

Subject:	New England House & Longley Industrial Estate		
Date of Meeting:	17 March 2016		
Report of:	Executive Director Environment, Development and Housing		
Contact Officer:	Name:	Bob Bruce	Tel: 29-1518
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Ward(s) affected:	St Peters and North Laine		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The purpose of this report is to rescind a decision made by Policy & Resources Committee at its meeting of 3rd December 2015.

2. RECOMMENDATIONS:

- 2.1 That the committee agrees that the decision made on 3rd December 2015 in respect of the proposed development of the New England House (“NEH”) and Longley Industrial Estate sites is rescinded and notes that a further report will be brought to committee in due course.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The previous report is attached as Appendix 1 and the minutes of the 03.12.15 meeting are attached as Appendix 2.
- 3.2 That report indicated the position at that time with regard to an offer that had been made for the acquisition of a leasehold interest in the Council’s property that would facilitate a development that would see realisation of a key element of the Council’s vision for the New England Quarter. Members will recall that the report raised the possibility that the Council might need to utilise its statutory powers to aid land assembly as a last resort but that a further report would be brought back to Committee before invoking these powers. Members were advised of various letters received prior to the December meeting and that there were Part II confidential discussions regarding the issues raised therein.
- 3.3 The holder of an existing leasehold interest in the site, Maplebright, has expressed concern as to the resolutions taken by the Committee and, notwithstanding that the Deputy Head of Legal Services has written to provide clarification of the basis of these decisions, Maplebright is seeking leave to judicially review the December decision and have it quashed.

- 3.4 Counsel's advice has been sought and given. In summary his advice is that there is a strong likelihood that leave for review could be granted, as at the leave stage Maplebright need only show that there are reasonable arguments which need to be defended and responded to by the Council. Were leave to be granted the Council would be embroiled in expensive and lengthy litigation that would be detrimental to bringing forward the regeneration of the New England Quarter in a timely manner. Although counsel has also advised that in his opinion the Council would eventually win on the merits of the case, in which event the December decision would not be quashed, he has also advised on the pragmatic option of simple rescission as per this report. He has had sight of and commented on earlier drafts of this report.
- 3.5 It is therefore proposed that the earlier decision is revoked and that in due course a further report is presented to committee as to the appropriate way forward.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The alternative option of defending the decision and fighting the judicial all of the way has been considered. This is not the preferred option as (a) the outcome remains uncertain, (b) what is certain is that judicial review proceedings are expensive and time consuming and (c) the door remains open for the Council to revisit the way forward to achieve the proposed development .
- 4.2 If the recommendation is agreed officers will consider the appropriate way forward and present a further report in due course.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Stakeholder consultation, including engagement with current tenants in NEH will be an integral element in working towards achieving appropriate development.

6 CONCLUSION

- 6.1 The preferred option is rescission now and subsequent consideration of how best to achieve appropriate development on the site..

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The decision to rescind the previous report has been taken in order to prevent potential high legal costs being incurred by the council should a judicial review proceed. The cost of counsel advice has been met from the council's existing project support budget.
- 7.2 At this point in time there are no know financial consequences of rescinding the decision of the previous report to Policy & Resources and any financial

consequences associated with this decision either for the Council or Maplebright will be included within the updated report to Policy & Resources.

Finance Officer Consulted: Rob Allen

Date:08 /03/16

Legal Implications:

- 7.3 This report has been written by a Council lawyer with the benefit of counsel's advice and legal implications are generally included in the body of the report.

Lawyer Consulted:Bob Bruce 25.02.16

Equalities Implications:

- 7.4 None arising at this time.

Sustainability Implications:

- 7.5 Any proposed development will need to comply with sustainability requirements.

8. Corporate / Citywide Implications:

- 8.1 Securing additional employment development on the New England House and Longley sites remains a long-standing strategic employment objective in the city.

SUPPORTING DOCUMENTATION

Appendices:

1. Report to 3rd Dec 2015 committee.
2. Minutes relating to the report.