

**Cabinet - Thursday, 20 December 2018**

**At: Council Chamber, Guildhall, Swansea**

**Time: 10.00 am**

**Page No.**

**13. Amended Report - Proposed Appropriation of 21 Acacia Road,  
West Cross, Swansea.**

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# Agenda Item 13.

## Amended Report



### Report of the Cabinet Member for Business, Transformation and Performance

Cabinet – 20 December 2018

## Proposed Appropriation of 21 Acacia Road, West Cross, SA3 5LF

<b>Purpose:</b>	To decide whether the property 21 Acacia Road, West Cross, SA3 5LF should be appropriated under s122 Local Government Act 1972 for the purposes of Housing. The land proposed to be appropriated is currently held by the Council as social services land and is considered to be surplus to requirements for those purposes.
<b>Policy Framework:</b>	Council Constitution
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:  1) Cabinet notes that the property identified on the plan at Appendix B is surplus to requirements and no longer required for social services purposes  2) The property identified above is appropriated under s122 Local Government Act 1972 for the purposes of Housing, namely the provision of two or possibly 3 units of council housing.
<b>Report Author:</b>	Richard John
<b>Finance Officer:</b>	Jayne James / Ben Smith
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Catherine Window

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## 1. Introduction

- 1.1 There is no delegated authority for the appropriation of a surplus property between departments. Consequently, Cabinet approval is required.

## 2. Background

- 2.1 **David Howes, Director of Social Services** has declared 21 Acacia Road surplus to Social Services operational requirements and consequently, it is scheduled for disposal. **(Appendix A)**.

- 2.2 As part of implementing the optimal model for adult social care in Swansea, services have been remodelled to focus on:

- Short term support that promotes prevention, rehabilitation, recovery and progression.
- Long term support for individuals with complex needs.
- Respite for carers.

In order to deliver this transformed model, services were best delivered from particular sites and as such, Acacia Road became surplus to requirements.

- 2.2 In turn, **Mark Wade, Head of Housing and Public Health** has confirmed that the Housing Department wishes to adapt the building to provide two or possibly 3 units of Council Housing to satisfy demand in this geographic location **(Appendix B)**.

## 3. General Issues

- 3.1 It is agreed between the services that the proposed appropriation would take place at Market Value.

- 3.2 Market Value is accepted as being £170,000-£185,000, depending on whether any additional Social Services owned land is required to provide on-site car parking. The need for additional land and therefore, the final price, is yet to be determined.

- 3.3 The terms of the prospective acquisition will be in accordance with the principles of best value.

- 3.4 The Director of Place certifies that he is satisfied that the property represents a reasonable proposition for purchase at the provisionally agreed price.

## 4. Equality and Engagement Implications

- 4.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

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- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

- 4.2 An EIA screening form has been completed and reviewed (**Appendix C**). The agreed outcome was that a full EIA report was not required as there are no equalities and engagement implications at this time. Any developments will be subject to normal planning procedures.

### 5. Financial Implications

- 5.1 The Housing Department have advised that the proposed purchase is within the budgetary constraints previously agreed for them by Cabinet and that they have a budget in place to complete the proposed purchase.
- 5.2 The capital receipt is not “ring fenced” for any specific purpose and will therefore be allocated to the General Fund.
- 5.3 There are no further financial implications associated with this report.

### 6. Legal Implications

- 6.1 Section 122(1) of the Local Government Act 1972 provides that a principal council may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation.
- 6.2 The key procedural points are;
1. The land must already belong to the Council;
  2. The land must be no longer required for the purpose for which it is currently appropriated; and
  3. The purpose for which the Council is appropriating must be authorised by statute.

The case of *Dowty Boulton Paul v Wolverhampton Corporation* (1973) established that the local authority is the sole judge of whether or not the land in question is not required for the purpose for which it is held immediately before the appropriation and its decision cannot be challenged in the absence of bad faith.

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The Council must be able to demonstrate the purpose for the appropriation and that it has taken all the relevant considerations into account and not taken any irrelevant considerations into account.

