

Agenda

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Delegated Decisions of the Board Member, Finance and Efficiency

Date: **Friday 25 January 2013**

Time: **5.00 pm**

Place: **St Aldate's Room, Town Hall**

For any further information please contact:

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Delegated Decisions of the Board Member, Finance and Efficiency

Board Member

Portfolio

Councillor Ed Turner

Finance and Efficiency

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AGENDA

PART ONE PUBLIC BUSINESS

Pages

1 **DECLARATIONS OF INTEREST**

Guidance on personal and personal prejudicial interests is attached to these agenda pages.

2 **PUBLIC ADDRESSES**

Members of the public may, if the Board Member agrees, ask a question of the Board Member on any item for decision on this agenda (other than on the minutes). The full text of any question must be notified to the Head of Law and Governance by no later than 9.30 am two clear working days before the meeting. Questions by the public will be taken as read and, at the Board Member's discretion, responded to either orally or in writing at the meeting. No supplementary question or questioning will be permitted.

The total time permitted for this item will be 15 minutes.

3 **COUNCILLOR ADDRESSES**

City Councillors may, at the Board Member's discretion, ask a question or address the Board Member on an item for decision on the agenda (other than on the minutes). The full text of any question and the nature of any address must be notified to the Head of Law and Governance by no later than 9.30 am two clear working days before the meeting. Questions by councillors will be taken as read and, at the Board Member's discretion, responded to either orally or in writing at the meeting. No supplementary question or questioning will be permitted. If an address is made, the Board member will either respond or have regard to the points raised in reaching her or his decision. If the address is by the Chair of a Scrutiny Committee or her or his nominee then the Board member will be required to say as part of their decision whether they accept the Scrutiny recommendations made.

4 **FREEHOLD DISPOSAL OF BURY KNOWLE STABLES AND BARN**

1 - 6

Lead Member: Councillor Executive Board Member for Finance and Efficiency

The Head of Property has submitted a report which seeks approval to:

- (a) Approve the proposed sale of Bury Knowle Stables and Barn, Headington, Oxford on the terms as detailed in the Not for Publication confidential Appendix 4 of this report and otherwise on terms and conditions to be approved by the Head of Corporate Assets.

- (b) Give authority to the Head of Corporate Assets to vary the proposed sale or purchasing party as detailed herein provided the transaction continues to represent best consideration.

5 DISPOSAL OF ST CLEMENT'S CAR PARK - VARIATION OF TERMS

7 - 12

Lead Member: Councillor Executive Board Member for Finance and Efficiency

The Head of Property has submitted a report which seeks approval to:

- (a) The variation to the terms of the disposal of St Clement's Car Park, on the terms as detailed in the Not for Publication Confidential Appendix 3 of this Report.
- (b) Give authority to the Head of Corporate Property to make any further variations to the disposal provided the transaction continues to represent best consideration.

6 MATTERS EXEMPT FROM PUBLICATION

13 - 16

If the Board member wishes to exclude the press and the public from the meeting during consideration of any of the items on the exempt from publication part of the agenda, it will be necessary for the Board member to pass a resolution in accordance with the provisions of Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972.

The Board member may maintain the exemption if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

C1 Confidential appendix attached for agenda item 4

C2. Confidential appendix attached for agenda item 5

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licences for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

†Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners..

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To: Single Member Decision

Date: 25th January 2013

Report of: Head of Corporate Property

Title of Report: Freehold disposal of Bury Knowle Stables and Barn

Summary and Recommendations

Purpose of report: To seek approval to the disposal of Bury Knowle Stables and Barn as detailed herein

Key decision? No

Executive lead member: Councillor Ed Turner

Report approved by: David Edwards, Executive Director, City Regeneration

Finance: Nigel Kennedy

Legal: Steve Smith

Policy Framework: Vibrant and Sustainable Economy
Meeting Housing Needs

Recommendation(s):

- 1 To approve the proposed sale of Bury Knowle Stables and Barn, Headington, Oxford on the terms as detailed in the Not for Publication confidential Appendix 4 of this report and otherwise on terms and conditions to be approved by the Head of Corporate Assets.
2. Give authority to the Head of Corporate Assets to vary the proposed sale or purchasing party as detailed herein provided the transaction continues to represent best consideration.

