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AGENDA

Committee POLICY REVIEW AND PERFORMANCE SCRUTINY COMMITTEE

Date and Time of Meeting WEDNESDAY, 18 APRIL 2018, 6.00 PM

Venue COMMITTEE ROOM 4 - COUNTY HALL

Membership Councillor Walker (Chair)
Councillors Berman, Bowen-Thomson, Boyle, Cunnah, Owen Jones,
Mackie, McKerlich and Murphy

*Time
approx.*

1 Apologies for Absence

To receive apologies for absence.

2 Declarations of Interest

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

3 CALL-IN OF OFFICER DECISION SED/PR/29303: Disposal of Wedal Road HWRC, Cathays, Cardiff. Report of the Director of Economic Development. (Pages 5 - 36)

6.00 pm

To dispose of the property by way of an off market sale to Cardiff & Vale University Local Health Board at a price defined by independent valuation.

(a) Exclusion of the Public

Appendices 1 & 2 of the report are exempt from publication as they contain exempt information of the description contained in paragraph 14 of Part 4 and paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972. The public may be excluded from the meeting by resolution of the Committee pursuant to Section 100A(4) of the Local Government Act 1972 during discussion of this item.

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- (b) Principal Scrutiny Officer to explain the Call-in process to Members.
- (c) Councillor Lyn Hudson to explain her reasons for calling in this Officer Decision.
- (d) Questions from Members of the Committee.
- (e) Councillor Russell Goodway, Cabinet Member – Investment and Development, will be in attendance and may wish to make a statement.
- (f) Neil Hanratty, Director Economic Development to present the officer response to the reasons for calling in the decision, supported by Economic development officers – Tara King, Assistant Director Commercial and Collaboration and Helen Thomas, Strategic Estates Manager, will also be in attendance for this item.
- (g) Questions from Members of the Committee.
- (h) Witnesses who have expressed an interest in making a statement on the proposals to be invited to make a statement to the Committee.
- (i) Questions from Members of the Committee

Consideration of Written Statements

- (j) Members will consider any further written evidence that is circulated at the meeting.

Summing Up

- (k) Councillor Lyn Hudson will be provided with an opportunity to sum up.
- (l) Councillor Russell Goodway and officers from the Economic Development Directorate will be provided with an opportunity to readdress the Committee on the matters raised by the witness.
- (m) Questions from Members of the Committee.

Way Forward

- Chair to seek Committee's views regarding whether to refer the matter to the Decision-maker or not; and
- Chair to see Committee's views regarding what, if any, comments, observations or recommendations the Committee wish to send to the Decision-maker.

Davina Fiore

Director Governance & Legal Services

Date: Thursday, 12 April 2018

Contact: Kate Rees, 029 2087 2427, kate.rees@cardiff.gov.uk

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**CYNGOR CAERDYDD
CARDIFF COUNCIL**

**POLICY REVIEW AND PERFORMANCE
SCRUTINY COMMITTEE**

18 APRIL 2018

**CALL IN OFFICER DECISION SED/PR/29303 – DISPOSAL OF WEDAL
ROAD HWRC, CATHAYS, CARDIFF.**

Appendices 1 & 2 to Appendix A of this report are exempt from publication because they contain information of the kind described in paragraphs 14 and 21 of parts 4 and 5 of Schedule 12A to the Local Government Act 1972.

Purpose of Report

1. To provide Committee Members with background information on: the Council's Call-In procedure; the decision being called-in at this meeting; and the scope, process and structure of Call-In scrutiny.

Call-In Procedure

2. The Council's Constitution contains a Call-In Procedure which provides that any non-Cabinet Member may call-in a decision of which notice has been given, by writing to Scrutiny Services within the Call-In Period (within seven clear working days after publication of the decision). Scrutiny Services shall then notify the Cabinet Business Office and call a meeting of the relevant Scrutiny Committee, where possible after consultation with the Chairperson of the Committee, and in any case within five clear working days of the decision to call-in.
3. Cabinet Decisions, for purposes of the Call-In Procedure, are those made by the Cabinet, a Committee of the Cabinet, the Leader, a Cabinet Member, the Chief Executive or a Corporate Director (or other post holder/s within the same tier of management or responsibility).

