



URGENT BUSINESS

WEDNESDAY, 6 SEPTEMBER 2006

Please find enclosed Urgent Business Notices in connection with the following:

1. **URGENT BUSINESS - 46 - 48 MARKET STREET CARNFORTH (Pages 1 - 10)**

The Chief Executive (in consultation with the relevant Committee Chairman – Cabinet Portfolio holder) has been asked and has agreed to make a decision in accordance with the City Council's Urgent Business Procedure.

Details of the above decision and the reasons for urgency are set out in the attached Notice.

Additionally the Chief Executive (in consultation with the Chairman of the Overview and Scrutiny Committee) has been asked and has agreed to waive call-in in accordance with the Overview and Scrutiny Committee Procedure Rule 17(a). The Chairman of the Overview and Scrutiny Committee was in agreement with the decision to waive call-in.

Queries regarding these documents

Please contact Jon Stark, Democratic Services - telephone (01524) 582132 or email jstark@lancaster.gov.uk.

Gillian Noall
Head of Democratic Services
Town Hall,
Lancaster LA1 1PJ

Published on Wednesday, 6th September 2006

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Individual Cabinet Member Decision

Carnforth Council Offices, 46 / 48 Market Street, Carnforth

August 2006

Report to Councillor Stone

PURPOSE OF REPORT					
To obtain approval to delegate the setting of the auction reserve to the Head of Property Services					
Key Decision		Non-Key Decision	X	Referral from Cabinet Member	
This report is public					

1. RECOMMENDATIONS OF OFFICER

To delegate to the Head of Property Services authority to fix the auction reserves in conjunction with the Auctioneer and to agree to the payment of the auctioneers fees and to authorise the relevant officers to complete the sale.

2. Introduction

Cabinet resolved at its meeting on the 25th of April 2006 that a 125 year leasehold interest in Carnforth Council Offices, 46 – 48 Market Street, Carnforth be sold at auction (Minute No. 181 refers).

3. Proposal Details

Pugh & Company has been selected as auctioneers, as they are holding a commercial property auction on 6th of September 2006. (They have been previously used for the sale of a number of Council premises during recent years.) The basis for their fees is £500 plus VAT per property for a page entry in the auction catalogue, plus a sale charge of £250 plus VAT for each property.

It is necessary to specify a reserve price, below which the auctioneer is not authorised to sell the property. It is suggested that the level of the auction reserve be delegated to the Head of Property Services, in consultation with the auctioneer. This needs to be set at a realistic level, to ensure a sale takes place. Occasionally properties entered for auction sell prior to auction, i.e. where the auctioneer receives a realistic offer. The auctioneer effectively acts as the Council's agent. There is also a risk that bids may not reach the reserve, and property may not sell. Some flexibility may be needed at and immediately before the auction itself, so delegated authority is sought for the Head of Property Services in these circumstances.

4. Details of Consultation

No consultation has taken place.

5. Options and Options Analysis (including risk assessment)

- (a) To delegate to the Head of Property Services authority to fix the auction reserve in conjunction with the Auctioneer, to agree to the payment of the auctioneers fees and to authorise the relevant officers to complete the sale. This would be in accordance with the Council's approval to dispose of property.
- (b) Not to sell the property. This would not be accordance with the Council's approval to dispose of the premises.

6. Officer Preferred Option and Comments

Option (a) is preferred for the reasons outlined above. To delegate to the Head of Property Services authority to fix the auction reserve in conjunction with the Auctioneer, to authorise payment of the auctioneers fees and to authorise the relevant officers to complete the sale.

7. Conclusion

That Members delegate to the Head of Property Services to fix the auction reserve and complete the sale.

RELATIONSHIP TO POLICY FRAMEWORK

There is no specific relationship to the policy framework.

**CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability etc)**

This report raises no implications.