Appendices

Appendix 1 - Plan of Site

Appendix 2 - Risk Register

Appendix 3 - Not for publication confidential appendix

Appendix 4 – Not for publication confidential appendix

Background

1. This report seeks approval to the freehold disposal of the land and premises shown on the plan attached at Appendix 1, hatched red and known as Bury Knowle Stables and Barn.
2. The property has been occupied by Oxford City Council as a store and was identified as being surplus to requirements in the Phase I depot review undertaken in April 2010.
3. Planning consent was granted in September 2012 to convert the barn into 3 dwellings. Subsequent to this the Council's appointed agents, Kemp and Kemp have widely marketed the site, the process was concluded by seeking best bids on 16 November 2012.
4. Marketing undertaken includes:
 - a. Board on site
 - b. Brochure
 - c. Bid Pack
 - d. Web advertising
 - e. Oxford Mail advertisement
5. The offers received for the site are attached in the not for publication appendix 3
6. The preferred party has indicated that they intend to convert the property as per the currently granted planning consent.

Planning Implications

7. Full planning consent (ref: 12/01605/CT3) has been granted for a change of use to 3 residential dwellings

Risk Implications

8. A risk assessment has been undertaken and the risk register is attached as Appendix 2.

Sustainability and Climate Change Implications

9. No implications as the property was used only for storage purposes.

Equalities Implications

10. No implications arising

Financial Implications

11. This disposal will generate a significant capital receipt.

12. The tenant will pay the Council's reasonable legal and surveyor's fees incurred.

13. Appropriate due diligence on the prospective purchaser's cash position has been undertaken to confirm that they have sufficient funds to proceed with the purchase.

Legal Implications

14. The power to dispose of land is contained within Section 123 of the Local Government Act 1972 for best consideration. Section 123 of the Local Government Act 1972 grants a local authority the power to dispose of property subject to the disposal being for the best consideration reasonably obtainable

