

**REPORT OF THE NORTH YORKSHIRE POLICE AND CRIME PANEL
TO THE NORTH YORKSHIRE POLICE AND CRIME COMMISSIONER
PRE-SALE PROCESS FOR DISPOSAL OF NEWBY WISKE HALL**

INTRODUCTION AND SUMMARY

1. This report outlines the recommendation of the North Yorkshire Police and Crime Panel (hereafter referred to as ‘the Panel’) in respect of their discussions regarding the Police and Crime Commissioner’s (“the Commissioner’s”) handling of the pre-sale process of Newby Wiske Hall. This follows detailed consideration of this issue at the Panel meeting on 14th September 2017. This report is prepared in accordance with the requirements of Section 28(6) of the Police Reform and Social Responsibility Act 2011.
2. This report recommends that the Commissioner give careful consideration on how best to communicate with affected members of the public in future when disposing of such assets and agreeing a sale.
3. The Panel would like to thank the Commissioner for attending the Panel meeting and providing answers to the questions posed.

NORTH YORKSHIRE POLICE AND CRIME PANEL

4. The Membership of the Panel for the 14th September meeting was as follows:

Hambleton District Council	Cllr Peter Wilkinson (in the Chair)
Ryedale District Council	Cllr Val Arnold
Scarborough Borough Council	Cllr Sandra Turner
Selby District Council	Cllr Mel Hobson
City of York Council	Cllr Ashley Mason
City of York Council	Cllr Peter Dew
Community co-opted	Santokh Singh Sidhu

POWERS OF THE NORTH YORKSHIRE POLICE AND CRIME PANEL

5. In accordance with Section 28(6) of the Police Reform and Social Responsibility Act 2011, a Panel must:

- review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of the Commissioner's functions;
- make reports or recommendations to the Commissioner with respect to the discharge of the Commissioner's functions; and
- publish any reports or recommendations made to the Commissioner.

CONSIDERATION OF THE HANDLING OF THE PRE-SALE PROCESS OF NEWBY WISKE HALL

6. Following concerns raised by residents of Newby Wiske village at the Panel's meeting of 20th July 2017, the Panel asked the Commissioner to provide further information for consideration at its meeting of 14th September 2017. This was specifically with regard to the pre-sale process for disposing of Newby Wiske Hall and in particular the level of consideration given by the Commissioner to the needs of the local community when agreeing a sale to PGL Travel Ltd.
7. A series of questions had been put to the Commissioner prior to the meeting regarding the pre-sale process, to assist in considering this matter further. Responses were received and published with the full papers prior to the meeting.
8. The Panel heard the views of the Newby Wiske Action Group (NWAG) in relation to the Commissioner's written responses. In summary, these focussed on:
 - achieving best value in a sale should not mean a sale at the cost of the needs of the local community;
 - the community felt that PGL Travel Ltd ("PGL") had not accurately communicated the full extent of their plans for the site during their Open Day held earlier this year;
 - the community felt that the response provided by the Commissioner indicated that she had been aware of the full extent of PGL's plans when they submitted their initial Expression of Interest, but that she had contended otherwise to the community on previous occasions;
 - the community had concerns regarding the Commissioner's staff being active participants in approving PGL's plans prior to submission to the formal planning process.
9. The Panel invited the Commissioner and her team to comment on the concerns raised and Panel Members also asked a number of additional questions of the Commissioner about the handling of this process. Advice was also taken at the relevant points in discussion regarding the legal aspects of the process and the Commissioner's responsibilities from both Barry Khan (Assistant Chief Executive and

Monitoring Officer, NYCC) and Fraser Sampson (Chief Executive and Monitoring Officer to the Commissioner). In summary, the points drawn from these discussions were as follows:

- the Commissioner has a responsibility to sell assets at market value and it would be very difficult to demonstrate to the public that best value had been achieved if an offer well below market value had been accepted. The Local Government Act 1972 (s123) provides a statutory duty to sell land at best consideration, subject to certain exemptions. The Panel has a key interest in ensuring that the Commissioner has achieved best value for the community at large.
- there are clear legal responsibilities to be fulfilled by the Commissioner in proceeding with a sale. The Panel acknowledged these and were satisfied that these had been met.
- the public were not consulted on the agreed sale because of the commercial sensitivities inherent in such a process. There is no statutory duty to consult the community on a potential sale although the broader duty as Commissioner to listen to the public is separate to the 'best value' duty.
- the Commissioner's team has continued to have oversight of the sale process as there is a responsibility to ensure that PGL does not deviate from their proposed use for the site and on which basis the sale had been agreed. An increase in numbers of children accepted on site by PGL was not felt by the Commissioner to materially change the bid accepted. The scale of the proposed development is a matter for the planning process to be led via Hambleton District Council.
- the Commissioner acknowledged that communications with the community could possibly have been better during the pre-sale process but felt that some steps had been taken to communicate with them. Following the last Panel meeting in July 2017, the Commissioner had also met with a small number of the NWAG to further discuss their concerns and explain the process undertaken. The Commissioner is bound by sensitivities around the forthcoming planning process so is unable to disclose full details around the bids received and considerations of these.
- the Panel reflected with the Commissioner on whether lessons could be learned from the process and on the merits of informing further guidance around how the Commissioner disposes of assets in the future. It was agreed that there would be risks to this approach in terms of setting an expectation around conducting early consultation with the public. The Commissioner was clear that she would be unable to share information about commercial bids received and seek views on them from the public, but accepted that communications could have been handled better.

- the Panel expressed their sympathy for the residents' concerns. They advised the NWAG to make best use the planning process through Hambleton District Council to address their concerns about the proposed use of the site. It was suggested that they may wish to approach their local councillor to seek support in requesting conditions to the use of the site by PGL, prior to consideration of the proposals at the local planning committee.

RECOMMENDATION

10. Having considered all of the views and concerns raised, along with the Commissioner's reflections on her handling of the process, the Panel recommended that the Commissioner reflects carefully in future on her communication and engagement with members of the public, where affected by the disposal of such assets.



Cllr Peter Wilkinson
Vice Chair, North Yorkshire Police and Crime Panel
(Acting Chair for the meeting of 14th September 2017)

5th October 2017