

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**30 SEPTEMBER 2010**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

### **CABINET DECISION**

**Corporate Management and Finance – Cabinet Member – Councillor Laing**

#### **DISPOSAL OF THE FORMER SALTERGILL SCHOOL SITE**

1. Summary

This report updates members on the sale of the former Saltergill School site and recommendations made by the Local Government Ombudsman concerning the Councils procedures on the disposal of land.

2. Recommendations

That the report be noted.

3. Reasons for the Recommendations/Decision(s)

The report is for information only.

4. Members Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

**Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.**

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**SUMMARY**

This report updates members on the sale of the former Saltergill School site and recommendations made by the Local Government Ombudsman concerning the Council's procedures on the disposal of land.

**RECOMMENDATIONS**

It is recommended that:-

1. the report be noted.

**DETAIL**

1. On the 1 October 2009 Cabinet agreed the sale of the former Saltergill School site on the grounds that the sale is likely to contribute to the economic well-being of the area. Following this decision an unsuccessful bidder complained to the Local Government Ombudsman about the Council's procedures and the way in which the Council had handled the disposal.
2. The Local Government Ombudsman has investigated the complaint and has expressed the view that there was a lack of clarity in the Council's dealings with the unsuccessful bidder and the terms on which the Council were intending to dispose of the land. The Local Government Ombudsman has also indicated that in her view the specific social, economic or environmental benefits that might reasonably be anticipated from the sale should have been spelled out with sufficient clarity in the report to Cabinet.
3. Officers have acknowledged the Local Government Ombudsman comments and have agreed to review procedures for the disposal of surplus land. In order to resolve the complaint officers have agreed to apologise to the complainant for a lack of clarity in correspondence with him, make a payment of £250 to acknowledge his time and trouble in making the complaint and to pay his reasonable legal expenses.
4. Contracts for the sale of site have now been exchanged and completion will take place once the legal formalities are finalised.

**FINANCIAL AND LEGAL IMPLICATIONS**

5. None other than as detailed in the report at paragraph 3

## **RISK ASSESSMENT**

6. The risk associated with the sale are low as contracts have now been exchanged.

## **COMMUNITY STRATEGY IMPLICATIONS**

7. The sale is likely to contribute to the economic well being of the area.

## **CONSULTATION INCLUDING WARD/COUNCILLORS**

8. The School was declared surplus in 2005 and Ward Councillors were consulted at that time.

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<u>Background Papers</u>	Appendix
<u>Ward(s) and Ward Councillors:</u>	Not Ward Specific
<u>Property</u>	None