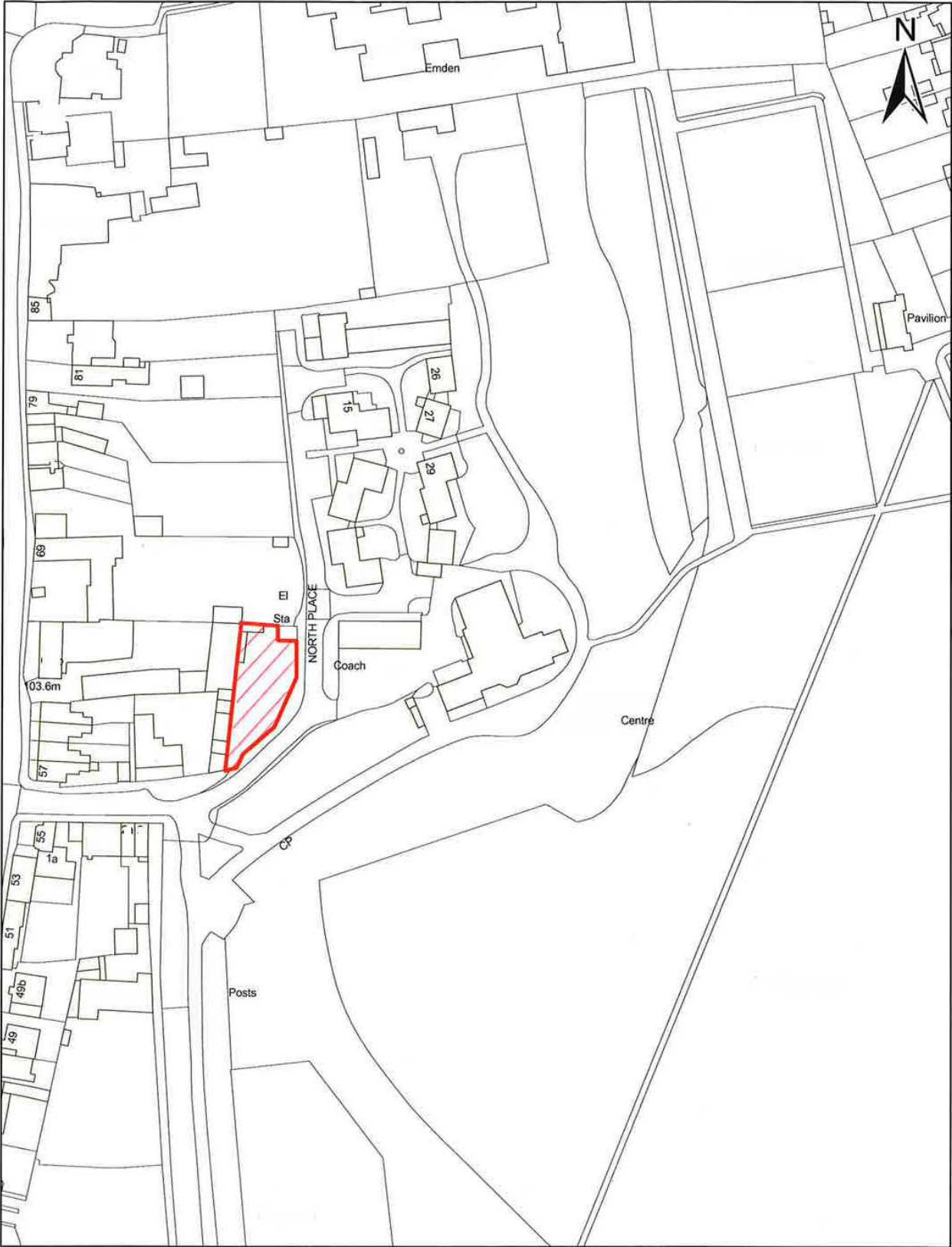
Name and contact details of author:-

Julia Castle
Disposals and Letting Surveyor
Corporate Property
Tel: 01865 252223 e-mail: jcastle@oxford.gov.uk

List of background papers:

Version number: v1

Appendix 1 – Plan of Premises



Appendix 2 CEB Report Risk Register – Approval to the freehold sale of Bury Knowle Stables and Barn, Oxford

Risk Score **Impact Score:** 1 = Insignificant; 2 = Minor; 3 = Moderate; 4 = Major; 5 = Catastrophic
Probability Score: 1 = Rare; 2 = Unlikely; 3 = Possible; 4 = Likely; 5 = Almost Certain

| No. | Risk Description Link to Corporate Objectives | Gross Risk | | Cause of Risk | Mitigation | Net Risk | | Further Management of Risk: Transfer/Accept/Reduce/Avoid | Monitoring Effectiveness | | | | Current Risk | |
|-----|--|------------|---|--|---|----------|---|---|--------------------------|--|--|--|--------------|--|
| | | I | P | | | I | P | | | | | | | |
| 1 | Sale does not proceed to completion | 3 | 3 | Purchaser does not have sufficient funding | Proof of funding seen, via bank statements | 3 | 1 | Reduce; continued contact with purchasers solicitors | | | | | | |
| 3 | Sale does not proceed to completion | 3 | 3 | Not providing Vacant possession | Working with service areas who have items stored in the property to remove them | 3 | 1 | Accept | | | | | | |

To: Single Member Decision

Date: 25th January 2013 **Item No:**

Report of: Head of Corporate Property

Title of Report: Disposal of St Clement's Car Park – Variation of Terms

Summary and Recommendations

Purpose of report: To seek approval to a variation of the terms of the disposal of St Clement's Car Park as detailed herein.

Key decision? No

Executive lead member: Councillor Ed Turner

Report approved by: David Edwards, Executive Director, City Regeneration

Finance: Nigel Kennedy

Legal: Lindsay Cane

Policy Framework: Vibrant and sustainable economy.

Recommendation(s): Single Member is recommended to:

1. Approve the variation to the terms of the disposal of St Clement's Car Park, on the terms as detailed in the Not for Publication Confidential Appendix 3 of this Report.
2. Give authority to the Head of Corporate Property to make any further variations to the disposal provided the transaction continues to represent best consideration.

Appendices

1. Plan of site
2. Risk Register
3. Not for Publication Confidential Appendix

Background

1. On 20th May 2009 the City Executive Board approved the disposal of a 150 year leasehold interest of the site currently comprising St Clement's Car Park as shown edged black on the plan attached as Appendix 1.
2. City Executive Board also gave approval to the Council taking a lease back for a term of 150 years (less one day) of those parts of the site which comprise replacement car parking and new replacement public conveniences.
3. Planning consent was granted to Watkin Jones for the provision of 140 student study rooms and ancillary accommodation in 2 blocks on 3, 4 and 5 floors, replacement car parking and re-provision of public toilets.
4. In the interim, Watkin Jones have agreed to finance the development with a 3rd party and the contractual changes detailed in the Not for Publication Confidential Appendix stems from this funding arrangement. Further discussions with the developer have led to the proposed variations to ensure delivery.

