

Public Document Pack

Executive Member Decisions

Friday, 18th December, 2020

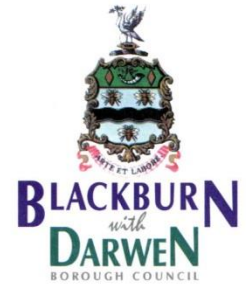
AGENDA

1. **Disposal of Plot 1 Carl Fogarty Way, Blackburn**
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EMD Part 2 Disposal of Plot 1 Carl Fogarty Way
Plot 1
EIA-Checklist Plot 1 Carl Fogarty Way

2. **Disposal of Plot 4 Carl Fogarty Way, Blackburn**
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EMD Part 2 Disposal of Plot 4 Carl Fogarty Way
Appendix A - PLOT 4 CFW SITE PLAN
EIA-Checklist Plot 4 Carl Fogarty Way

Date Published: 18th December 2020
Denise Park, Chief Executive

Executive Member Decision



REPORT OF: Executive Member for Finance and Governance,
Executive Member for Growth and Development

LEAD OFFICERS: Director of Growth & Development

DATE: Friday, 11 December 2020

PORTFOLIO(S) AFFECTED: Growth and Development

WARD/S AFFECTED: Audley and Queens Park;

SUBJECT:

Disposal of Plot 1 Carl Fogarty Way, Blackburn

1. EXECUTIVE SUMMARY

1.1 To seek approval to appoint a preferred bidder for the sale of Plot 1 Carl Fogarty Way, Blackburn and enter into a building licence and subsequent agreement for sale.

2. RECOMMENDATIONS

That the Executive Members:

2.1 Approve the appointment of the preferred bidder, entering into a building licence and subsequent agreement for sale.

2.2 Authorise the Director of HR, Legal and Governance to complete the necessary legal formalities and progress with the statutory process under the Local Government Act 1972 in connection with the proposed disposal of 'open space'.

2.3 Authorise the Growth Programme Director to finalise details of the building licence and heads of terms.

3. BACKGROUND

3.1 Plot 1 Carl Fogarty Way, Blackburn comprises approximately 1.49 acres of commercial development land and was offered for sale by informal tender on 29th September 2020 with a closing date of 23rd November 2020.

3.2 A compliant bid was received from Bidder A by the deadline date. The tender return proposed a unit of 18,000 sq ft showroom space with 12,000 sq ft 1st floor office space together with associated service yard and car parking. The development will accommodate the bidder's companies.

3.3 The tender submission confirms that the bidder has successfully delivered similar schemes in the borough, has an appropriately experienced delivery team, and has the necessary funds to acquire the site and complete the development.

3.4 Following this exercise, it is proposed that the Council proceed with Bidder A, due to the quality of the tender submission, scheme and financial offer. They propose to secure planning

approval by May 2021 and start construction in June 2021, with the unit being ready for occupation in 2022

3.5 Construction will be carried out under a building licence, with the freehold of the site transferred to the developer under completion, to ensure the units are built out within an acceptable timeframe.

4. KEY ISSUES & RISKS

4.1 Bidder A has submitted a compliant tender bid with an acceptable scheme and have offered the highest site value. It is recommended that the Council proceeds with the transaction, with Bidder A as preferred bidder.

4.2 Should the transaction not be completed then the Council will explore other options for the site and re-tender.

5. POLICY IMPLICATIONS

5.1 The disposal method accords with the Council's approved policy for disposals.

6. FINANCIAL IMPLICATIONS

6.1 The Council will receive a capital receipt.

6.2 The preferred bidder will cover the Council's legal and surveyor fees calculated as a percentage of the offered land value, up to an agreed cap.

7. LEGAL IMPLICATIONS

7.1 The disposal method complies with the Council's legal obligations for such transactions and with the Council's Disposal Policy 2019.

7.2 While the Council is not aware of any known or substantial use of this land as open space due to its location, because the land is open and technically accessible to the public, it is more legally secure to consider it to be "open space" and undertake the process following s.123(2A) of the Local Government Act 1972. This requires the Council to advertise the proposal twice over two consecutive weeks in a newspaper circulating in the area, and consider any objections to the proposed disposal which may be made to them. "open space" is defined in section 336(1) of the Town and Country Planning Act 1990 as: "means any land laid out as a public garden, or used for the *purposes of public recreation*, or land which is a disused burial ground" (emphasis added).

8. RESOURCE IMPLICATIONS

8.1 Legal and surveyor resources will be required to complete the transaction

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below.

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.