The Council's decision must be based on the available evidence and be rational in the sense that it cannot be said that no reasonable local authority could, on the evidence before it, have arrived at that decision: *Associated Provincial Picture Houses Ltd v Wednesbury Corporation* (1948) 1 KB 223).

The proposal to appropriate must be the subject of a report and decision record or minute, which should evidence that the Council intends to formally appropriate the land under s.122 of the Local Government Act 1972. It must also be recorded that the land is no longer required for the purpose for which it is currently appropriated.

**Background Papers:** None

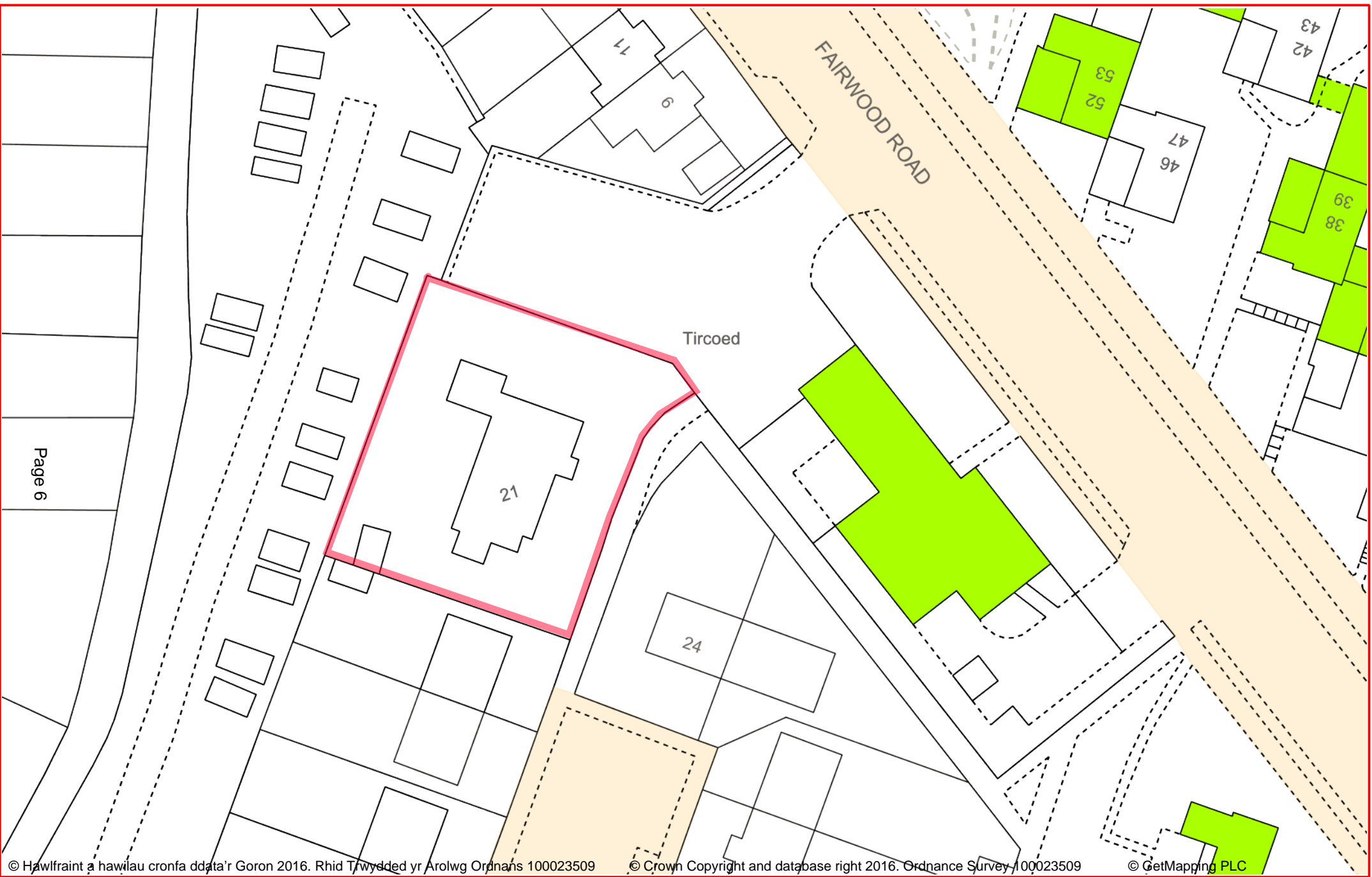
**Appendices:**

Appendix A: Site Photo

Appendix B: Site Plan

Appendix C: EIA Screening Form





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**City and County of Swansea**



