



BEMBRIDGE PARISH COUNCIL

The Clerk to the Council,
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Sir Paul Kenny
The Orchard
72 Steyne Road
Bembridge
Isle of Wight
PO35 5SL

7th November 2018

Dear Sir Kenny

Response to questions from 30th October Extraordinary Meeting

Agenda Item 7 132/18/5/7

1) To ask if all Councillors are satisfied that due diligence has been applied to all stages of the sale of 5/7 High Street?

The decision to sell 5/7 High Street was made at the Annual Parish Council on 22nd May 2018

77/18/01 To agree the disposal of 5/7 High Street, Bembridge

RESOLVED: Agreed the disposal of 5/7 High Street, Bembridge

7 in favour 1 against 1 no vote

Following the decision by Finance and Assets Committee on 1st May 2018

RESOLVED: Recommend to Full Council that Option 3, to dispose of the property and generate a possible capital receipt of £180,000 be agreed

7 in favour 2 no votes

Reports for both these meetings can be found at:

<https://www.bembridgepc.org.uk/document-library/finance-assets-committee/>

Committee Report 1st May 2018

<https://www.bembridgepc.org.uk/document-library/full-council-documents/> Full Council

Report 22nd May 2018

2) To ask all Councillors and Council Staff to confirm that none of the prospective purchasers are personally acquainted or known to them?

We cannot guarantee that purchasers will not be known to Councillors and if there is a pecuniary interest then that will have to be declared at the Full Council Meeting.

3) Does the Council agree that it is important to avoid any suggestion that the Council has acted in an "Ultra viris" way over the sale of 5/7?

From the Committee Report of 1st May:

LEGAL IMPLICATIONS

1. The council can 'do anything that individuals generally may do' under the General Power of Competence therefore has the power to maintain or redevelop its property.

2. The council has the power to borrow money for their statutory functions or for the prudent management of their financial affairs under the Local Government Act 2003 schedule 1 para 2.
3. The council has the power to dispose of its property in any manner they wish under section 127 (1) of the Local Government Act 1972. There are however certain rules that must be observed. Land cannot be disposed of for a consideration (price) less than best that can be reasonably obtained, unless the consent of the Secretary of State has been obtained.

Yours faithfully

Jacqui McDade
Clerk to Bembridge Parish Council