

# ***Report to the Council***

**Committee: Cabinet**

**Date: 29<sup>th</sup> June 2010**

**Subject: Legal and Estates**

**Portfolio Holder: Cllr Lesley Wagland**

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## **Recommending:**

That the report of the Legal and Estates Portfolio Holder be noted

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This is my first report as portfolio holder for Legal and Estates. The Council and I have benefited enormously from all the enthusiasm, hard work and great good humour that my predecessor, Mitch Cohen, brought to the role. I hope to follow in his footsteps on those values, though I am sure Council will share my view that his style was inimitable!

As I get to grips with the areas I am responsible for it is clear that my remit is both supportive of and essential to the many projects and initiatives which my fellow Portfolio Holders will refer to during the year.

## **Legal**

Working closely with officers from Finance and Human Resources the Council's legal team were able to resist an Employment Tribunal application which had alleged age and race discrimination. The claimant applicant had been interviewed for two posts in council tax. There were better candidates who scored higher in the set test and the applicant did not perform well at interview. Unsurprisingly, he was not appointed. The case took one and a half days and two witnesses were called on the Council's behalf. The procedures for interviewing were scrutinised and found to have been properly applied. It is unusual in employment cases for costs to be awarded- however the tribunal ordered the applicant to pay a contribution of £1000 towards the Council's costs.

## **Estates and Valuation**

There are also areas of important income generation within the portfolio- in particular Estates & Valuation.

The Council's operational and non-operational land and properties (excluding HRA Housing Stock) has a current book value of around £76.82 million. This is composed of approximately £38.28 million operational and £38.54 million non-operational land and buildings.

Annual income generated from the non operational properties is approximately £3.9 million per annum

An external review of the section carried out by CIPFA last year identified that the size and breadth of the commercial portfolio was comparable to a number of City

Councils /London Boroughs and that the size of the Council's Estates and Valuation team managing the portfolio was below similar team levels in other comparable Councils.

Looking more closely at the report I am struck by the diversity of landholdings within the Council's ownership/management.

The Estates and Valuation section manage 296 non operational properties consisting of:

- Shops (some with associated flats) - 136
- Public Houses - 6
- Workshop Units - 18
- Doctors/Dentist Surgeries - 5
- Petrol Filling Station - 1
- Tennis Centre - 1
- Retail Warehouse - 1
- Commercial Starter Units - 67
- Airfield with commercial lettings and retail market - 1
- Industrial Premises - 56
- Business Park - 1
- Golf Course - 1
- Football Ground - 1
- Supermarket and Associated Shops - 1

In addition the portfolio has 6 superloos located at:

- Bakers Lane, Epping
- Brook Path, High Street, Loughton
- Quaker Lane, Waltham Abbey
- Vere Road, Debden
- Queens Road, Buckhurst Hill
- Traps Hill Car Park, Loughton

and a traditional toilet at High Beech.

I have been offered a familiarisation tour of these various areas -I think I may start with a pub.

In addition, there are some large development projects in the pipeline- including the potential redevelopment of Langston Road Depot site. This is a key project within the Cabinet objectives which requires relocation of various current users and careful consideration of the various options for future use of the site. It involves officers from across all the service areas as it has the potential to improve future income, employment and transport prospects.

The Estates and Valuation section is a small, professional unit which uses external expertise when that is justified. I am particularly pleased that, with an eye to the future, the section has recruited a trainee graduate who joined us from Anglia Ruskin University with a first class honours degree in Real Estate Management.

### **Local Land Charges**

My first Cabinet report highlighted the potential impact of the Environmental Information Regulations upon the recently introduced charging regime for local land

charges searches. The Council is not currently allowed to do more than break even over a three year period.

The concern is that if the majority of information which must be provided is deemed 'environmental' in its widest sense, then the Council will be unable to charge for accessing it. Councils across the country are considering the budgetary and other implications of this. The Local Government Association is seeking further Counsel's advice and I have indicated that I will keep you all aware of the position as it becomes clearer.