

# Agenda

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## Delegated Decisions of the Board Member, Finance and Efficiency

Date: **Friday 20 July 2012**

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Time: **9.00 am**

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Place: **Town Hall, Oxford**

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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 **SALE OF FREEHOLD INTEREST, HARCOURT HOUSE**

1 - 10

Report of the Head of Corporate Assets attached.

The Board Member, Finance and Efficiency is RECOMMENDED to:

1. Give approval for the sale of the freehold interest as described in this report, and otherwise on terms and conditions to be approved by the Head of Corporate Property;

2. Note that the City Council will enter into a lease of land owned by the purchaser for a period of up to 2 years for the provision of temporary car parking on terms to be agreed;
3. Note that the Council will terminate negotiations for the joint promotional agreement which was approved by Single Member Decision on 15<sup>th</sup> August 2011.

Not for publication annex to the report at agenda item 4.

(Not for publication – Paragraph 3, Schedule 12A Local Government Act 1972 – information about someone’s finances or business. The public interest in maintaining the exemption is in order not to compromise land/property disposal.)

## **5 MATTERS EXEMPT FROM PUBLICATION**

11 - 12

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.

Not for publication annex to the report at agenda item 4.

(Not for publication – Paragraph 3, Schedule 12A Local Government Act 1972 – information about someone’s finances or business. The public interest in maintaining the exemption is in order not to compromise land/property disposal.)

## **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 – Board Member, Finance and Efficiency

**Date:** 20th July 2012

**Report of:** Head of Corporate Assets

**Title of Report:** HARCOURT HOUSE, MARSTON ROAD, OXFORD – SALE OF FREEHOLD INTEREST

## Summary and Recommendations

**Purpose of report:** To seek authority to enter into a sale of the Council's freehold interest, subject to the existing leases. Also to propose that the City Council will take a lease of a site owned by the purchaser and located on Marston Road, to provide car parking on a temporary basis to support the development of St Clement's Car Park.

**Key decision?** No

**Single Member decision:** Cllr Ed Turner – Finance and Efficiency

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

**Finance:** Nigel Kennedy  
**Legal:** Lindsay Cane

**Policy Framework:** A vibrant and sustainable economy, strong and active communities.

An efficient and effective Council.

**Recommendation(s):** The Board Member, Finance and Efficiency is RECOMMENDED to:

1. Give approval for the sale of the freehold interest as described in this report, and otherwise on terms and conditions to be approved by the Head of Corporate Property.
2. Note that the City Council will enter into a lease of land owned by the purchaser for a period of up to 2 years for the provision of temporary car parking on terms to be agreed.

- |  |
|--|
| <p>3. Note that the Council will terminate negotiations for the joint promotional agreement which was approved by Single Member Decision on 15<sup>th</sup> August 2011.</p> |
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## **Appendices**

Appendix 1 – Site plan

Appendix 2 – Site plan of car parking provision

Appendix 3 – Report Risk Register

Appendix 4 – Confidential Not To Be Published Appendix

## **Background**

1. The City Council owns the freehold interest of the property known as Harcourt House, which is edged black on the plan at Appendix 1. The majority of the property is let to the Department for Work & Pensions and managed by Telereal Trillium. The lease is for a term of 75 years, expiring on 29<sup>th</sup> September 2029 (17 years remaining). The rent is fixed at £135 per annum and the tenant is responsible for all repairs and insurance.
2. In the Sites and Housing Development Plan document (preferred options) published in June 2011, the preferred option is to allocate the site for residential and/or student accommodation. It is also allocated in the Oxford Local Plan 2001-2016 for student accommodation and teaching/administration accommodation for Oxford Brookes University. The Head of Corporate Property is also aware that representations have been made to widen the preferred option to include potential use for educational purposes.
3. The property is currently part occupied by the tenant for vehicle hire purposes, part is also occupied by the army cadets and the majority of the site (which is former public sector offices) is vacant.
4. By way of Single Member decision on 15<sup>th</sup> August 2011 authority was given to enter into a joint promotional agreement with the tenant, which would bring forward the property for sale. This agreement would see the Council work with the tenant to gain planning consent for student accommodation and then sell both the freehold and leasehold interests jointly with the proceeds being split between both parties. This agreement has not been completed and in order to sell to OXCIS the City Council would withdraw from the promotional agreement. OXCIS may decide to work with the tenant to bring forward development of the land early, however the sale is not conditional on any agreement between OXCIS and the tenant.
5. The City Council has, now, received a commercially advantageous offer to purchase the freehold interest, the terms of which are outlined in the Not For Publication Appendix (Appendix 4).



