



Leicester
City Council

WARDS AFFECTED
Charnwood, Coleman, Humberstone and Hamilton

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

CABINET

4 AUGUST 2003

GREATER HUMBERSTONE SRB PROGRAMME: MUNDELLA SITE DISPOSAL

Joint Report of the Corporate Director, Environment, Regeneration & Development, the Town Clerk and Corporate Director, Resources, Access, and Diversity, and the Corporate Director Of Education and Life Long Learning

Summary

At its meeting on 17th July, the Strategic Planning and Regeneration Committee considered the attached report. The Committee also heard a representation from the Chair of Greater Humberstone Community Development Ltd, (the managing body for the local SRB6 Programme).

Consequently the Committee requested that it be noted they were in unanimous support of the sale of the site at the earliest opportunity, and agreed the following recommendations:

“That the following be recommended to Cabinet:

- (1) that the relevant Departments of the City Council assist Greater Humberstone Community Development Ltd. in its aim of acquiring part of the Mundella site for use by the community, in particular it is recommended:-*
- (2) that a clear timetable is established for the disposal of the site to a developer which is made available to the Committee, the Greater Humberstone Community Development Ltd and the Cabinet;*
- (3) that all necessary legal and property arrangements associated with the sale of the site receive prompt attention;*
- (4) that professional support is provided to the Greater Humberstone Community Development Ltd. in negotiating a Section 106 agreement with the eventual developer;*
- (5) that signage be displayed at the site advertising the sale which is agreeable to all stakeholders including the Greater Humberstone Community Development Ltd.;*
- (6) that it would be desirable for the playing fields to be made available for community use during the summer holidays; and*

(7) that the Committee receive a further report on progress.”

Comments by the Corporate Director of Environment, Regeneration & Development, the Town Clerk and Corporate Director of Resources, Access & Diversity, and the Corporate Director for Education and Life Long Learning

Any assistance is bound by the City Council's fiduciary duty. In particular, s.123 of the Local Government Act 1972 provides that the Council may not dispose of land otherwise than for the best consideration reasonably obtainable except for a lease for less than 7 years without (1) obtaining the consent of the Secretary of State to the disposal; or (2) that the disposal is in accordance with a number of General Disposal Consents in force at the present time.

The Town Clerk adds that the circumstances in which the Council could appropriately provide professional advice to a third party would be few and far between. People need to take their own advice independently. The likelihood is that in circumstances such as these, providing advice would be ultra vires. It would certainly raise difficulties for professional codes of conduct; Solicitors would not professionally be permitted to advise and other professionals in my department would probably be in similar difficulties. The Council would be a party to the Section 106 agreement, and its professionals should be advising on the Council's interests.

The Service Director, Planning comments that the question of a Section 106 agreement is not relevant to this particular sale, since planning permission has already been obtained by Greater Humberstone Community Development Ltd for the company's proposals, and these permissions are included in the sales brochure distributed to interested parties.

A timetable for the disposal has been produced and is attached for information. It will be circulated shortly.

The Head of Property Services confirms that the disposal is being dealt with promptly. The Head of Legal Services similarly confirms that the matter will receive prompt attention.

The Service Director for Life Long Learning and Community Development comments that the concept of a community learning centre, and youth and community facilities on the Mundella site has his support in principle, but points out that any relocation of the Division's services from West Humberstone Community Education Project to the Mundella site would have extra cost implications that will need to be considered, including the payment of rent for premises.

The Head of Property Services states that the existing signage on the site advertising the sale is due to be removed on 8th. August, the closing date for expressions of interest. It would be possible to provide an additional sign as requested, at a cost of approximately £200.

The Corporate Director of Education and Life Long Learning's Premises Manager comments that vandalism has been a problem on the Mundella site, and the site has been locked and secured following advice from the Police Crime Prevention Officer. Security patrols check the site three times a day, and police dog training is also taking place on the fields. The site is not staffed and it would not be possible to open the playing fields without a significant risk on security and health and safety grounds.

Officer to contact

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