

COUNCIL – 21 NOVEMBER 2019

REPORT OF THE LEADER OF THE COUNCIL

COUNCIL CONSTITUTION – RULE 46 (WAIVING CALL-IN) PROVISIONS

I wish to report that the Chair of the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) gave her consent, under Rule 46, waiving Call In, of the Access to Information Procedure Rules set out in the Councils Constitution. The report was in relation to the disposal of former St. Wilfrid's School Site and it was not subject to call-in on the basis that the decision could not be reasonably deferred because of the urgency to conclude the legal position and the exchange of contracts, due to external contract and project plan commitments.

CABINET – 3 OCTOBER 2019

56. The Cabinet considered the report of the Head of Corporate Resources with a request to exchange a conditional contract for the disposal of the former St Wilfrid's RC High School site to Bellway Homes in accordance with the Council's Asset Disposal Policy.

Decision Made:

That the exempt information be considered as part of the public report in relation to this matter, reference Minute No: 58 refers.

Reason for the Decision:

The exempt information is required to be considered with the information in the public report in order that an informed decision may be made.

Alternative Options Considered and Rejected:

None.

58. The Cabinet considered the report of the Head of Corporate Resources with a request to exchange a conditional contract for the disposal of the former St Wilfrid's RC High School site to Bellway Homes in accordance with the Council's Asset Disposal Policy.

Decision Made: That the Cabinet:

- (1) notes that the proposal is a Key Decision that had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) has been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet as a matter of urgency on the basis that it was

impracticable to defer the decision until Cabinet in November due to the requirement to conclude the legal position and exchange contracts with Bellway Homes, arising from external contract and project plan commitments;

- (2) notes that the Chair of the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) has been consulted under Rule 46 of the Access to Information Procedure Rules of the Constitution, waiving call in due to the need to resolve on the basis that the decision cannot be reasonably deferred because of the urgency to conclude the legal position and exchange of contracts, arising from external contract and project plan commitments.
- (3) notes the progress of negotiations with Bellway Homes and the beneficiary of the restrictive covenant for its release and a further report on the sum required for such covenant release be submitted to the Cabinet Member - Regulatory Compliance and Corporate Services in conjunction with the Head of Corporate Resources for approval once the outstanding matters have been resolved;
- (4) confirms that there is no objection to exchanging conditional contracts with Bellway Homes to achieve best consideration;
- (5) notes the current strategy that officers are pursuing with the Education Funding and Skills Agency (EFSA) to secure Section 77 consent under the School Standards and Framework Act 1998; and
- (6) approves that the Chief Legal and Democratic Officer complete the necessary legal documentation for the disposal of the site subject to the resolution of the conditions of contract for sale.

Reasons for the Decision:

To ensure that the Council's interest in the land is disposed of in accordance with its legal obligations.

Alternative Options Considered and Rejected:

The Council could wait until August 2022 when the 10-year rule for disposal of playing fields under S77 no longer applies. This has been rejected because of the difficulty of then securing a comprehensive redevelopment of the site in partnership with the Archdiocese who are the owners of the school building footprint.

The Council could retain the site for a future disposal however this would be problematic for a variety of reasons including access. This has been rejected because of it fails to recognise the Council's aspirations for the site under the Local Plan