
**EXCERPT FROM THE MINUTES OF THE
EXECUTIVE
HELD ON 17 OCTOBER 2002**

**EX.310/02 PROPOSED DISPOSAL TERMS FOR HOUSING STOCK TRANSFER
(Key Decision)**

Portfolio Health and Wellbeing

Subject Matter

The City Solicitor and Secretary, City Treasurer and Acting Director of Housing reported (H.62/02) on the terms to be agreed between the City Council and Carlisle Housing Association for the transfer of the Council's housing stock and on the requirements on the Council to seek and gain the necessary consent of the Office of the Deputy Prime Minister to the proposed transfer of the housing stock.

Officers set out for Members the key issues involved in the transfer which included the HRA housing and non-housing assets which were to transfer and the valuation of both the housing assets and non-dwelling assets.

Officers set out details of the proposed transfer of the DSO and the various agreements/contracts which would be entered into between the Council and the Carlisle Housing Association.

The report also dealt with income from future development sites and from future Right to Buy sales and highlighted that the Raffles redevelopment proposals were not included in the Housing Transfer proposal but were subject to a separate agreement.

The report also set out the Office of the Deputy Prime Minister's requirements with regards to the transfer and detailed the Council's compliance with those requirements.

The City Solicitor and Secretary also submitted a letter from Mr R Dodds, 9 Moor Crescent, Longtown objecting to the proposed transfer of a piece of land in Moor Crescent, Longtown to the Carlisle Housing Association as it was currently used as a play area and for parking. The City Solicitor and Secretary pointed out that it was being proposed that the ownership of the land would transfer. Should Carlisle Housing Association propose any future change in the use of the land then this would be subject to the normal planning process.

Summary of Options rejected

To abandon the transfer process.

DECISION

(1) That subject to the Council approving the application for consent being made and to consent being given, to authorise (with the concurrence of the Leader as the person responsible for the delegation of Executive functions) the City Solicitor and Secretary and City Treasurer, in consultation with the Health and Wellbeing Portfolio Holder, to agree the final terms of the transfer contract and all related ancillary documentation and to complete all necessary documentation and any other matters required to give effect to the transfer.

(2) To confirm that any delegated authority granted to the City Solicitor and Secretary under Resolution (1) above may be exercised by the Head of Legal and Democratic Services following the implementation of the Council's Organisational Review.

(3) That the following propositions be put to the City Council for consideration and approval:-

(a) To consider and take account of any objections and representations made concerning "open space" areas, including the letter from Mr Dodds and any other objections which might be received.

(b) Subject to considering the matters in Resolution (3)(a) above, to approve the proposals relating to the terms of the transfer contract (as set out in Section 4 and Appendix 1 of Report H.62/02) and to the formal application for consent to dispose being made and the necessary certification being given to the Office of the Deputy Prime Minister (as set out in Section 6 and Appendix 3 of Report H.62/02).

(c) To note the actions taken to mitigate the financial impact on the General Fund as set out in Section 7 of Report H.62/02.

(d) To note that the Executive decisions in Report H.62/02 are not subject to the call in procedures for the reasons set out in Section 19 of Report H.62/02.

(e) To note that, subject to the Council approving the application for consent to dispose being made, it will be the responsibility of the Executive to agree the final terms of the Transfer Contract and ensure that the necessary legal and contractual agreements to enable the transfer to proceed are completed.

REASONS FOR DECISION

On the basis of advice from officers and consultants that the Council is capable of complying with the requirements of the Office of the Deputy Prime Minister on gaining his consent to housing transfer disposals and that an acceptable transfer contract should be negotiable with Carlisle Housing Association.