

**Anthony David Jones**  
**2 Bowness Road**  
**ASHTON-UNDER-LYNE**

**Sandra J Stewart**  
**Borough Solicitor & Monitoring Officer**  
**Executive Director – Governance**

Council Offices, Wellington Road  
 Ashton-under-Lyne, Tameside. OL6 6DL

www.tameside.gov.uk  
 e-mail : sandra.stewart@tameside.gov.uk  
 Fax 0161 342 3543

Ask for Sandra Stewart  
 Direct Line 0161 342 3028  
 Date 3 September 2014

Dear Mr Jones

**Your request for review in respect of a Freedom of Information Request**  
**Reference No: FOI 2442**

I understand that you have complained to the Information Commissioner owing to the length of time it has taken to consider your request and undertake an internal review of your complaint.

Unfortunately, the first I learned of the matter was when it was brought to my attention by the Information Commissioner's Office.

May I take the opportunity to apologise to you for the failure to deal with this freedom of information request effectively and expediently to the usual standard with which we deal with the significant majority of Freedom of Information requests.

I would like to take this opportunity to apologise on behalf of the Council for the length of time it has taken to complete your internal review. I accept that to take until now to respond to an internal review is poor service and falls short of the standards by which the Council sets itself.

I also apologise for the fact that you were not provided with regular updates regarding the progress of your review or an indication as to when you might expect to receive a substantive response. Given the lack of information, you had to enquire about the status of your request yourself on several occasions, to which you did not always receive a reply. Again, this was unacceptable.

Your experience is particularly disappointing given firstly, the Council responded to a similar request for information received on the same matter received on the 19 February 2013 – a copy of which is enclosed for your information, and secondly the significant majority of the information you sought was exempt under section 22 of the Freedom of Information Act 2000. This is because it was readily available on the Council's website in a public report, which went to the Council's Executive Cabinet on 27 March 2013 seeking authority to dispose of the properties, which can be accessed at: <http://www.tameside.gov.uk/executivecabinet/27mar13/item14.pdf>

Together with the relevant minute addressing the matter:  
<http://www.tameside.gov.uk/executivecabinet/27mar13/minutes> and in particular:

**63. Declarations of Interest**

<b>Members</b>	<b>Subject Matter</b>	<b>Type of Interest</b>	<b>Nature of Interest</b>
Councillors Cooney and K Quinn	Item 14 - Land Transfers for Affordable Housing	Prejudicial	Representatives of New Charter Trust and New Charter Building Company respectively

#### **75. Land Transfers for Affordable Housing**

Consideration was given to a report of the Executive Director (Economic Growth, Investment and Sustainability), which set out the current level of affordable housing need within the Borough. The report explained what had been delivered so far through the new affordable rent programme and the potential contribution that the empty property strategy could make.

The site transfers were considered to be the only viable way of delivering new affordable housing in the Borough. New Charter were the appropriate recipient as they have been appointed by the Homes and Communities Agency as the delivery partner for Tameside and the Secretary of State for Communities and Local Government has issued a general consent allowing local authorities to dispose of land in this way.

It was reported that further development was required to meet need and detailed a number of Council owned sites with potential for housing development in partnership with New Charter and proposals for their transfer. Initial discussions had taken place with New Charter, who had identified the development potential of the following sites:

1	Burlington Street Car Park, Ashton	22 units (11 apartments and 11 houses)
2	Site off Buttermere Road, Ashton	51 units (16 apartments and 35 houses)
3	Cotton Street East Car Park, Ashton	22 units (11 apartments and 11 houses)
4	Kynder Street Car Park, Denton	9 units (6 apartments and 3 houses)
5	Former Katherine House site, Ashton	30 units (22 apartments and 8 houses)
6	Hawthorn School site, Audenshaw	78 units (24 apartments and 54 houses)
7	Grosvenor Street, Stalybridge	Approx 60 units (still being designed)
	<b>Total</b>	<b>Approximately 272 units</b>

Details were given of the estimated value, area of each site, Council Tax generated and potential New Homes Bonus grant, together with a number of issues connected to each site, which need to be addressed in order to transfer the sites.

Members were reminded that where properties were disposed of under the right to buy legislation a proportion of the capital receipt returned to the Council and any land sold to private providers of housing purchased the land at the best consideration reasonably obtainable.

#### **Resolved**

**That approval be given to the delegation of the Executive Director (Economic Growth, Investment and Sustainability) or his nominated officers to negotiate a transfer of the following Council owned sites to New Charter Housing Trust:**

1. Grosvenor Street, Stalybridge
2. Burlington Street Car Park, Ashton;
3. Site off Buttermere Road, Ashton;
4. Cotton Street East Car Park, Ashton;
5. Kynder Street Car Park, Denton;
6. Former Katherine House site, Ashton;
7. Hawthorn School Site; and
8. Sites 1-6 will be transferred at nil cost (but with the Council potentially receiving a capital receipt in the unlikely event of properties being sold) and that site 7 will be transferred for £1m.

