

IL0 - UNCLASSIFIED

Issue	Summary of findings	Outcome
<p>The disposal of land at Clarkes Lane/ Heath Lane</p>	<p>A concern was raised by a member of the public that they had not been informed of the sale of a plot of land that adjoined their property, despite them enquiring about its purchase over a number of years, and that they believed that “Councillor Mahboob Hussain had said that they couldn’t have the land and that the land had to go to a Mr A”.</p> <p>Two parties both occupying different properties expressed an interest in purchasing the same plot of land that adjoined their properties. One party (Mr B) first expressed their interest in 1989 and then again in 2008 and 2009 and asked that they be informed if the land should ever come up for sale in the future. The other party (Mr A) first expressed their interest in 2007.</p> <p>In 2008 Councillor Hussain became involved in the process on behalf of Mr A. However, the land was not sold at this time. In 2014 Mr A expressed a further interest in buying the land, again through Councillor Hussain.</p> <p>At this time, it was Property Services officers recommendation that the land should not be sold and the reasons behind this decision were captured on both an internal ‘Request to Purchase Land within Council Ownership’ and a ‘15 Day Land Disposal Project’ form. However, the authority to make the ultimate decision rested with the director, and they decided that the land could proceed to disposal and signed the form accordingly. No reason was recorded as to why their decision differed from the recommendation made by their officers.</p>	<p>As a result of this review, the following recommendations have been made:</p> <ul style="list-style-type: none"> • If a director makes a decision that differs from the advice provided by their officers then they should be required to document the reason. The form in use for this purpose should be amended in order to include a provision for this. • The process should be strengthened so that it is a requirement that should a similar situation arise in the future, both interested parties would be contacted and treated equally. • If a valuation significantly alters to that of a previous valuation then the reason for the difference must be clearly recorded. • The decision to email an elected Member to ask whether an expected process should be followed is not acceptable. Officers should be reminded of their and elected Member’s separate responsibilities. • The current process should be strengthened so that the sale of any land by direct award needs to be approved by the Chief Financial Officer.

Following this, Property Services emailed Councillor Hussain indicating that approval to dispose of this site by direct allocation had been notified to Mr A. However, before proceeding they stated in an email to Councillor Hussain that normally they would write out to the adjoining occupier (Mr B) to see if they would be interested in acquiring it also. They also asked Councillor Hussain if he was happy for them to contact Mr B. There was no reply from Councillor Hussain on the property file and it would appear that Mr B was never contacted by the council.

It was unclear from the file why Property Services did not contact Mr B as they were aware of his previous interest and a Property Services email indicated that it might be better to sell the land to him, rather than Mr A. It does potentially give the impression that they may have been reluctant to contact Mr B as a result of Councillor Hussain's involvement in the arrangement with Mr A.

At this stage there are no known direct links between Councillor Hussain and Mr A beyond his involvement in this sale.

In summary, despite their earlier requests Mr B and his family were not informed that the plot of land was going to be sold. Instead the land was sold directly to Mr A following the involvement of Councillor Hussain. It is also difficult to demonstrate that best value was obtained as the opportunity to market test the land between at least two interested parties was not taken and the land was valued at the time of the direct sale in 2014, at significantly less than the valuation completed in 2008, albeit the later valuation was based on it being restricted to an amenity space, rather than being developed.

From the information and evidence available, the overall impression is one of council officers and a Councillor working in an informal manner in order to facilitate a direct allocation to an individual.

<p>The Celebration Sculpture</p>	<p>A concern was raised that the council may have contributed more than the previously acknowledged £30,000 towards the Celebration Sculpture, an independent fundraising initiative which was planned in order to erect a statue of three former West Bromwich Albion players in West Bromwich Town Centre.</p>	<p>From the information and records available, it was confirmed that the council had only contributed £30,000 towards the sculpture and that this came from S106 funds. However, the completion of the project was a number of years behind schedule and it is understood that the sponsor has to date been unable to attract sufficient donations in order to complete it, although the sad and untimely death of Cyrille Regis has once again brought the project to the fore and there is new momentum to try and complete the project.</p>
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