Planning Implications

5. There are no planning implications.

Risk Implications

6. A risk register has been undertaken and is attached as Appendix 2.

Climate Change/Environmental Impact

7. No implications as a result of this report.

Equalities Impact

8. No implications arising.

Financial Implications

9. There are no financial implications arising.

Legal Implications

10. There are no legal implications arising.

Name and contact details of author:-

Name – Jane Winfield

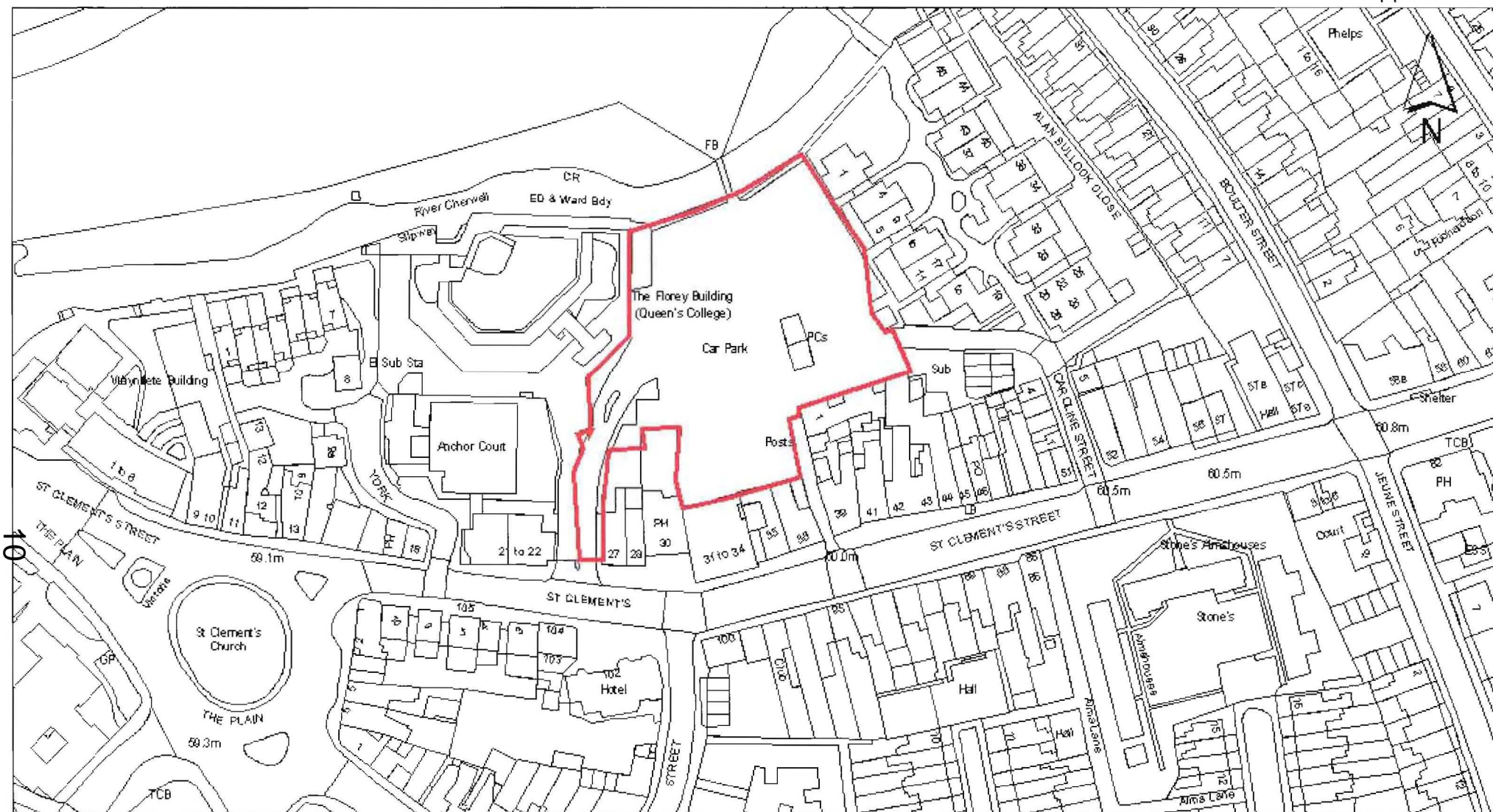
Job title – Major Projects and Disposals Manager

Service Area / Department – Corporate Property

Tel: 01865 252551 e-mail: jwinfield@oxford.gov.uk

List of background papers:

Version number: 2



Title: St Clements Car Park land-3832 m2 approx

Scale: 1:1,250

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Property & Facilities Management



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