Their disposal was subsequently reported to the Council's Strategic Planning and Capital Panel on 18 November 2013 in a report which was also published on the Council's website:

<http://www.tameside.gov.uk/strategicplanning/capitalmonitoringpanel/18nov13/item8.pdf>

In undertaking this review, I have considered the correspondence between you and the Council, which I have set out below for ease of reference minus the salutations etc.

From:	Date:	Substance of correspondence:
Mr Jones	26.01.02	<p>I refer to seven plots of land transferred to New Charter, - Burlington Street car park; land off Buttermere Road; Cotton Street East car park and the Katherine House site, all Ashton; Kynder Street car park, Denton, land on Grosvenor Street, Stalybridge, the old Hawthorn School site in Audenshaw. I would like to know:-</p> <p>1) The tendering process used to determine who received the land. Where was the availability of the land and/or the tendering process advertised?</p> <p>2) How many groups, organisations, companies or individuals tendered for the individual plots.</p> <p>3 How much did TMBC receive from New Charter for the individual plots. (If only a total figure is available this will be acceptable)</p> <p>4) Who, besides New Charter, tendered or made an offer for any of the plots?</p>
Council	27.01.2014	<p>Freedom of Information Request</p> <p>Unique Reference No: FOI 2442 Thank you for your email received 27 January 2014 requesting information under the Freedom of Information Act. I understand your request to be as follows:</p> <p>I refer to seven plots of land transferred to New Charter, - Burlington Street car park; land off Buttermere Road; Cotton Street East car park and the Katherine House site, all Ashton; Kynder Street car park, Denton, land on Grosvenor Street, Stalybridge, the old Hawthorn School site in Audenshaw.</p> <p>I would like to know:-</p> <p>1) The tendering process used to determine who received the land. Where was the availability of the land and/or the tendering process advertised?</p> <p>2) How many groups, organisations, companies or individuals tendered for the individual plots.</p> <p>3) How much did TMBC receive from New Charter for the individual plots. (If only a total figure is available this will be acceptable)</p> <p>4) Who, besides New Charter, tendered or made an offer for any of the plots?</p> <p>Your request is being considered as a request under the Freedom of Information Act 2000. In accordance with statutory requirements, it may take up to 20 working days (approximately 4 weeks) for the Council to consider your request and provide a formal response. Should this 20 working day deadline need to be extended you will be notified and kept informed.</p> <p>I have passed your request to Damien Bourke, Assistant Executive Director, to respond to your request and he can be contacted on 0161 342 3544 or at <a href="#">[email address]</a>.</p> <p>Please be advised that there may be a charge for your request and you will be notified if this is the case before any costs are incurred. Should you have any concerns about the way your response is being dealt with, please do not hesitate to contact me in writing or by e-mail.</p>
Mr Jones	22.02.2014	<p>My request for information on the transfer of land to New Charter has been delayed. It should have been provided by 21 February 2014.</p> <p>Could TMBC please respond.</p>

Mr Jones	05.03.2014	<p>Please pass this on to the person who conducts Freedom of Information reviews.</p> <p>I am writing to request an internal review of Tameside Metropolitan Borough Council's handling of my FOI request 'Transfer of Land to New Charter'. A reply was due by the 21st of February 2014. I sent a reminder on 22nd February 2014, but I have received nothing. Please send a reply to my question a.s.a.p. Thank you. A full history of my FOI request and all correspondence is available on the Internet at this address: <a href="https://www.whatdotheyknow.com/request/t...">https://www.whatdotheyknow.com/request/t...</a></p>
Council	07.03.2014	<p><b>Freedom of Information – Request for Information</b>  <b>Unique Reference No: FOI 2442</b></p> <p>Thank you for your request for information which the Council received on 27 January 2014. Please accept my apologies for the delay in responding to your request. This was because in order to ensure a full and accurate response, we had to make a comprehensive manual search of detailed documentation and files, and this took longer than we had anticipated. I apologise for any inconvenience this delay may have caused you. You have requested information as follows:</p> <p><i>I refer to seven plots of land transferred to New Charter, - Burlington Street car park; land off Buttermere Road; Cotton Street East car park and the Katherine House site, all Ashton; Kynder Street car park, Denton, land on Grosvenor Street, Stalybridge, the old Hawthorn School site in Audenshaw.</i></p> <p><i>I would like to know:-</i></p> <ol style="list-style-type: none"> <li><i>1) The tendering process used to determine who received the land. Where was the availability of the land and/or the tendering process advertised?</i></li> <li><i>2) How many groups, organisations, companies or individuals tendered for the individual plots.</i></li> <li><i>3) How much did TMBC receive from New Charter for the individual plots? (If only a total figure is available this will be acceptable)</i></li> <li><i>4) Who, besides New Charter, tendered or made an offer for any of the plots?</i></li> </ol> <p>I am pleased to advise that the Council can provide the information that you have requested. The information is detailed below:</p> <ol style="list-style-type: none"> <li>1) The land (with the exception of the Hawthorns School site which was sold to New Charter Housing for £1m) was transferred to New Charter Housing as part of Tameside Council's policy to promote development of affordable housing. This land contributed to over 150 new affordable homes in the borough. The governments National Affordable Housing Programme supported those schemes where local authorities sought to utilise assets for the programme. The Secretary of State for Communities and Local Government has given a general consent for Local Authorities to dispose of land for this purpose.</li> <li>2) One other party tendered for part of the Hawthorns site but subsequently withdrew their offer. One other party expressed an interest in the Katherine House site but did not provide a full tender.</li> <li>3) The land was exchanged with an agreement to receive an agreed unit valuation on future sale of the properties. Tameside council received £1m for the Hawthorns site.</li> <li>4) One other party tendered for part of the Hawthorns site but subsequently withdrew their offer. One other party expressed an interest in the Katherine House site but did not provide a full tender. If you have</li> </ol>

