

**BUSINESS SUPPORT  
OVERVIEW AND SCRUTINY COMMITTEE  
7 JULY 2016  
CALL-IN: VARIOUS LAND DISPOSALS**

Report from: Perry Holmes, Chief Legal Officer

Author: Michael Turner, Democratic Services Officer

**Summary**

This report advises the Committee of a notice of call-in received from six Members of the Council of a Cabinet decision (87/2016) to close, appropriate, declare surplus and dispose of various council owned properties, applying for planning permission and entering into any necessary agreements in relation to the re-provision of services and undertaking the procurement of development/alternative facilities where appropriate.

The Committee must consider the Cabinet decision and decide either to take no further action or to refer the decision back to Cabinet for reconsideration.

**1. Budget and Policy Framework**

1.1 In accordance with Chapter 4, part 5, paragraph 15.3 of the constitution with regard to decisions, Cabinet decision 87/2016 has been called-in to this Committee by six Members of the Council.

**2. Background**

2.1 The Cabinet considered this matter on 7 June 2016 and made the following decisions:

***Decision  
number:***

***Decision:***

**87/2016**

**The Cabinet delegated authority to the Chief Legal Officer in consultation with the Portfolio Holder for Resources and the Leader:**

- (i) To close, declare surplus, appropriate and dispose of the Whiffens Avenue Car Park, Chatham, on the best terms reasonably obtainable. However, no action to be taken to dispose of the property until the piece of work referred to in paragraph 3.1 of the report was completed.**
- (ii) To close, declare surplus and dispose of the Kings Head Disabled Car Park, Rochester, on the best terms reasonably obtainable. However, no action to be taken to dispose of the property until the piece of work referred to in paragraph 3.2 of the report was completed.**
- (iii) To close the Hook Meadow Community Centre, Library and Changing Rooms, Chatham, and declare them surplus, appropriate them and dispose of them on the best terms reasonably obtainable and to enter into any necessary agreements concerning the re-provision of the community facilities at Hook Meadow as set out in paragraph 3.3 of the report.**
- (iv) To close the White Road Community Centre, Chatham, declare it surplus, appropriate it and dispose of it on the best terms reasonably obtainable and to enter into any necessary agreements concerning the re-provision of the community facilities on the White Road Community Centre site, as set out in paragraph 3.4 of the report.**
- (v) To declare surplus and dispose of the land at the Esplanade, Rochester on the best terms reasonably obtainable, as set out in paragraph 3.5 of the report.**
- (vi) To close, declare surplus, appropriate and dispose of the Luton Shoppers Car Park, Magpie Hall Road, Chatham on the best terms reasonably obtainable and to enter into any necessary agreements concerning the development of the Luton Shoppers Car Park site including the provision of replacement parking, as set out in paragraph 3.6 of the report, which is to be retained on site.**
- (vii) To declare surplus and dispose of the site of Aburound House, Gillingham, on the best terms reasonably obtainable, as set out in paragraph 3.7**

of the report.

**Reasons:**

**To reduce revenue costs, obtain capital receipts and to bring forward land for much needed housing development.**

- 2.2 The above decisions were subsequently called in by six Members of the Council. The reasons for the call in are as follows.

*“Medway Council, like all local authorities across the country, is having excessive budget cuts put upon it by the Conservative Government. As an opposition group we understand that the administration will need to find alternative funds. We reiterate the point that we are not principally opposed to the concept of the disposal of land.*

*However we are incredibly concerned at the approach taken by the Cabinet in agreeing 87/2016 – the decision is clear that the sites, which included valued community facilities like car parks and community centres, are declared surplus and to be disposed of.*

*This is before any public consultation on the matter takes place. During the cabinet meeting, Councillors including the Leader of the Council made indications there would be public consultation but that was not in either the decision or the paragraphs in section 3 which go into detail about plans for each of the seven sites.*

*Earlier in the agenda for that particular Cabinet meeting there was a decision which agreed to start a public consultation (84/2016). That is the type of decision that should have started this process. We will be seeking at the Overview and Scrutiny Committee to send the issue back to cabinet with a recommendation to start a public consultation on the seven sites.”*

**2.3 Director’s Response**

- 2.3.1 Cabinet has so far decided to delegate declaring surplus of the various assets and their subsequent disposal to officers in consultation with the Leader and Cllr Gulvin, Portfolio Holder for Resources. No actual disposal has been agreed yet.
- 2.3.2 The Cabinet made reference to the requirement for consultation to take place before any further decision making and that has started. Conversations have taken place with stakeholders and building users and will continue to do so. These will inform design decisions if these proposals are taken forward. There have also been conversations with disabled car park users and they will continue and inform the Diversity Impact Assessments that will be completed before any further decisions are taken.

## **2.4 Options**

2.4.1 The options open to this Committee in dealing with this call in are to:

- a) ask Cabinet to reconsider its decisions if Members have concerns about them (setting out in writing the nature of any concerns), or
- b) refer the matter to full Council so Council can decide whether or not to object to the decisions and, if so, then refer them back to Cabinet for reconsideration, or
- c) to consider the matter and accept the Cabinet decisions.

## **3. Risk Management**

3.1 Risk management is addressed in paragraph 6 of the Cabinet report

## **4. Financial and legal implications**

4.1 The financial implications are within the attached Cabinet report at appendix 1.

4.2 In accordance with rule 15.3 of the constitution, six members of the Council may call in a decision for scrutiny by the relevant Overview and Scrutiny Committee.

## **5. Recommendations**

5.1 The Committee is asked to consider the called-in Cabinet decisions and decide either to accept the Cabinet decision 87/2016 set out in paragraph 2.1 of this report and to take no further action or refer the decisions back to Cabinet for reconsideration.

### **Lead officer contact**

Michael Turner  
Democratic Services Officer  
01634 332817

### **Background papers**

As set out in the Cabinet report at Appendix 1

### **Appendices**

Appendix 1 – Report to 7 June 2016 Cabinet meeting – Various Land Disposals

<http://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=31329>