

OFFICER DECISION RECORD (ODR2)

This form records an officer decision and is published in accordance with the Openness of Local Government Bodies Regulations 2014

Date of Decision	15th Sept 2023
Decision Taker (including Job Title)	Peter Skates - Acting Executive Director – Place and Director of Growth and Enterprise
Specific Delegation	<p>The Economy and Growth Committee on the 10th July 2023 received a report on the Housing Development Framework and gave delegated authority to the Director of Enterprise and Growth to:</p> <p>(a) determine and pursue the most appropriate delivery route for each Council owned site identified and appropriated for Council-influenced housing development (including but not limited to use of the Housing Development Framework, open market procurement, land deal or joint venture) and, subject to obtaining disposal approval in accordance with the decision making processes for land and property disposals as set out in the Constitution, enter into all necessary legal agreements to enable the site to be developed accordingly;</p> <p>(b) remove individual sites from the Housing Development Framework process should they no longer be identified and appropriated as Council owned sites for Council-influenced housing development.</p> <p>(c) manage the Housing Development Framework and, if necessary, remove any admitted organisations found not to be meeting the terms of admission onto the framework.</p>
Brief Description of Decision	<p>To approve the commencement of an Open Market competitive tendering process in relation to the following Council owned land assets: Chester Street Car Park, Crewe Delamere Street Car Park, Crewe Mountview, Newcastle Road, Congleton</p>

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<p>Reasons for the Decision and alternatives considered</p>	<p>An open tendering process will enable us to set out clearly the Council's requirements for the sites and open the opportunity up to the market. Following the tendering process a decision on the disposal of the sites will then be required in line with the constitution.</p> <p>Several alternative options have been considered in the part 2 appendix of the report to Economy and Growth Committee on the 10th July 2023.</p>
<p>Member consultation and interests declared</p>	<p>Economy and Growth Committee were consulted on 10th July 2023</p>
<p>Significant Decision</p>	<p>NO</p>
<p>Legal Implications</p>	<p>The Service will require ongoing support from Legal throughout the various projects and will need to consider advice on a wide range of legal issues (e.g., procurement rules, subsidy control, best consideration, open space advertisement).</p> <p>The starting position in relation to a disposal of Council owned land under section 123 of the Local Government Act 1972, is that a local authority can dispose of land but must achieve best consideration i.e., achieve the best price for the disposal however, the Council is able to dispose of land at less than best consideration if the environmental, economic and social well-being of the residents in the local area is improved as a consequence subject to the undervalue being no more than £2million. In this case an open market sale is envisaged that complies with the Council's housing aims.</p> <p>The Council's social and wellbeing aims of achieving the development of Affordable Housing for some of these sites and for the provision of assisted care on others will be pursued and required in the specifications and conditions in the tender documentation. The build out will be in accordance with an acceptable planning permission and the Council's design and completion requirements will be sought through a Development Agreement.</p> <p>Paul Fox, Senior Lawyer, Contracts & Procurement Team, Legal Services 14/09/2023</p>

Financial Implications	<p>I am satisfied that the recommended decision is supportable. The eventual sale of the assets will realise a capital receipt for the Council as well as relinquish the Council of any holding and future maintenance costs.</p> <p>Sam Oakden – Finance Manager - Strategic Finance and Accounting.</p> <p>29/08/2023</p>
Confidential/Exempt Information	Not applicable.
Background Papers	Economy and Growth Committee report 10 th July 2023 – Housing Development – Framework, Funding and Delivery Routes Update



Signed

Dated 15th Sept 2023