for Resources and the Executive Member for Regeneration in May 2016.

3.2 Following an extensive marketing campaign a number of expressions of interest were received and following a review of these between Capita, Council officers, the Executive Member for Resources and the Executive Member for Regeneration five parties were invited to submit informal tenders.

3.3 The informal tender form required the parties to:

- make an offer (conditional on planning and ground conditions)
- proposed uses including layout drawings/plans
- experience
- financial ability
- timeframe for development

- whether the proposed development (either in whole or part) would be speculative or whether a pre-let or sale would be required.

3.4 The tenders have been evaluated in accordance with the criteria referred to under paragraph 3.3 above.

#### **4. KEY ISSUES & RISKS**

4.1 Four informal tenders were submitted by the closing date, which was 2.00pm Friday 20<sup>th</sup> January 2017. The tenders were opened on 23<sup>rd</sup> January 2017 and all bidders were compliant with the tender requirements.

4.2 Terms have been provisionally agreed to offer the property to the highest bidder by way of a 250 year lease subject to planning consent and other conditions.

#### **5. POLICY IMPLICATIONS**

5.1 The disposal is in accordance with the Council's disposal policy.

#### **6. FINANCIAL IMPLICATIONS**

6.1 The Council will receive a phased capital receipt.

#### **7. LEGAL IMPLICATIONS**

7.1 As the plots of land consist of open sites, the lease terms proposed will include any site specific matters to cater for particular site conditions.

7.2 In any disposal, the Council must consider s123 of the Local Government Act 1972 which is to obtain best consideration reasonably obtainable. There is however the General Disposal Consent 2003 which means that consent to dispose is not required from the Secretary of State where certain criteria are met. The more technical criteria are met and for the avoidance of doubt, the Council believes that the broader criteria are also met. It is also considered that the tender process undertaken means that the risk of valid State Aid issues arising is low.

7.3 The proposed transaction complies with the Council's Constitution and Local Government Acts for the disposal of property interests and works to promote the Council's objectives outlined above.

#### **8. RESOURCE IMPLICATIONS**

8.1 Legal resources will be required to complete the legal formalities relating to the agreement for lease, building licences and the subsequent transfer of the long leasehold interests.

#### **9. EQUALITY AND HEALTH IMPLICATIONS**

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

## 10. CONSULTATIONS

10.1 The proposal has been subject to extensive consultations between Council officers, Capita and Growth Board.

10.2 Consultation on the proposed development will take place through the planning process.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

<b>VERSION:</b>	<b>2</b>
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<b>CONTACT OFFICER:</b>	Trevor James
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<b>DATE:</b>	7 February 2017
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<b>BACKGROUND PAPER:</b>	Plan
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