FINANCIAL IMPLICATIONS

Should the property be sold then it would generate a capital receipt. Whilst the property has been recently valued, the auction sale will determine the actual market value. The current capital programme does not reflect any receipts for the sale of the above property, if and when a receipt is received it will be incorporated into the overall financing of the programme at the earliest opportunity.

SECTION 151 OFFICER'S COMMENTS

The Deputy Section 151 Officer has been consulted and has no further comments to add

LEGAL IMPLICATIONS

Legal Services have been consulted and would further advise that as the contract for sale is required to be signed away from Council offices in accordance with Article 14 of the Constitution, the Chief Executive will need to authorise two officers attending the auction to sign the contract of sale.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

Exempt

Contact Officer: Ann Wood
Telephone: Ext 2506
E-mail: awood@lancaster.gov.uk

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Contact: Chief Executive
Telephone: (01524) 582011
Fax: (01524) 582161
Minicom: (01524) 582175
E-mail: MCullinan@lancaster.gov.uk
Our reference: CE/JS/UB40
Your reference:

CHIEF EXECUTIVE

Councillor Ian Barker,
Leader of Cabinet.

Town Hall
Dalton Square
Lancaster
LA1 1PJ

DX 63531

30th August 2006

Dear Councillor Barker,

URGENT BUSINESS – 46 – 48 MARKET STREET, CARNFORTH

You are requested to consider giving approval for the Head of Property Services to be authorised:

- (1) to fix the auction reserves in conjunction with the Auctioneer
- (2) to agree the payment of the Auctioneer's fees
- (3) to authorise the relevant officers to complete the sale.

The urgency for this decision is that the Auction takes place on 6th September 2006 and the next publication of Individual Cabinet member Decisions is not until 7th September 2006. It is therefore impracticable to defer the decision until the next publication date.

The approval of the Chief Executive in consultation with the Chairman of the Overview and Scrutiny Committee has been sought to this action in accordance with Overview and Scrutiny Committee Procedure Rule 17(a). Please note that this is subject to your agreement to the proposal.

Please note that the agreement of the Cabinet Member with Special Responsibility has been obtained but this is subject to your agreement. Please complete and return it to the Town Hall as soon as possible. In the meantime, could you please telephone James Doble on 582057, or e-mail jdoble@lancaster.gov.uk, with your decision.

Yours sincerely,

CHIEF EXECUTIVE

Enc.

URGENT BUSINESS – 46 – 48 MARKET STREET, CARNFORTH

Councillor Consultation

*I am/~~am not~~ (***please delete as appropriate**) in agreement with the recommendations:

- 1) To give approval to the Head of Property Services being authorised:
 - to fix the auction reserves in conjunction with the Auctioneer
 - to agree the payment of the Auctioneer's fees
 - to authorise the relevant officers to complete the sale.

Signed: Ian Barker

Name: Councillor Ian Barker

Position Held: Leader of the Council

Dated: 31/08/06

Chief Executive Decision

*I agree/~~do not agree~~ (***please delete as appropriate**) to exercise my delegated authority and give approval:

- 1) To give approval to the Head of Property Services being authorised:
 - to fix the auction reserves in conjunction with the Auctioneer
 - to agree the payment of the Auctioneer's fees
 - to authorise the relevant officers to complete the sale.

Signed: Mark Cullinan

Chief Executive

Dated: 05/09/06

Please return to: James Doble,
Democratic Services,
Town Hall,
Dalton Square,
LANCASTER. LA1 1PJ

