

Appendix 1 - [Leyfields and Netherstowe Lesson Learned Action Plan - June 2021](#)

Recommendation	Action	Owner	Target Date	Progress
<p>1. To ensure best consideration in all future contracts that reference should be made where time has elapsed to the need for a fresh valuation report being obtained.</p>	<p>Where agreements more than 6 months to implement provision should be built into the agreements to ensure that best consideration is obtained for any disposal at the point that contracts are exchanged.</p>	<p>Head of Governance & Performance Head of Corporate Service to lead in relation to asset disposals.</p>	<p>Immediate</p>	<p>All contracts /agreements reviewed and considered for signing will be assessed for best consideration. All Heads of Service and SSlegals to be advised and made aware of the requirement for any agreement or contract being drafted.</p>
<p>2. To have in place a check list for the disposal of land. It is noted that there is now a new draft disposal of land and property assets policy in place and paragraph 5 specifically deals with open space land.</p>	<p>A draft Disposal Policy is provided for approval on 6 July 2021 by Cabinet. Paragraph 5 of the policy specifically deals with open space land.</p>	<p>Head of Corporate Services / Cabinet</p>	<p>6 July 2021 if approved</p>	<p>Complete if approved Training action to be picked up in recommendation 7</p>
<p>3. To have a checklist for land disposal that provides an audit trail of decision making and actions that are required to be taken.</p>	<p>A draft Disposal Policy is provided for approval on 6 July 2021 by Cabinet.</p>	<p>Head of Corporate Services / Cabinet</p>	<p>6 July 2021 if approved</p>	<p>Complete if approved Training action to be picked up in recommendation 7</p>

	This policy sets out a checklist to ensure disposals follow the correct procedures and decision points.			
4. To put in place an appropriate document signing process and sealing system that provides evidential proof that contracts have been appropriately signed and sealed where required and that signing of all contract documentation should be supervised by a legal officer/monitoring officer.	<p>The Council's sealing process has been under review since the issue was raised in summer 2020. A number of key improvements and safeguards have been made including:</p> <p><i>Revision of the constitution</i> - to clarify the requirements for establishing contracts and who may authorise these.</p> <p><i>Development of sealing process</i> – to ensuring suitable records are obtained prior to signing and kept for future reference.</p> <p><i>A detailed record of legal and other professional advice given in respect of the contract is now gathered and reviewed before any seal is</i></p>	<p>Head of Governance & Performance</p> <p>Governance Team</p>	<p>31 May 2021</p> <p>31 October 2021</p> <p>31 May 2021</p>	<p>Training action to be picked up in recommendation 7</p> <p>This was included in the constitution update approved by Full Council in May 2021.</p> <p>Further review is being undertaken for sign off at Full Council later this year in respect of Section 3 – Scheme of Delegation.</p> <p>DocuSign process has been developed and roll out is underway for all procurement contracts.</p> <p>The new sealing process confirms and records all legal advice received in relation to a decision / contract or agreement is in place before</p>

	<i>applied</i> – this ensures that correct legal advice has been obtained to support the contract and any authority granted is still timely.			applying seals. The process also confirms authority is appropriate under the scheme of delegation.
5. To review whether there is a need for a decision review trigger to be written into the Constitution when there is both a period of time between Cabinet sign off and the implementation of that decision or a change in Cabinet membership. This would deal with the issue where, for example, there has been a change in land value or central government policy on a particular matter. These are only examples and further examples exist.	<p>The Governance team to do a check at 6 months post any member/cabinet decisions. Any not actioned will be escalated to leadership team for review to determine any further action or reporting and ongoing monitoring required in consultation with the relevant Cabinet member.</p> <p>Governance team to track and reconsider this list as and when Cabinet portfolios are adjusted/ new members appointed.</p>	Governance Team	<p>31 July 2021</p> <p>Ongoing</p>	<p>This will require development of functionality with Modgov to alert following the elapsed time for any published decision notice.</p> <p>This can be done manually in the meantime.</p>
6. Relevant professional input into the signing off of all reports and all decisions; that all Cabinet reports are signed off by the section	Confirmation boxes are to be added into report templates for financial and legal implications to confirm sign off by Section 151 and Monitoring Officer (or their deputies).	Governance Team	31 July 2021	Report templates to be amended to include sign off boxes and legal implication sections.

<p>151 officer and monitoring officer.</p>	<p>Leadership team minutes include any amendments requested by the S151 or Monitoring Officer to ensure these are included in the final version of the report.</p> <p>All reports should be reviewed by a suitably qualified officer or solicitor to confirm all relevant legislation is being considered.</p>	<p>Leadership Team</p> <p>All Heads of Service</p>	<p>Ongoing</p> <p>Ongoing</p>	<p>Complete</p> <p>Complete – all HOS to ensure all report authors to consult with SSLegals if suitable legal advisors are not directly employed or contracted.</p>
<p>7. Training is provided to members and officers setting out the importance of public consultation in such disposals and the statutory obligations to consult as detailed in the Local Government Act.</p>	<p>Now that these processes have been developed, subject to the policy being approved, training will be provided to all key officers and members via a suitable training date later this year.</p>	<p>Head of Governance & Performance</p>	<p>30 September 2021</p> <p>30 November 2021</p>	<p>Staff Training to be delivered over the summer.</p> <p>Member training scheduled for Autumn 2021 as part of member training plan.</p>
<p>8. The decision of the 4 September 2018 should not be relied upon to authorise the sale of the two areas of open space land to Bromford Housing Association.</p>	<p>This was dealt with in the decision to cancel the contract for sale of land, refund the planning application fees and costs to Bromford at Cabinet on 11 May 2021.</p>	<p>Cabinet/ Chief Executive</p> <p>Head of Governance & Performance</p>	<p>11 May 2021</p> <p>31 July 2021</p>	<p>Decision taken and negotiation and finalisation of the agreement underway with Bromford.</p> <p>Agreement is targeted for completion and payment of costs by 31 July 2021.</p>

<p>9. If the sale is now to take place it is recommended that a fresh process is commenced with district valuation reports and appropriate notices in the press and proper consultation prior to a decision being made by Cabinet to sell the open space land if it is considered this is the appropriate way forward.</p>	<p>Not applicable</p>			
--	-----------------------	--	--	--