

LEADER DECISION RECORD



Report subject	Disposal of 21 Mill Lane
Decision maker	Councillor Drew Mellor, Leader of the Council
Decision date	16 June 2022
Status	Public Report with Confidential Appendix
Executive Summary	<p>21 Mill Lane is a former caretaker's house that is currently vacant and unused. The property was declared surplus by Corporate Property Group (CPG) in April 2020.</p> <p>The property has been marketed openly by a local residential estate agent and a sale has been agreed (subject to contract).</p>
Recommendations	<p>The Leader RECOMMENDS TO Council that it;</p> <ul style="list-style-type: none">a. agrees to the disposal of 21 Mill Lane, as outlined in red on the attached plan in Appendix 2, for the purchase price detailed in the confidential appendix to this report;b. delegates authority to the Corporate Property Officer to finalise the detailed terms of the disposal.
Reasons for recommendations	<p>The property is currently vacant and surplus. Therefore, it presents an ongoing financial liability to the Council in terms of rates, maintenance and insurance costs.</p> <p>The property has been marketed openly by a local residential estate agent and a sale has been agreed (subject to contract). This marketing exercise ensures 'Best Value' has been achieved in accordance with s123 of the Local Government Act 1972 (please see confidential appendix 1).</p> <p>In accordance with the consent from the Secretary of State for Education to dispose of the property, the capital receipt will be reinvested into capital projects at Baden Powell and St Peter's Church of England Junior School, and other schools within the local authority area.</p>

Portfolio Holder(s):	Councillor Broadhead, Deputy Leader of the Council and Portfolio Holder for Development, Growth and Regeneration
Corporate Director	Graham Farrant, Chief Executive
Report Authors	Sarah Knott, Senior Estates Surveyor
Wards	Parkstone;
Classification	For Decision and Recommendation to Council
Background	<p>21 Mill Lane is located adjacent to Baden Powell and St Peter's Church of England Junior School (BPSP) in Whitecliff, Poole.</p> <p>Historically the property was used as a caretaker's house by BPSP (now part of Coastal Learning Partnership Academy) but was handed back to the Council as they no longer required it for this purpose.</p> <p>BPSP were given the opportunity to consider whether they could put the property to any other educational uses. However, the location of the property at some distance from the main school buildings, and crucially its location outside of the school boundary, meant that this would not be operationally viable. Furthermore, the property is relatively small, dated and requires a significant investment to make it useable.</p> <p>After careful consideration regarding potential alternative operational uses, the property was declared surplus by Corporate Property Group in April 2020 and the decision taken to dispose of the property.</p> <p>Following this decision, there were a number of workstreams that needed to be completed prior to disposal of the property, which accounts for the delay between declaring the property surplus and marketing it for sale.</p> <p>These workstreams were as follows:</p> <ul style="list-style-type: none"> • A strip of land was transferred from BPSP to the Council to satisfy the school's concerns regarding third party access over their site in the future. • Planning permission was sought for change of use from educational/community use to a private residential dwelling, which was obtained on 24 March 2021. • In accordance with Schedule 1 of the Academies Act 2010, consent has been obtained from the Secretary of State for Education to dispose of the property in a decision letter dated 13 December 2021. <p>The property was placed on the open market at the end of March 2022, following some necessary works (required by the planning</p>