10. CONSULTATIONS

10.1 The proposal has been subject to consultations between Council Officers, Executive members, and Legal and Planning departments

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.

CONTACT OFFICER:	Alex Wildman, Strategic Development Manager (Commercial)
DATE:	03 rd December 2020
BACKGROUND PAPER:	None

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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PLOT 1 FURTHERGATE



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EQUALITY IMPACT ASSESSMENT CHECKLIST

This checklist is to be used when you are uncertain if your activity requires an EIA or not.

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

Service area & dept.	Growth and Development	Date the activity will be implemented	11/12/2020
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Brief description of activity	Plot 1 Carl Fogarty Way, Blackburn
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Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy - Budget changes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does this activity: Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
FOR = 0	TOTAL	AGAINST = 6

Will you now be completing an EIA?

Yes

No

The EIA toolkit can be found [here](#)

Assessment Lead Signature	Alex Wildman
Checked by departmental E&D Lead	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Gwen kinloch
Date	04/12/2020

Executive Member Decision



REPORT OF: Executive Member for Finance and Governance,
Executive Member for Growth and Development

LEAD OFFICERS: Chief Executive

DATE: Friday, 11 December 2020

PORTFOLIO(S) AFFECTED: Growth and Development

WARD/S AFFECTED: Little Harwood and Whitebirk;

SUBJECT:

Disposal of Plot 4 Carl Fogarty Way, Blackburn

1. EXECUTIVE SUMMARY

1.1 To seek approval to appoint a preferred bidder for the sale of Plot 4 Carl Fogarty Way, Blackburn and enter into a building licence and subsequent agreement for sale.

2. RECOMMENDATIONS

That the Executive Members:

2.1 Approve the appointment of the preferred bidder, entering into a building licence and subsequent agreement for sale.

2.2 Approve the appointment of the reserve bidder in the event of the preferred bidder not proceeding with the transaction

2.3 Authorise the Director of HR, Legal and Governance to complete the necessary legal formalities

2.4 Authorise the Growth Programme Director to finalise details of the building licence and heads of terms.

3. BACKGROUND

3.1 Plot 4 Carl Fogarty Way, Blackburn comprises approximately 0.79 acres of commercial development land and was offered for sale by informal tender on 26th August 2020 with a closing date of 23rd October 2020.

3.2 Three compliant bids were received by the deadline date. All three bids proposed units of c.9-10,000 sq ft total for light industrial use. Two further non-compliant bids were received.

3.3 Letters requesting clarification of various parts of the bids were issued to the two highest compliant bidders (Bidder A and Bidder B), with an opportunity to provide revised financial offers. Clarifications were received, confirming that both parties have appropriately experienced delivery teams, and the necessary funds to acquire the site and complete the development. One of the bidders also increased their offer.

3.4 Following this exercise, Bidder A is considered to have provided the most favourable tender return due to the quality of the submission and the higher value offered. They propose to submit a planning application by January 2021 for 9,000 sq ft of light industrial space. The proposed construction start date is August 2021 with units being ready for occupation in 2022.

3.5 Construction will be carried out under a building licence, with the freehold of the site transferred to the developer under completion, to ensure the units are built out within an acceptable timeframe.

3.6 It is proposed that Bidder B is appointed as reserve bidder, giving the Council an opportunity to re-engage with them should Bidder A not complete the transaction.

4. KEY ISSUES & RISKS

4.1 Bidder A has submitted a compliant tender bid with an acceptable scheme and have offered the highest site value. It is recommended that the Council proceeds with the transaction, with Bidder A as preferred bidder.

4.2 Should Bidder A not proceed, the Council will enter into discussions with Bidder B, the reserve bidder.

4.3 Should the transaction not be completed with either bidder then the Council will explore other options for the site and re-tender.

5. POLICY IMPLICATIONS

5.1 The disposal method accords with the Council's approved policy for disposals.

6. FINANCIAL IMPLICATIONS

6.1 The Council will receive a capital receipt.

6.2 The preferred bidder will cover the Council's legal and surveyor fees calculated as a percentage of the offered land value, up to an agreed cap.

7. LEGAL IMPLICATIONS

7.1 The disposal method complies with the Council's legal obligations for such transactions and with the Council's Disposal Policy 2019.

8. RESOURCE IMPLICATIONS

8.1 Legal and surveyor resources will be required to complete the transaction

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below.

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.

