

Forward Plan reference number: Not applicable

Report title: Surplus Property Schedule: Thurrock : Land at Sycamore Way, Brandon Groves, South Ockendon, RM14 3NS.	
Report to: Mark Carroll, Executive Director for Place and Public Health	
Report author: Leslie Pilkington, Head of Property and Facilities	
Date: 27th November 2018	For: Decision
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County Divisions affected: N/A (within Thurrock Unitary Authority area)	

This report includes a confidential appendix which is not for publication because it includes exempt information falling within paragraph 3 of Schedule 12A to the Local Government Act 1972 as amended.

1. Purpose of Report

- 1.1. The purpose of this report is to approve the declaration as surplus and for disposal of a School Site, at Brandon Groves, South Ockendon (as shown outlined in red on the attached plan) ('the property').

2. Recommendations

- 2.2.1 Agree to declare the property surplus and dispose of it at market value, to a named party, at a figure not less than the price shown in the attached Confidential Appendix.
- 2.2.2 Authorise Essex County Council ('the Council') to enter into such legal agreements as may be required to facilitate the transaction at best value for the property, on terms and conditions to be agreed by the Head of Property and Facilities.

3. Summary of issues

- 3.1 In February 1996 the freehold of the site was transferred to Essex County Council, from Countryside Properties, with a Restrictive Covenant which limits its use to Education, Youth and Community purposes. Since then the site has remained vacant. Until 2002, ECC could not demonstrate a need for a new Primary School and after 2002, ECC had no further responsibility for providing Education Services in South Ockendon as this was an obligation placed on Thurrock Council, as part of the Local Government Re-Organisation.
- 3.2 The site comprises a generally rectangular area of land extending to approximately 1.367 Hectares (3.378 Acres), bordered on the northern boundary, by Sycamore Way.

- 3.3 Should the County Council dispose of the property for any other use than that restricted by the Transfer Covenant, they are required to obtain a release from Countryside Properties, upon payment of 72% of the open market value.
- 3.4 The property is located outside the administrative boundaries of the County and now in Thurrock Unitary authority area. In February 2002, as a result of Local Government Reorganisation, Thurrock Council and the Council entered into the Thurrock Settlement Deed providing for both the Council and Thurrock Council to “clawback” 10% of any disposal proceeds received by either Council. on the disposal of certain properties identified within the Agreement, of which this is one.
- 3.5 The Council no longer has a responsibility for Education provision within South Ockendon. The Secretary of State for Housing Communities and Local Government has identified a need to acquire the site for educational purposes and provide a new 480 place Primary school, subject to obtaining Planning Consent.
- 3.6 Being outside the Council’s operational area the property has not been identified for other Service use by the Council. The Council’s independent professional surveyors, Lambert Smith Hampton, have advised the Council that the value of the property is no lower than that stated in paragraph 1.1 of the Confidential Appendix to this report.
- 3.7 The Cabinet Member for Finance, Commercial and Traded Services, Councillor McKinlay, has been consulted and has noted the contents of this report and does not wish to make any further comments.
- 3.8 The Director with responsibility for Property, Paul Crick, has been consulted and approves the contents of this report.

4. Options

Option 1 – Retain the property for other Service use.

- 4.1 The Council could retain the property for other Service use, but it falls outside the Council’s operational area and no need has been identified. So this option is not proposed.

Option 2 – Agree to declare the property surplus and dispose on the open market.

- 4.2 There is likely to be a limited market for the purchase of the site at Market Value, bearing in mind the Restrictive Use Covenants on the land. Any change of use to an alternative Planning Use, other than the restricted uses, would result in a payment of 72% of the value received, to Countryside Properties, the original owner of the land. There would also be a planning risk involved in obtaining any change of use on the site and consequently it would be difficult to demonstrate “Best Consideration”, so this option is not proposed.

Option 3 – Agree to dispose of the property to the Secretary of State for Housing, Communities and Local Government.

- 4.3 The Secretary of State has expressed interest in acquiring the property for a new Primary School, at market value. Bearing in mind the Restrictive Covenant and the required payment of 72% of the Open Market value, for any non permitted use to Countryside Properties this is considered to demonstrate “Best Consideration”, so this option is proposed.

5. Issues for consideration

5.1 Financial implications

- 5.1.1 The receipt will contribute to the capital receipts targets and may be used to reduce the Council’s borrowing requirements.
- 5.1.2 The costs of disposal will be met from existing specific budgeted resources earmarked for capital disposal activity.
- 5.1.3 The recommended minimum sale price, given in the Confidential Appendix is greater than the book value for this site.

5.2 Legal implications

- 5.2.1 The Council is obliged to obtain the best consideration reasonably obtainable on the disposal of its own property unless the Secretary of State consents to the disposal or the disposal falls within the terms of the disposal consents issued under the Local Government Act 1972. The confidential appendix confirms that the recommended proposal meets best value.
- 5.2.2 Essex Legal Services will be commissioned to carry out the legal work associated with the Sale Agreement. This will need to include a covenant from the Secretary of State to continue to comply with the restricted use covenant with Countryside Properties from 1996.
- 5.2.3 Matters relating to the Thurrock Settlement Deed, dated February 2002, with Thurrock Council will also need to be addressed.

6 Equality and Diversity implications

- 6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc on the grounds of a protected characteristic unlawful

- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

6.3 The equality impact assessment carried out on 27th November 2018 indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

7 List of appendices

- 7.1 Site plan
- 7.2 Confidential Appendix
- 7.3 Equalities Impact Assessment

8 Background Papers

- 8.1 None

I approve the above recommendations set out above for the reasons set out in the report.	19th December 2018
Mark Carroll, Executive Director responsible for Economies, Localities and Public Health	
	19th December 2018
Paul Crick - Director with responsibility for Property	
	19th December 2018
Margaret Lee (Nicole Wood) - S. 151 Officer	
	12th December 2018
Jacqueline Millward, on behalf of	
Paul Turner - Director, Legal and Assurance (Monitoring Officer)	