6. As part of the transaction the purchaser will allow the City Council to enter into a lease on its land on Marston Road, which is edged black on Appendix 2.
7. The original joint promotional agreement included for the use of Harcourt House for temporary car parking to support the development of St Clement's Car Park. The proposed new parking provision provides a better alternative and a planning application will be made shortly. This proposal will nullify the requirement to use the Harcourt House site for short term car parking accommodation.
8. Subject to the consideration of a detailed planning application in due course, Planning Officers have indicated that they believe that this site is a suitable option for the provision of temporary car parking.

#### Environmental Implications

9. No direct implications arising out of this proposal.

#### Risk Implications

10. A risk assessment has been carried out and is attached as Appendix 3.

#### Financial Implications

11. The sale of the freehold interest is commercially advantageous compared to the option of the joint promotional agreement. The disposal generates a significant capital receipt.

#### Planning Implications

12. Planning consent will be required for the use of the temporary car parking by the public. An application will be submitted shortly.

#### Legal Implications

13. The power to dispose of land is contained within Section 123 of the Local Government Act 1972 for best consideration. The transaction on the basis contained within the Not for Publication Appendix fulfils the requirement.

#### Equalities

14. There are no equalities implications arising out of this Report.

#### Conclusion

15. The sale of the freehold interest of the Harcourt House premises is linked into the ability to lease the proposed temporary car park. The sale of the

site will bring forward a capital receipt and is commercially advantageous.

**Name and contact details of author:**

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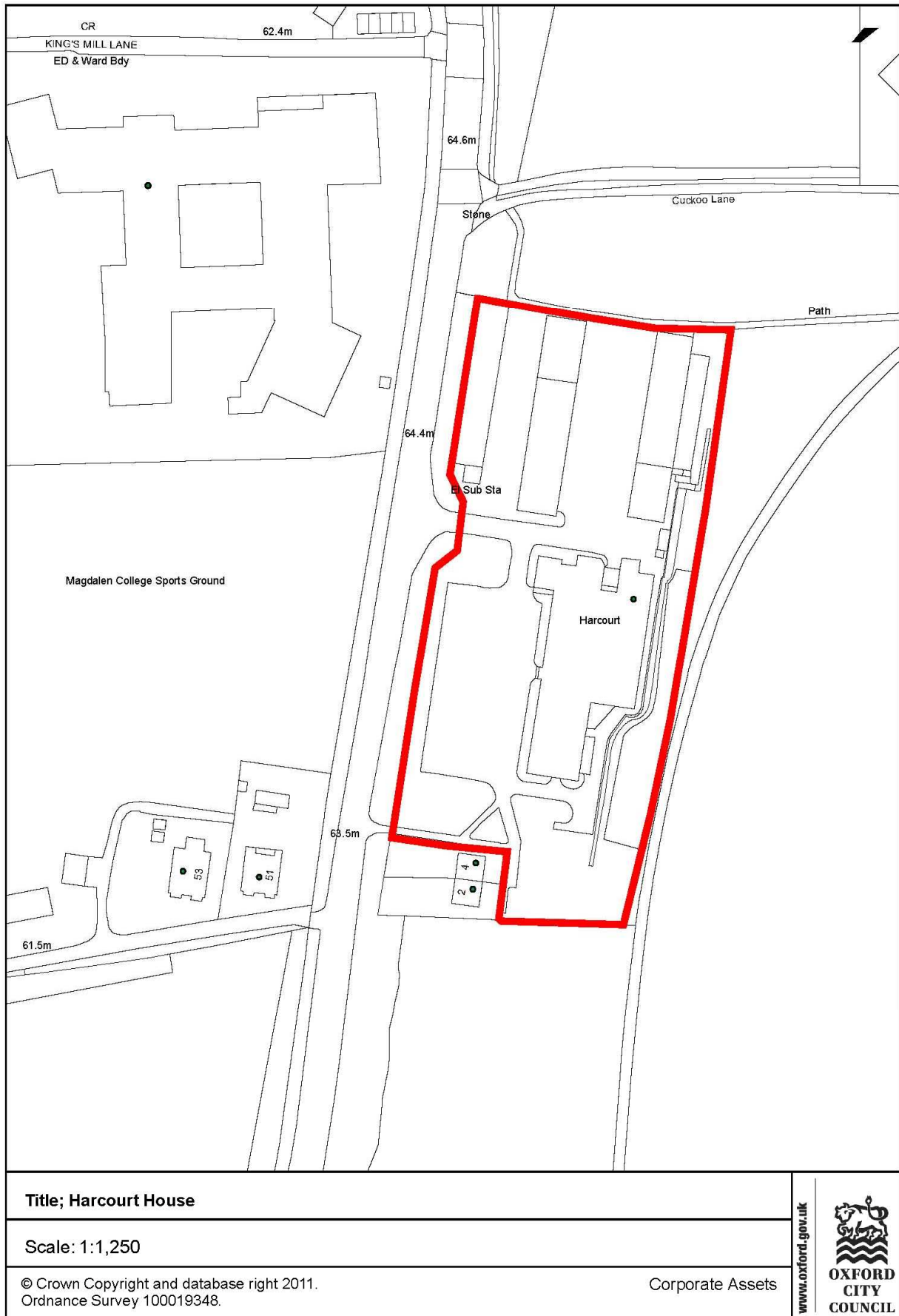
Tel 01865 252551  
[jwinfield@oxford.gov.uk](mailto:jwinfield@oxford.gov.uk)