Decision being Called-In - SED/PR/29303

4. On 20th March 2018 the Director of Economic Development resolved:
 - *To dispose of Wedal Road HWRC, Cathays, Cardiff by way of an off market sale to Cardiff & Vale University Health Board at a price defined by the independent valuation as outlined in the attached report at Appendix A.*

5. This Decision, known as SED/PR/29303 was published on 20th March 2018 in the Register of Cabinet Decisions, with a proposed implementation date of 30th March 2018. The reason provided for taking this Decision was:
 - *To secure a disposal of the site and achieve a capital receipt for the Council.*

Structure of the Papers

6. The papers for this meeting consist of:

Appendix A – The Officer Decision Report

Appendix 1 – Heads of Terms for HWRC Wedal Road – *Not for publication*

Appendix 2 – Independent valuation advice by GVA – *Not for publication*

Appendix 3 – Site Plan

Members should note that **Appendices 1 & 2** of Appendix A are exempt from publication. Members are requested to keep this information confidential, in line with their responsibilities as set out in the Members Code of Conduct and the Cardiff Undertaking for Councillors. The meeting will go into closed session to enable discussion on this information.

Appendix B – The signed Officer Decision in accordance with the Council Scheme of Delegations.

Appendix C – The relevant section of the Decision Register setting out the decision and reasons for this decision.

Appendix D – Terms of Reference of the Policy Review & Performance Scrutiny Committee.

Reasons given for Calling-In Decision SED/PR/29303

7. During the Call-In period after publication of the officer decision in the Register of Decisions on 20th March 2018, a non-executive councillor submitted a request to call-in Decision SED/PR/29303.
8. The reasons set out by the non-executive councillor for calling in the decision are:
 - *I am concerned that the off-market sale will not reflect market value or above market value of this site situated in Cardiff North. There are very few sites that afford the scope and size of the area contained within the Wedal Road HWRC site.*

I am calling on the appropriate scrutiny committee:

- *To look at the full value of the land in respect of its potential, primarily for residential development, in keeping with surrounding areas which are relatively modern and situated alongside the former HWRC. This is prime residential land and evaluated in relation to other residential developments in the north of the city.*
- *To test merits of the decision as to how the site might have been valued to achieve the best price for the Council. I quote the advert for the site which stated it was “a sought after location”.*
- *To review the decision to withdraw from auction and reconsider if this action constitutes best practice. A public auction is much more advantageous to the Council in achieving a proper market value from developers and other interested parties.*
- *To investigate whether the advertising and exposure of the advert was adequate to attract buyers from further afield.*
- *To investigate whether the site was valued for the provision of industrial, business or residential potential. This is paramount, as it would achieve a higher value for flats, houses or offices, pending any necessary planning permissions.*

- *The site is quite valuable and should have had more than one independent valuation, at least three valuations would be considered average, and be valued as prime residential land, not as industrial land.*
- *An example of this would be the last sale a couple of years ago, of the site of the former YMCA offices in Wedal Road, which had a reserve similar to the HWRC but was sold at auction for approximately £1m.*
- *I believe that the former Wedal Road HWRC could be sold for more than that figure with land prices increasing in value in Cardiff North.*
- *I therefore call on the scrutiny committee to consider the premise that by withdrawing this site from auction, value is not being achieved for Council.*
- *This is of great significance and importance to the Council as a whole, and I request that this decision be re-evaluated.*
- *I am therefore calling in this decision to withdraw the site from public auction.*

9. The Call-In request has been deemed valid and hence a Scrutiny Committee meeting has been convened to undertake the Call-In.

Scope of Scrutiny

10. The role of Scrutiny Committees calling-in a decision is:
- To test the merits of the decision;
 - To consider the process by which the decision has been formulated;
 - To make recommendations (to support the decision, change aspects of the decision or to invite the decision making body to reconsider);
 - To suggest further steps before a decision is made.
11. The scope of this scrutiny is limited to exploring the reasons for the call-in listed in paragraph 9 and the role of scrutiny listed in paragraph 11. If questions are judged as probing areas not within the remit of the call-in, the Chair will deem it necessary to disallow the line of inquiry.

Process for Scrutiny

12. The Committee needs to consider this call-in in accordance with the requirements of the Call-In Procedure, as set out in the Constitution. Under the Call-In Procedure, the relevant Scrutiny Committee may consider the called-in decision itself, or decide to refer the issue to the Council for scrutiny, if the matter is of general significance and importance to the Council as a whole. A Council meeting to consider this issue must take place within 10 clear working days of such a referral, unless otherwise agreed between the Leader and the Chairperson of the relevant Scrutiny Committee.
13. If the Scrutiny Committee chooses to consider the Decision, it may refer the Decision back to the decision maker for reconsideration, setting out in writing the nature of its concerns. The decision maker shall then reconsider the matter before adopting a final decision or formally deferring the matter for further consideration. The relevant Scrutiny Committee or Council as appropriate would be advised of the outcome at its next meeting.
14. If following a Call-In, the matter is not referred back to the decision maker, the decision shall take effect on the date of the relevant Scrutiny Committee or Council meeting which considers the issue, or the expiry of the Scrutiny Period or the Council Scrutiny Period as appropriate, whichever is the later.