21 Acacia Road, West Cross

Former social services building

Scale: 1:500

Date: 30/09/2016

Created by: Richard.John

This plan is for illustrative purposes only and should not be used as a legal document.

# Equality Impact Assessment Screening Form

**Please ensure that you refer to the Screening Form Guidance while completing this form. If you would like further guidance please contact your directorate support officer or the Access to Services team (see guidance for details).**

## Section 1

Which service area and directorate are you from?

Service Area: CORPORATE PROPERTY

Directorate: PLACE

### Q1(a) WHAT ARE YOU SCREENING FOR RELEVANCE?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### (b) Please name and describe below

Appropriation of a vacant surplus property from Social Services to Housing

### Q2(a) WHAT DOES Q1a RELATE TO?

Direct front line service delivery	Indirect front line service delivery	Indirect back room service delivery
<input checked="" type="checkbox"/> (H)	<input type="checkbox"/> (M)	<input type="checkbox"/> (L)

### (b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?

Because they need to	Because they want to	Because it is automatically provided to everyone in Swansea	On an internal basis i.e. Staff
<input type="checkbox"/> (H)	<input type="checkbox"/> (M)	<input type="checkbox"/> (M)	<input checked="" type="checkbox"/> (L)

### Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING...

	High Impact (H)	Medium Impact (M)	Low Impact (L)	Don't know (H)
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any other age group (18+)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Q4 HAVE YOU / WILL YOU UNDERTAKE ANY PUBLIC CONSULTATION AND ENGAGEMENT RELATING TO THE INITIATIVE?

YES       NO (If NO, you need to consider whether you should be undertaking consultation and engagement – please see the guidance)

If yes, please provide details below



# Equality Impact Assessment Screening Form

**Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?**

High visibility <input type="checkbox"/> (H)	Medium visibility <input type="checkbox"/> (M)	Low visibility <input checked="" type="checkbox"/> (L)
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**(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL'S REPUTATION?**  
*(Consider the following impacts – legal, financial, political, media, public perception etc...)*

High risk <input type="checkbox"/> (H)	Medium risk <input type="checkbox"/> (M)	Low risk <input checked="" type="checkbox"/> (L)
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**Q6 Will this initiative have an impact (however minor) on any other Council service?**

Yes       No      **If yes, please provide details below**

It will provide additional Council Housing for rent.

**Q7 HOW DID YOU SCORE?**

*Please tick the relevant box*

**MOSTLY H and/or M → HIGH PRIORITY →**       EIA to be completed  
 Please go to Section 2

**MOSTLY L → LOW PRIORITY / NOT RELEVANT →**       Do not complete EIA  
 Please go to Q8 followed by Section 2

**Q8 If you determine that this initiative is not relevant for a full EIA report, you must provide adequate explanation below. In relation to the Council's commitment to the UNCRC, your explanation must demonstrate that the initiative is designed / planned in the best interests of children (0-18 years). For Welsh language, we must maximise positive and minimise adverse effects on the language and its use. Your explanation must also show this where appropriate.**

A vacant Social Services building which has been declared surplus is to be re-furbished and converted to a residential use, (2, possibly 3 units), in order to provide Council housing in an area identified as requiring increased social housing. Families will be housed. There appear to be no obvious Welsh language implications.

**Section 2**

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email – no electronic signatures or paper copies are needed.

<b>Screening completed by:</b>
Name Richard John MRICS
Job title: Disposals surveyor
Date: 13/11/2018
<b>Approval by Head of Service:</b>
Name: Geoff Bacon
Position: Head of Service
Date: 13/11/2018