

Subject:	Cabinet Response to the recommendations of the Land Transaction Process Task and Finish Group	Status:	For Publication
Report to:	Overview and Scrutiny Committee	Date:	20 th July 2015
Report of:	Head of Finance & Property Services/Portfolio Holder	Portfolio Holder:	Resources and Performance
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	That Overview and Scrutiny note Cabinet's response to the recommendation of the Land Transaction Process Task and Finish Group.

2. PURPOSE OF REPORT

2.1 To inform Overview and Scrutiny of Cabinet's response to the recommendations of the Land Transaction Review Process Task and Finish Group.

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.

4. RISK ASSESSMENT IMPLICATIONS

4.1 Members need to note the requirement to formally respond to recommendations of overview and scrutiny committees within a two month period as set out in the Council's Constitution and the Local Government and Public Involvement in Health Act 2007.

5. BACKGROUND AND OPTIONS

5.1 Following a question from a member of the public in relation to the process when selling Council owned land at the Full Council meeting in December 2013, the Leader of the Council asked that a scrutiny review of the Council's Land/Property Transaction Process be undertaken.

5.2 In November 2014, a small 'light touch' task and finish group met with the Director of Business and the Property Services Manager to agree a process that the Council could consider using when they intend to sell/lease Land or Property owned by the Council.

The group looked at procedures from two other Local Authorities before a decision was made on what procedure they felt would be appropriate for Rossendale.

5.3 At the first meeting the Property Services Manager informed the task group that in 2013, the

Council's Purchase, Lease Rental scheme was abandoned due to the resources for administrating such a scheme could not be justified given the income levels being received.

- 5.4 It was agreed that the Council should be more transparent with a clear and precise procedure needed and therefore, the task and finish group looked at policies from two other Councils as a starting point for discussion.
- 5.5 A draft process was agreed (Appendix 1), together with templates of letters the Council should use to inform people whether or not they had been successful in purchasing the land. The template letters would be subject to change to deal with the precise circumstances of the proposed transaction (Appendix 2 & 3).
- 5.6 The Task & Finish Group suggested that Rossendale Council charge a non-refundable fee of £100 for administration of the disposal of land/property. Other fees will be payable in the event that the transaction is agreed in principle and proceeds to completion. Para' 5.9 suggests that this should increase to £200.
- 5.7 A further meeting was held in January 2015 to look at the revised letters/process and the Group received clarification of who, within the Council, has authority for selling the Council's land which is dependent on the price of the land for sale.

There was discussion about what Member involvement there should be and the legal Officer indicated that consultation would always be with the ward Member. A suggestion was made that if a piece of land was for sale, then a sign should be erected to allow any interested person to bid for the land. Once the land had been sold, the ward member should be sent information on how much the land was sold for, as they are sometimes asked the question by a constituent.

A question was also asked about the Council's Constitution in relation to the Disposal of Council Land, and how long it had been since it was last updated. The legal officer indicated that the section did need updating and Cabinet would be asked if this could be referred to the Governance Working Group to look at.

- 5.8 The recommendations of the task and finish group are detailed below.

1. That the Land transaction process is agreed.
2. That the draft letters be agreed.
3. That the appeal process be agreed.
4. That the current process be amended to include in para 6

When a piece of Council land is for sale then a notice be erected informing the public that if they are interested in buying the land they should contact the Council. Then, if more than one party is interested with that area of land/property, the proposed sale may be advertised and sealed bids/tenders invited from all interested parties

5. That the Governance Working Group considers reviewing and amending the following section of the Constitution:
 - a) Contract Procedure Rules to include Disposal of Land by the Council

5.9 Following further consideration by Officers, in conjunction with the Portfolio Holder, the following amendments are proposed:

1. De Minimise - The Task & Finish Group suggested £100 rent pa, however it is thought that this figure should be £200 pa. This is based on existing minimum rental levels and the administration
2. The original deposit may be returned should the original applicant not be the ultimate successful bidder.
3. No appeals process in order to avoid time wasting and administration. However, the portfolio holder will form part of the decision process. Customers also have a right to complain via the complaints process.
4. Changes to some of the order for public and Member notifications
 - a. Para 8: "The notice of disposal will also go on the Council's web-site and on The Business Centre Notice Board for the requisite period." To follow on from para 9
 - b. Para 8: "Once a disposal has been provisionally agreed a note is also to be placed in the "Members Bulletin" report." To follow para'6.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 Any financial implications arising will be contained with existing resources.

7. MONITORING OFFICER

7.1 Comments are included within the body of the report. All transaction must comply with the Council's Constitution and all relevant legislation.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 No policy implications.

8.2 Consultation included within the body of the report.

9. CONCLUSION

9.1 That Overview and Scrutiny note the response to the recommendation of the Task and Finish Group.

9.2 That Overview and Scrutiny will in 6 month monitor whether the recommendations have been implemented.

Document	Place of Inspection
Appendix 1 - Land Disposal Procedure Appendix 2 - Approval in principle letter Appendix 3 – Refusal letter	Attached