**Background papers: None**

**Version number: 2**



# Appendix 1 – Site Plan



# Appendix 2 – Site plan of car parking provision



NOTES:  
 1. © Crown Copyright and database right 2011. Ordnance Survey 100019346  
 2. Do not scale off this drawing

**KEY:**

-  Site Boundary Limits
-  Existing parking bays
-  Existing Vegetation / trees

**CORPORATE PROPERTY**  
 Building Design & Construction  
 Town Hall  
 St. Aldate's  
 Oxford OX1 1BX  
 Switchboard: 01865 249811  
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Client: —

Project title  
**OXCIS CAR PARK  
 MARSTON ROAD, OXFORD**

Drawing title  
**EXISTING SITE LAYOUT**

|                  |                               |                 |                  |
|------------------|-------------------------------|-----------------|------------------|
| Drawn by<br>S.T. | Scale<br>1:250 at A2          | Checked by<br>— | Approved by<br>— |
| Date<br>May 2012 | Drawing number<br>C0514/05/01 | Rev<br>.        |                  |

**Appendix 3**

**CEB Report Risk Register**

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<br>Link to Corporate Objectives           | Gross Risk |   | Cause of Risk   | Mitigation   | Net Risk |   | Further Management of Risk:<br>Transfer/Accept/Reduce/Avoid  | Monitoring Effectiveness   |   |   |   | Current Risk |   |   |
|-----|--|------------|---|---|--|----------|---|--|--|---|---|---|--------------|---|---|
|     |  | I          | P |   |  | I        | P |  | Q  | Q | Q | Q | I            | P |   |
| 1.  | Failure to complete the sale and leasing of car park       | 3          | 3 | Purchaser attempts to renegotiate or title issues come to light | Mitigating Control:<br>Detailed Heads of Terms agreed and close liaison throughout the sale<br><br>Reduce transaction to be legally documented as a matter of urgency. | 2        | 2 | Action:<br>Further management of risk – Jane Winfield<br><br>Instruct external solicitors to negotiate documentation – Jane Winfield                           | Outcome Required:<br>The transaction successfully completed<br><br>Milestone:<br>August 2012 | Q | Q | Q | Q            | I | P |
|     |  |            |   |   |  |          |   |  |  | 1 | 2 | 3 | 4            |   |   |
| 2.  | Failure to gain planning consent for temporary car parking | 2          | 2 | Local planning authority failed to gain consent.                | Pre application consultation with local planning authority   | 1        | 1 | External consultants to prepare planning application – Jane Winfield<br><br>Mitigating control:<br>Close liaison with local planning authority – Jane Winfield | Outcome planning consent granted<br><br>Milestone:<br>July 2012                              |   |   |   |              |   |   |



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# Agenda Item 5

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

Document is Restricted

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