

# Appendix 3

# Strategic Policy and Resources Committee

Friday, 21st January, 2011

## MEETINGS OF STRATEGIC POLICY AND RESOURCES COMMITTEE

**Members present:** Councillor J. Redden (Chairman) (to the Chair),  
The High Street Councillor Accounting and  
Councillors: Anwar, M. E. Evans, M. Campbell,  
G. Hill, Hanley, Macdonald, R. Kelly, Lavery, McCarthy,  
Mulligan, O'Falla & Robinson, Railway and Street.

**In attendance:** Mr. B. McNamara, Chief Executive,  
Mr. C. Duggan, Assistant Chief Executive,  
Mr. G. Miller, Director of Property and Planning,  
Mrs. J. Thompson, Director of Finance and Resources,  
Mr. S. McNary, Democratic Services Manager, and  
Mr. J. Harris, Senior Democratic Services Officer.

### Apologies

Apologies for inability to attend were accepted from the Chairman, Councillor  
Conor and Councillor Hanley.

### Minutes

The minutes of the meeting of 10th December were taken as read and signed as  
correct. It was reported that these minutes had been agreed by the Council at its  
meeting on 6th January, subject to:

- (i) the omission of the minute under the heading 'Land at McClure  
Street' which, at the request of Councillor Hanley, had been taken  
back to the Committee for further consideration; and
- (ii) the membership of the Working Group to be extended in relation to  
the Consideration of a Report of Councillors being extended to  
include a representative of the Progressive Unionists (P.U.).

### Land at McClure Street

The Committee considered a further report in relation to the disposal of land at  
McClure Street, a copy of which is set out hereunder:

“1 Relevant Background Information

- 1.1 The Strategic Policy & Resources Committee, at their meeting on 10 December 2010 granted approval to land at McClure Street being marketed, free of restrictions as to future use and on the basis that any disposal was time bound. However at full Council on 5 January 2011 the matter was referred back to the Strategic Policy & Resources Committee.
- 1.2 A copy of the previous Strategic Policy & Resources Committee report, which outlines the relevant background, a summary of all the previous Committee decisions, key decisions and details of potential options has been circulated.
- 1.3 It should be emphasised that the key issue affecting the future use of this land is its planning designation. Furthermore the key issue to be considered in deciding how the Council deals with any disposal of the land relates to the Council's legislative requirement to obtain best price as set out in the Local Government Act (NI) 1972.
- 1.4 The previous report highlighted that in order to comply with the LGA (NI) 1972 best price obligation there should be no restriction given as to the future use for social housing. If the use was restricted to any one particular use this would not allow for any other potential uses and could therefore restrict value and hence potentially not accord with the best price statutory requirement.
- 1.5 It is important to note that there have been various audit reports in respect of land disposal issues at other Councils. These have highlighted the legislative requirement to obtain best price, best rent or otherwise best terms in the disposal of land, where the consent of the DOE is not sought. In order to demonstrate that best price is being established the view is that the land should normally be subject to marketing, subject to certain exceptions. Open competition is normally seen as the most effective way to demonstrate that best price is being established.
- 1.6 In the current case with McClure Street, the recommended option for the Council to take in order to comply with its legislative requirements and to demonstrate that best price is being obtained is to advertise the land for sale on the open market free of restrictions as to future use. Otherwise the consent of the DOE will be required. Any interested parties are free to make a bid accordingly. To do otherwise could leave the Council open to challenge.
- 1.7 The previous Committee reports sets out the planning issues which essentially indicate that any proposed development would have to bring substantial community benefit to outweigh the loss of open space.

## 2 Key Issues

### 2.1

- Legislative requirement under the Local Government Act (NI) 1972 to obtain best price, best rent or otherwise best terms in the disposal of land, where the consent of the DOE is not sought.
- Restrictions on the future use of the land when marketing could restrict the value and potentially not comply with the best price legislative requirements.
- In order to demonstrate that best price is being obtained and to not leave the Council open to challenge, the land should be openly marketed and any interested parties can bid accordingly.
- Planning restrictions would indicate that any proposed development would have to bring substantial community benefit to outweigh the loss of open space.

## 3 Resource Implications

3.1 As set out in the previous report.

## 4 Equality and Good Relations Considerations

4.1 None at this time.

## 5 Recommendations

5.1 Members are recommended to approve that the land at McClure Street is marketed, free of restrictions as to future use and on the basis that any disposal is time bound. A report will be brought back to advise on the marketing price and to advise of any DSD requirements in release of the restrictive covenant.

## 6 Decision Tracking

Director of Property & Projects to bring a report back to Committee within 2 months to advise re marketing.

## 7 Key to Abbreviations

dBMAP: Draft Belfast Metropolitan Area Plan”



After discussion, it was

Moved by Councillor McCarthy,  
Seconded by Councillor N. Kelly,

That the Committee agrees to affirm its decision of 10th December to advertise the site for sale on the open market, free of restrictions as to future use.

**Amendment**

Moved by Councillor McVeigh,  
Seconded by Councillor Hartley,

That the Committee agrees to retain the land in Council ownership and that consultation with the local communities be undertaken to ascertain proposals for its future use.

On a vote by show of hands five Members voted for the amendment and eleven against and it was accordingly declared lost.

The original proposal standing in the name of Councillor McCarthy and seconded by Councillor N. Kelly was thereupon put the meeting when eleven Members voted for and five against and it was accordingly declared carried.

**Finance**

**Financial Estimates and Taxation Page 211/112**

The Committee was reported that at its meeting on 15<sup>th</sup> January 2011 agreed the cash limits for each of the Committees as follows:

| Committee                         | £          |
|-----------------------------------|------------|
| Strategic Policy and Resources    | 31,557,500 |
| Health and Environmental Services | 40,825,430 |
| Public and Leisure                | 22,244,255 |
| Development                       | 15,800,734 |

The Deputy of Finance and Resources reported that, since that meeting, each of the Committees had considered and agreed its financial Estimates in line with the aforementioned cash limits. Based on the Estimated Penny Payment of 04,308.172 which had been provided by Land and Property Services, that under the 10% Rate increase would be 4,741.189 and would result in a Domestic Rate of 0.3022 pence and a Non-Domestic Rate of 36.2244 pence. The summary of the key elements of the Council's Finance for the next financial year, as agreed by the Committee, would be as follows: