

PORTFOLIO HOLDER FOR ASSETS

20 Nov. 23

A. INITIATION OF THE PROPERTY DEALING PROCEDURE IN RELATION TO THE POTENTIAL ACQUISITION OF SITES IN CLACTON ADJACENT TO THE SITE OF THE LUF BID

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider whether to initiate Tendring District Council's Property Dealing Procedure, which would in turn enable further consideration and decision making in relation to the potential acquisition of sites in Clacton adjacent to the site of the successful bid to the Government's Levelling Up Fund.

EXECUTIVE SUMMARY

This report reviews the implications of initiating the Property Dealing Procedure for sites in Clacton adjacent to the site of the successful bid to the Government's Levelling Up Fund; located adjacent to the TDC owned High Street car park. The sites are currently within private sector ownership, which may create an uncertain future for the site, given the issues around local viability and the current stage in the economic cycle.

Detailed consideration of the potential opportunities and costs linked to the site would place the Council in a better position to understand the implications of the purchase, and accordingly the initiation of the property dealing procedure is proposed in order to facilitate that consideration.

RECOMMENDATION(S)

It is recommended that the Portfolio Holder for Assets authorises the initiation of the Property Dealing Procedure in order to facilitate valuations, negotiations and other investigation to facilitate further decisions on resources and acquisition.

REASON(S) FOR THE RECOMMENDATION(S)

To facilitate further informed decisions on the valuation, and potential negotiations and other investigations on potentially acquiring the sites.

Potential purchase of an additional site could support delivery of the scheme and would allow for further investment into Clacton Town Centre, complementing the existing planned investments via the Levelling Up Fund.

ALTERNATIVE OPTIONS CONSIDERED

The alternative option would be to not initiate the process.

This is not proposed as it would be equivalent to effectively declining acquisition of the site, without any detailed consideration.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Potential acquisition and upgrading of the site would reflect the following priority themes in the council's draft Corporate Plan, which is currently out to consultation.

These themes are:

1. Pride in our area and services to residents;
2. Raising aspirations and creating opportunities;

It also contribute to the following priorities in the current Corporate Plan 2020 - 2024:

Delivering High Quality Services

- Public spaces to be proud of

Building Sustainable Communities for the Future

- Vibrant Town Centres

A Growing and Inclusive Economy

- Develop and attract new businesses

Tendring District Council Local Plan 2013 - 2033

Purchase of this site will align with the following strategic objectives set out in Section 1 of the Local Plan, adopted on 26th January 2021:

- Fostering economic development

The site specified in this report falls within the Core Shopping Area within the 'Love Clacton' Vision 2030 which was developed through engagement and partnership with local businesses, the wider community and other partners and stakeholders through a series of meetings and workshops between 2018 and 2020.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The potential purchase has been discussed with the relevant Ward member, Cllr Honeywood, who is supportive.

Discussions have also been had with the head of the Planning Business and Policy team, who are not aware of any issues which are relevant to the process of initiating the Property Dealing Procedure at this time, however should the purchase be successful, the team would be keen to be involved in the development of any planning applications for the site.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	YES/NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
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	<p>And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)</p>	
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In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Cases assessing principles of Section 120 of Local Government Act 1972 confirm that the Council is obliged to ensure that the management of its assets are for the benefit of the district;

Section 120(1) of Local Government Act 1972 provides for the Council to acquire land either within or outside the District for any purpose within that or any other Act or for the benefit, improvement or development of the area.

Section 12 of the Local Government Act 2003 provides a general power to invest (a) for any purpose relevant to its functions under any Act or (b) for the purposes of the prudent management of its financial affairs.

The Property Dealing Procedure is contained within Part 5 of the Constitution and sets out the requirements to be followed. Paragraph 3.2 states “The decision to initiate the Property Dealing Procedure will be taken by the Corporate Director (Operations and Delivery). In those circumstances where the decision involves a Freehold Acquisition or Disposal that decision to initiate the Property Dealing Procedure will be taken by the Corporate Director in consultation with the relevant Portfolio Holder”. In this instance it is noted that the Portfolio Holder is making the decision which is appropriate due to the profile of the LUF scheme.

The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:

Nothing to add to the foregoing at this stage.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Acquisition of the site, and works to it, would require significant capital investment. The level of investment is not yet quantified or approved within the Capital Programme or Corporate Investment Plan.

There are a range of funding opportunities which could be explored, including the potential to seek variation of the existing Levelling Up Fund award in relation to the adjacent site.

Engagement with partner organisations could generate options for co-investment, enhancement and leveraging of resources.

The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:

Nothing to add to the foregoing at this stage.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The Council operates a corporate investment plan in order to prioritise proposals, expenditure and other resources. Any future decision on the site will be subject to this process.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The Property Dealing Procedure includes investigations and steps to identify and manage risks.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	A public consultation and investigation into the availability and quality of open space is ongoing. The outcome is likely to indicate an imperative to invest in open spaces.

MILESTONES AND DELIVERY

It is anticipated that valuations could be completed prior to the end of October 2023.

ASSOCIATED RISKS AND MITIGATION

Risk associated with the initiation of the Property Dealing Procedure is limited to the costs and resources that will be required to reach the point of further decision.

The risks associated with the acquisition will be determined and reported to Members for future consideration in conjunction with, costs, terms and other matters.

EQUALITY IMPLICATIONS

Initiation of the process will have no effect on any protected groups. Initial viewing suggests that some accessibility issues will need to be resolved if the project is to proceed. A full Equalities Impact Assessment will be carried out as part of future project development, if progressed.

SOCIAL VALUE CONSIDERATIONS

The proposals are consistent with the Love Clacton Vision as mentioned above, which was subject to extensive community consultation and engagement. The potential development of the site is consistent with the adjoining Levelling Up Fund scheme, all of which are aimed at improving the social environmental and economic well being of the immediate area.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

Should purchase progress, and development take place, consideration will be given to how this project will impact the environment and how the project contributes to the Council's wider commitment to become net zero carbon (of Scope 1 & 2 emissions) by 2030 as laid out in the Tendring Climate Emergency Action Plan 2020 – 2023.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder

Purchase and subsequent development of a currently vacant site would lead to increased natural surveillance in the area.

Health Inequalities

To be explored depending on site purchase.

Area or Ward affected

Pier Ward

APPENDICES**Appendix A - Assessment of Acquisition Feasibility****REPORT CONTACT OFFICER(S)****Name**

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