	<p>permission) and a sale (subject to contract) was agreed on 26 April 2022.</p>
Options appraisal	<p>The property is surplus to the school's requirement.</p> <p>Prior to declaring the property surplus and taking the decision to sell the property, all departments in the Council were consulted at Corporate Property Group to confirm that there was no operational requirement for the property.</p>
Consultation undertaken	<p>The following Officers have been consulted on this decision;</p> <ul style="list-style-type: none"> • Sam Munnings, Estates Operations Manager • Chris Shephard, Head of Economic Development and Sustainability • Adam Richens, Head of Financial Services, Corporate Property Officer and S151 Officer. • Susan Zeiss, Director of Law and Governance / Monitoring Officer <p>The Parkstone Ward Councillors, Cllr Ann Stribley and Cllr Steve Baron have been consulted and have raised no objections.</p>
Financial/Resource implications	<p>The financial implications are detailed in the Confidential report attached at Appendix 1.</p>
Summary of legal implications	<p>The Council has the necessary statutory powers to dispose of this property under Section 123 of the Local Government Act 1972, which gives a general power of disposal for the best consideration reasonably obtainable.</p> <p>The property has been marketed openly by a local estate agent for an appropriate length of time. A sale has been agreed (subject to contract and Council approval) which represents best consideration, in accordance with S123 of the Local Government Act 1972.</p> <p>The constitutional mechanism for the Leader being able to make the decision is demonstrated in Article 12 of Part 2 of the Constitution, (see extract below).</p> <p><i>12.3.2. Key Decisions</i></p> <p><i>A Key Decision, which must be included in the Cabinet Forward Plan, is a Leader or Cabinet decision which is likely to meet one or more of the following criteria: a) it will result in the Council on its own or in partnership with other organisations spending or saving £500,000 or more, with the exception of operational expenditure or savings identified within the agreed Service Plan and Budget; and/or b) it is likely to have a significant impact or effect on two or more electoral wards. 2-26 12.3.3. A Key Decision must be made in</i></p>

	<i>accordance with the Procedure Rules set out at Part 4B of this Constitution.</i>
Summary of sustainability impact	The property was formerly in residential use as a school caretaker's house and will now be used as a private residential house. There are consequently no sustainability implications arising from the recommendations within this report.
Summary of public health implications	The property is currently vacant and an ongoing liability to the Council. Once sold, the house will be refurbished and become a private home. The capital receipt from the sale of the property will be reinvested into capital projects at the adjacent school, and BCP Council school estate as a whole.
Summary of equality implications	There are no equality implications arising from the recommendations within this report and therefore there is no Equality Impact Assessment required.
Summary of risk assessment	The property is located outside of the school grounds but is directly adjacent to the school entrance. Therefore, throughout this process the school have been consulted and consideration has been given to the extent of the site that is to be disposed of to ensure minimal disturbance to the school and ensure safety of pupils. The majority of urban schools have multiple residential neighbours in private ownership and therefore the disposal is considered low risk.
Conflicts of interest declared by Cabinet member consulted on this decision	Not applicable
Background papers	None
Appendices	Appendix 1 – Confidential Financial Report Appendix 2 – Plan - Disposal area

Equality Impact Assessment: conversation screening tool

[Use this form to prompt an EIA conversation and capture the output between officers, stakeholders and interested groups. This completed form or a full EIA report will be published as part of the decision-making process]

Policy/Service under development/review:	No change to the service. This is a disposal of a surplus property.
What changes are being made to the policy/service?	No change to the service. This is a disposal of a surplus property.
Service Unit:	Development
Persons present in the conversation and their role/experience in the service:	Sarah Knott, Senior Estates Surveyor and Sam Munnings, Estates Operations Manager.
Conversation dates:	08/06/22
Do you know your current or potential client base? Who are the key stakeholders?	The property was part of BPSP and therefore the school and Children's Services were key stakeholders. They have been consulted throughout this process and have no operational requirement for the property.
Do different groups have different needs or experiences in relation to the policy/service?	No.
Will the policy or service change affect any of these service users?	No, there will no change to the service.
[If the answer to the three questions above is 'don't know' then you need to gather more evidence and do a full EIA. The best way to do this is to use the Capturing Evidence form]	
What are the benefits or positive impacts of the policy/service change on current or potential service users?	A surplus property that is vacant and unused will be sold and become a private home.
What are the negative impacts of the policy/service change on current or potential service users?	None. The property is surplus and unused.
Will the policy or service change affect employees?	No.
Will the policy or service change affect the wider community?	An additional private home will be available.
What mitigating actions are planned or already in place for those negatively affected by the policy/service change?	N/A
Summary of Equality Implications:	There are no equality implications arising from the recommendations within this report and therefore there is no Equality Impact Assessment required.

For any questions on this, please contact the Policy and Performance Team by emailing performance@bcpcouncil.gov.uk