



EXECUTIVE MEMBER DECISION

REPORT OF:	Executive Member for Resources Executive Member for Regeneration
LEAD OFFICERS:	Deputy Chief Executive
DATE:	19 September 2018

PORTFOLIO/S AFFECTED:	Resources	Regeneration
WARD/S AFFECTED:	Darwen West	

SUBJECT: Disposal of Land at Salisbury Road, Darwen

1. EXECUTIVE SUMMARY

This report seeks approval to the disposal of Council owned land situated at Salisbury Road, Darwen.

2. RECOMMENDATIONS

That the Executive Members:

- 2.1 Approve the sale subject to the provisionally agreed heads of terms as detailed in the Part 2 Report.
- 2.2 Authorise the Director of HR Legal and Governance to complete the necessary legal formalities relating to the sale of this land.

3. BACKGROUND

Further to a previous report to the Executive Members for Regeneration and Resources which was published on 22nd December 2017 approval was given to the disposal of land at the Salisbury Road, Darwen site for housing development by informal tender.

The site was marketed through the informal tender process on 14th June 2018 inviting tenders which had to be returned on 10th September 2018.

Despite the Council engaging with over 147 developers/agents through an informal tender process which established interest in the site, the marketing generated minimal interest as only one tender was returned by the closing date.

4. KEY ISSUES & RISKS

A third party has expressed an interest in the site. Following the issue of the tender documentation, the main heads of terms are detailed in the Part 2 Report.

Taking into consideration that the informal tender process only attracted one tender, accepting the

offer should not present any substantial risk to the Council for the following reasons:

- Despite only receiving one formal tender bid, the large number of engaged developers/agents is strong evidence that a wide range of potential purchasers were given the opportunity to bid and therefore the Council is satisfied that the purchase price represents 'best consideration reasonably obtainable' and therefore meets the requirements of Section 123 Local Government Act 1972.
- The market had been tested via the Informal Tender process which failed to attract any tenders and therefore the Council will be less susceptible to legal challenge / judicial review of its decision.

5. POLICY IMPLICATIONS

The Council's Local Plan sets a housing requirement to meet over the 15 year Plan period. Development of the site will contribute to meeting this target and assist in improving the quality of the borough's housing offer.

6. FINANCIAL IMPLICATIONS

The sale and subsequent development of the site will generate a capital receipt and will attract New Homes Bonus and Council Tax for 10 new homes.

7. LEGAL IMPLICATIONS

The proposed transaction generally complies with the Council's Constitution and Local Government Acts for the disposal of property interests and works to promote the Council's objectives previously reported whilst obtaining the best consideration reasonably obtainable.

8. RESOURCE IMPLICATIONS

Resources from within the Council's legal team will be required to prepare the legal documentation with regard to the Conditional Contract and Building Licence and to transfer the freehold interest in the individual house plots when a sale is agreed.

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

None

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 and published if applicable.

VERSION:	0.01
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CONTACT OFFICER:	Ghazala Sulaman-Butt, Programme Co-ordinator
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DATE:	12 September 2018
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BACKGROUND PAPER:	Executive Member Decision, 16/10/17, Land Disposal of Council Site at Salisbury Road, Darwen for Residential Development
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