10. CONSULTATIONS

10.1 The proposal has been subject to consultations between Council Officers, Executive members, and Legal and Planning departments

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

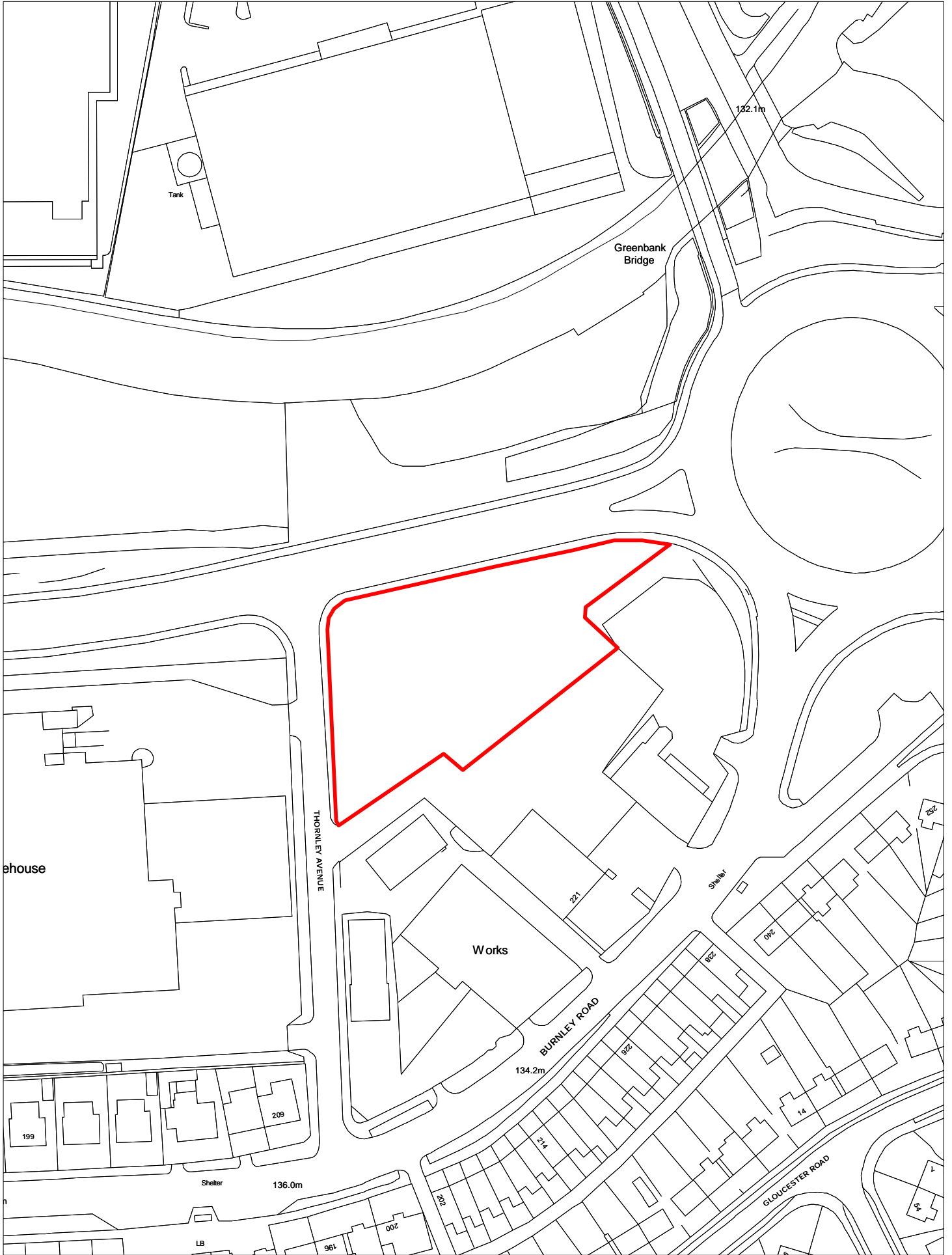
All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published.

CONTACT OFFICER:	Alex Wildman, Strategic Development Manager (Commercial)
DATE:	30 th November 2020
BACKGROUND PAPER:	None

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Plot 4



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EQUALITY IMPACT ASSESSMENT CHECKLIST

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An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

Service area & dept.	Growth and Development	Date the activity will be implemented	11/12/2020
---------------------------------	------------------------	--	------------

Brief description of activity	Plot 4 Carl Fogarty Way, Blackburn
--------------------------------------	------------------------------------

Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy - Budget changes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does this activity: Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
FOR = 0	TOTAL	AGAINST = 6

Will you now be completing an EIA?

Yes

No

The EIA toolkit can be found [here](#)

Assessment Lead Signature	Alex Wildman
Checked by departmental E&D Lead	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Gwen Kinloch
Date	04/12/2020