Ref: UB40

**EXECUTIVE DECISIONS TAKEN BY CABINET PORTFOLIO HOLDER OR DELEGATED OFFICER
NOTICE OF DECISION**

THIS SECTION TO BE COMPLETED BY THE PORTFOLIO HOLDER AND CONTACT OFFICER

TITLE OF DECISION: CARNFORTH COUNCIL OFFICES, 46 – 48 MARKET STREET, CARNFORTH			
NAME OF DECISION TAKER:	COUNCILLOR A STONE		
POSITION AND RESPONSIBILITY HELD:	CABINET MEMBER WITH RESPONSIBILITY FOR INTERNAL AFFAIRS		
CONTACT OFFICER:	ANN WOOD		
TELEPHONE:	582506		
E-MAIL:	awood@lancaster.gov.uk		
Details of Decision:			
That in respect of 46/48 Market Street, Carnforth the Head of Property Services be authorised: (1) to fix the auction reserves in conjunction with the Auctioneer (2) to agree the payment of the Auctioneer's fees (3) to authorise the relevant officers to complete the sale.			
Reasons for the decision (continue on separate sheet or append relevant papers as necessary):			
Having resolved to sell the 125 year leasehold interest in Carnforth Council Offices, 46 – 48 Market Street, Carnforth at auction, Auctioneers have been selected and this decision allows the Head of Property Services to proceed and complete the sale.			
IS THE DECISION URGENT: NO			
I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW & SCRUTINY PROCEDURE RULES)			
SIGNATURE OF OVERVIEW & SCRUTINY CHAIR:			
I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above.			
SIGNATURE OF DECISION TAKER:	Cllr A. Stone		
DATE:	25 th August 2006		
<i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i>			REF NO.
			PD138
DATE DECISION TAKEN:	25 th August 2006	DATE RECEIVED BY DEMOCRATIC SERVICES:	29 th August 2006
DATE DECISION PUBLISHED:	6 th September 2006	IMPLEMENTATION DATE (publication day + 5 working days):	6 th September 2006

A copy of the report considered by the decision taker should be appended to this form and forwarded immediately to Democratic Services on completion.

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Contact: Chief Executive
Telephone: (01524) 582011
Fax: (01524) 582161
Minicom: (01524) 582175
E-mail: MCullinan@lancaster.gov.uk
Our reference: CE/JS/UB40
Your reference:

CHIEF EXECUTIVE

Councillor Stuart Langhorn,
Chairman of the Overview and Scrutiny Committee.

Town Hall
Dalton Square
Lancaster
LA1 1PJ

DX 63531

30th August 2006

Dear Councillor,

URGENT BUSINESS – 46 – 48 MARKET STREET, CARNFORTH

You are requested to consider giving approval for the Head of Property Services to be authorised:

- (1) to fix the auction reserves in conjunction with the Auctioneer
- (2) to agree the payment of the Auctioneer's fees
- (3) to authorise the relevant officers to complete the sale.

In accordance with the Council's Urgent Business Procedure, details of which are set out within the attached report.

The urgency for this decision is that the Auction takes place on 6th September 2006 and the next publication of Individual Cabinet member Decisions is not until 7th September 2006. It is therefore impracticable to defer the decision until the next publication date.

The approval of the Chief Executive has been sought to this action in accordance with Overview and Scrutiny Committee Procedure Rule 17(a). Please note that the agreement of the Cabinet Member with Special Responsibility has been obtained but this is subject to the agreement of the Leader of Cabinet.

I would be grateful if you could consider the immediate implementation of this course of action subject to the agreement of the Chief Executive to waive the right of call-in, in accordance with Overview and Scrutiny Committee Procedure Rule 17(a). Please complete the attached slip signifying your decision and return it to the Town Hall as soon as possible. In the meantime, could you please telephone James Doble on 582057, or e-mail jdoble@lancaster.gov.uk, with your decision.

Yours sincerely,

CHIEF EXECUTIVE

Enc.

Mark Cullinan – Chief Executive

U URGENT BUSINESS – 46 – 48 MARKET STREET, CARNFORTH

*I agree/~~do not agree~~ (***please delete as appropriate**) to this matter being treated as a matter of urgency in accordance with Overview and Scrutiny Committee Procedure Rule 17(a) and therefore not being subject to call-in.

Signed: Stuart Langhorn

Dated: 31/08/06

Please return to: James Doble,
Democratic Services,
Town Hall,
Dalton Square,
LANCASTER. LA1 1PJ

Ref: UB40