Structure of Scrutiny

15. To assist Members, Councillor Russell Goodway, (Cabinet Member Investment and Development), Neil Hanratty, (Director of Economic Development), Tara King, Assistant Director Commercial and Collaboration, and Helen Thomas, Strategic Estates Manager have been invited to respond to the Call-In and answer Committee Members questions.
16. In addition, Councillor Lyn Hudson, who has called in the decision, has been invited to give evidence to the Committee. If any written statements are provided for the meeting, a section has been allocated within the agenda for

their consideration. It is at the Chair's discretion to allow other witnesses to address the Committee.

17. All Members are reminded of the need to maintain confidentiality with regard to the information provided in **Appendices 1 & 2** of **Appendix A**. The meeting will go into closed session to enable discussion of this information.

Legal Implications

18. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct legal implications. However, legal implications may arise if, and when, the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

19. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if, and when, the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to:

- Consider Officer Decision SED/PR/29303 in accordance with the Call-In Procedure;
- Make a decision whether to refer the matter to the Decision-maker or not;
- Agree whether it wishes to forward any comments, observations or recommendations to the Decision-maker in writing.

DAVINA FIORE
Director of Governance & Legal Services
12 April 2018

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OFFICER DECISION: REPORT

ADDRESSED TO: Neil Hanratty, Director of Economic Development

PREPARED BY OR ON BEHALF OF: Paul Ryan on behalf of Helen Thomas,
Strategic Estates Operational Manager

The delegations to be exercised are numbered DE1 in the Council Scheme of Delegation

TITLE OF REPORT: Disposal of Wedal Road HWRC, Cathays, Cardiff

Appendices 1 & 2 of the report are not for publication as they contain exempt information of the description in paragraph 14 of Part 4 and paragraph 21 of part 5 of Schedule 12A of the Local Government Act 1972.

PROPOSAL:

The recommended decision is:

1. To dispose of the property by way of an off market sale to Cardiff & Vale University Local Health Board at a price defined by the independent valuation as outlined in the attached Report (Appendix 2).

The reasons for recommended decision

The reasons for approving the request to declare the property surplus to the Council requirements are:

1. To secure a disposal of the site and achieve a capital receipt for the Council.

PURPOSE

This report is to ensure that a proper and reasonable decision can be taken on the above proposal and

- (a) contains and/or appends all the information necessary to make a proper decision;
- (b) contains or appends all the advice given in relation to the proposal; and
- (c) has been prepared in accordance with the Council Scheme of Delegations

BACKGROUND

1. Wedal Road HWRC in Cathays is a Council owned property historically utilised as a Household Waste Recycling Centre and is currently used by Environment for this purpose. (Shown edged red on plan - Appendix 3)

2. The Council is committed through the Corporate Property Strategy 2015-2020 to pursue and identify opportunities to modernise the estate, reduce running costs, reduce the maintenance backlog, use space more efficiently and generate capital receipts through the disposal of surplus assets.
3. The property was originally identified for closure as part of the Cabinet Report of 16th July 2015 'New Household Waste Recycling Centre and ReUse Facility'. The closure was confirmed by Cabinet following call-in on 1st October 2015. The property is now able to be vacated and released for disposal.
4. The property has been scheduled for disposal in the 2017/2018 programme and has been reviewed at Asset Management Board and Asset Management Working Group throughout 2017/18 and no alternative operational uses have been determined.
5. The site will be sold to Cardiff & Vale University Local Health Board at the price within the Heads of Terms as set out in the confidential Appendix 1.
6. It has been agreed that The Council and the proposed purchaser will jointly commission an independent valuation under the NAWG Land Transfer Protocol to validate the sale/purchase price.

ISSUES

7. The Cardiff & Vale University Local Health Board is in the process of progressing plans for the development of services at UHW in line with their strategy, Shaping Our Future Wellbeing. The land would be used to support this work, with likely uses including doctor and visitor accommodation.
8. The site is located in a prosperous residential area of Cardiff, within close proximity to Heath Hospital. The purchasers are keen to secure this site due to its location and are willing to proceed on an unconditional basis.
9. It is, therefore, recommended that a sale to Cardiff & Vale University Local Health Board on the terms as set out in Appendix 1.

RESOURCE REQUIREMENTS

10. There are no resource requirements for the disposal of the afore-mentioned property. All costs will be met from the sale price of the property. All HR matters relating to the facility closure is a separate matter.

CONSULTATION REQUIREMENT

11. The disposal of the site to Cardiff & Vale University Local Health Board as a sole bidder accords with Welsh Government's guidance entitled Estate Co-ordination and Land Transfer Protocol.
12. The original rationalisation plan was dealt within a separate report. The proposal does not require the carrying out of consultation under statute or at law or by reason of some promise or undertaking previously given by or on behalf of the Authority.

CONSULTATION EXERCISE AND OUTCOME

13. Local Ward Members were notified of the decision to declare the property surplus in February 2016 and raised no objections to the disposal of the property.

ADVICE

14. The following advice has been sought on the proposal

Nature of advice: Finance

Disposal of the site will generate a capital receipt towards targets set in the capital programme. A prompt disposal should take place to minimise the costs of maintaining the property whilst vacant.

Responding officer: Anil Hirani

Date given: 6th February 2018

Nature of advice: Legal

The Council is required to obtain the best consideration reasonably obtainable from its property disposals pursuant to section 123 of the Local Government Act 1972.

Responding officer: Geoff Shimell

Date given: 25th January 2018

BACKGROUND PAPERS

15. The following are the background papers:

Appendix 1 – Heads of Terms- Not for publication

Appendix 2 – Disposal Proforma & Valuation – Not for publication

Appendix 3 – Site Plan

Signature: 

Designation: OPERATIONAL MANAGER
STRATEGIC ESTATES

Report date: 7th February 2018 Report Reference SED /PR/29303_00

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By virtue of paragraph(s) 14, 21 of Part(s) 4 and 5 of Schedule 12A of the Local Government Act 1972.

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OFFICER DECISION

DECISION UNDER THE COUNCIL

The delegations to be exercised are numbered DE1 in the Council Scheme of Delegation

TITLE OF REPORT: Disposal of Wedal Road HWRC, Cathays, Cardiff

Appendices 1 & 2 of the report are not for publication as they contain exempt information of the description in paragraph 14 of Part 4 and paragraph 21 of part 5 of Schedule 12A of the Local Government Act 1972.

DECISION:

1. To dispose of the property by way of an off market sale to Cardiff & Vale University Local Health Board at a price defined by the independent valuation as outlined in the attached Report (Appendix 2).

REASON FOR DECISION:

1. To secure a disposal of the site and achieve a capital receipt for the Council.

- (a) The answer is "Yes" to each and every question in the current Report Verification Rules.
- (b) I have read and taken into account the attached report bearing reference SED /PR/29303_00 dated 7th February 2018 the documents appended to it and all other material considerations; and
- (c) I have made the decision set out above for the reason(s) stated in exercise of powers delegated made to me under and in accordance with the Council Scheme of Delegations

Signed:

N. Hanrahan

Designation:

DIRECTOR OF ECONOMIC DEVELOPMENT

Date:

20th MARCH 2018

A copy of this decision must be sent as follows:

- (a) in the case of an Executive decision by the Chief Executive or a Corporate Director to the Head of Executive Business
- (b) in the case of a Council decision by the Chief Executive or a Corporate Director to the Clerk to the Council
- (c) in the case of a decision by any other officer to the person designated in accordance with the procedure of the relevant service area
- (d) where there are budgetary implications to the Chief Financial Services Officer

For Executive Business Office use:

Received on..... (date).

Decision allocated reference:



Decision details

Disposal of Wedal Road HWRC, Cathays, Cardiff

Decision Maker: Director of Economic Development

Decision status: Recommendations Approved

Is Key decision?: Yes

Is subject to call in?: Yes

Decision:

Appendices 1 & 2 of the report are not for publication as they contain exempt information of the description in paragraph 14 of Part 4 and paragraph 21 of part 5 of Schedule 12A of the Local Government Act 1972.

AGREED: the property be disposed of by way of an off market sale to Cardiff & Vale University Health Board at a price defined by the independent valuation as outlined in the attached Report (Appendix 2).

Reasons for the decision:

To secure a disposal of the site and achieve a capital receipt for the Council.

Publication date: 20/03/2018

Date of decision: 20/03/2018

Effective from: 30/03/2018

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Terms of Reference: Policy Review & Performance Scrutiny Committee

To scrutinise, monitor and review the overall operation of the Cardiff Programme for Improvement and the effectiveness of the general implementation of the Council's policies, aims and objectives, including:

- Council Business Management and Constitutional Issues
- Cardiff Council Corporate Plan
- Strategic Policy Development
- Strategic Programmes
- Community Planning and vision forum
- Voluntary sector relations
- Citizen Engagement & Consultation
- Corporate Communications
- Contact Centre Services and Service Access
- International Policy
- Cardiff Local Development Plan
- Equalities
- Finance and Corporate Grants
- Organisational Development
- Cardiff Efficiencies Programme
- E-Government
- Information and Communication Technology
- Council Property
- Commissioning and Procurement
- Carbon Management
- Legal Services
- Public Services Board

To scrutinise, monitor and review the effectiveness of the Council's systems of financial control and administration and use of human resources.

To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, joint local government services, Welsh Government Sponsored Public Bodies and quasi-departmental non-governmental bodies on the effectiveness of Council service delivery.

To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance and service delivery in this area.

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