

PROPERTY DISPOSALS POLICY – DEMOLITION OF NON-OPERATIONAL ASSETS

EXECUTIVE MEMBER: Councillor Gillian Troughton

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Why has this report come to Council?

Changes in legislation, particularly through the Localism Act, have prompted review of the details of the Council's Property Disposals Policy. This review has identified anomalies in the Council's constitutional arrangements for the demolition of a Council owned property asset, and the roles of the Council in managing those assets and as local planning authority.

This report seeks to provide clarity over these roles and the adjustment to the constitution to facilitate the different roles which the Council has to fulfil. The existing constitution is silent on the process by which the business decision to cease use of an asset and to seek its demolition is made, and then referred through the planning process

Recommendation

That the Council agrees to the necessary constitutional changes to enable a decision to demolish a building for practical or operational reasons to be delegated to the Head of Corporate Services in consultation with the relevant Portfolio holder and the Head of Nuclear, Energy and Planning. Any subsequent decision made through the planning process would remain subject to the provisions of the constitution which require planning decisions about where the Council has a property or financial interest to be made by the Planning Panel.

Issues

The Executive have agreed to an update of the Council's policy relating to the disposal of property assets. Consideration of this policy revealed that constitutional arrangements relating to the demolition of a Council asset were not set out in detail in terms of expected officer delegation to approve the demolition of assets no longer required for operational purposes.

It is usually necessary to secure some form of planning approval for the demolition of buildings – this may range from listed building or conservation area consent to prior

approval processes which deal with the process of demolition rather than any amenity or wider environmental appraisal.

The recommendation proposed above separates operational property decisions from planning decisions.

It is suggested that the property decision is delegated to the Head of Corporate Resources in consultation with the Portfolio Holder and the Head of Nuclear, Energy and Planning. The later Head of Service is only involved at this stage to provide awareness of possible wider planning related implications, including awareness of planning considerations which might prevent demolition.

The planning process would be commenced once the operational decision had been made. In common with other development proposals instigated by the Council itself, it is a requirement of the constitution, good practice and in the interests of transparency for a planning decision to be made by Planning Panel rather than through delegation to officers.

Conclusions

Adjustment to the constitution in the manner indicated in the paragraph below would resolve any current anomaly and enable effective application of the Property Disposals Policy.

Delegated authority is granted to the Head of Corporate Resources to make the decision to demolish a non-operational Council owned property asset, subject to prior consultation with the relevant Portfolio Holder and the Head of Nuclear, Energy and Planning. Any subsequent planning decision will be referred to the Planning Panel by virtue of the provisions of exception (e) to the Scheme of delegation for the determination of planning and other applications as contained within Chapter 10 – Regulatory – Planning of the Constitution.

Statutory Comments

S151 Officer Comment: No Comment

Monitoring Officer Comment: Proposal requires Council approval to a change in the Scheme of Delegations to Officers

EIA Comment: The proposals set out within this report are unlikely to have any impact on equality. Equality issues related to the Council's Property Disposals Policy will be subject to their own separate EIA if required.

Other Consultee Comment: None