		<p>any queries about this letter, please do not hesitate to contact me.</p> <p>If you are unhappy with the service you have received in relation to your request and wish to make a complaint, or request a review of the Council's decision, please write to Sandra J Stewart, Borough Solicitor, at Tameside Metropolitan Borough Council, Wellington Road, Ashton-under-Lyne, Tameside OL6 6DL. If you are not content with the outcome your complaint, you may apply directly to the Information Commissioner for a decision. The Commissioner cannot normally make a decision unless you have exhausted the complaints procedure provided by the Council. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF and at <a href="http://www.ico.gov.uk">www.ico.gov.uk</a>.</p>
<b>Mr Jones</b>	<b>10.03.2014</b>	<p>Please pass this on to the person who conducts Freedom of Information reviews.</p> <p>I am writing to request an internal review of Tameside Metropolitan Borough Council's handling of my FOI request 'Transfer of Land to New Charter'.</p> <p>I received no response to my question regarding the tendering process. This question was ignored. I was not told when and where the availability of the land was advertised. I was not refused the information nor did TMBC claim the information was unavailable. The question was simply ignored.</p> <p>I was not told how much New Charter paid for the land. "An agreed unit valuation on future sale of the properties" is not a full answer.</p> <p>I asked who made offers for the land. This was not answered. It was not refused either. My question regarding how many other groups made offers was answered and I am satisfied with this.</p> <p>It appears to me that that TMBC's response was a simple re-hash of their earlier press statement at:-  <a href="http://public.tameside.gov.uk/pressrelea...">http://public.tameside.gov.uk/pressrelea...</a></p> <p>A full history of my FOI request and all correspondence is available on the Internet at this address:  <a href="https://www.whatdotheyknow.com/request/t...">https://www.whatdotheyknow.com/request/t...</a></p>
<b>Council</b>	<b>27.03.2014</b>	<p>Our Ref: FOI 2442</p> <p>Thank you for your correspondence. Please accept this email as acknowledgment of your request for an internal review into the handling of your request for information.</p> <p>This matter is being investigated further, in accordance with our complaints procedure, and we will endeavour to respond as soon as possible.</p> <p>If you have any further questions in relation to your request in the meantime, please do not hesitate to contact me.</p>
<b>Mr Jones</b>	<b>14.05.2014</b>	<p>I requested an internal review of my Freedom of Information request (FOI 2442) in March and received an acknowledgment dated 27th March. That is 6 weeks ago. Given that the information I require was almost certainly, given its importance, filed in an easily accessible location I am at a loss to understand the delay. Just as I am equally at a loss to understand the reluctance to answer the original enquiry. If I have still not had a reply by 4pm on Wednesday 21st May 2014-next Wednesday-I shall refer the matter to the Office of the Information Commissioner.</p>

It is clear that up until 27 March 2014, you were receiving responses but these were not occurring in accordance with the relevant timescales nor were you being kept advised of progress but having to chase correspondence. Thereafter, you had no response as the Business Manager who had responsibility for dealing with the coordination of FoIA requests had left the Authority and not handed over this outstanding matter to colleagues nor at any time brought this matter to my attention as reviewing officer.

To make matters worse, the email link between the 'What do they know' site and the Council was sent to this individual's email address and therefore no-one received the email you sent again chasing the matter. Unfortunately, this situation arose because the Council's security connection would not allow us to receive these emails in a generic email address such as [FolA@tameside.gov.uk](mailto:FolA@tameside.gov.uk)

Again, I apologise for the poor service you received, which fell short of the standards by which the Council sets itself.

We now have a new FoIA coordinator in place and have reminded all staff of the need to comply with Council processes. Additionally, we are reviewing FoIAs from the 'What do they know' website to ensure that they are being received.

Secondly, on dealing with the substantive matter about the information you were seeking I agree that the initial response could have been clearer for you and that would most probably have been achieved by referring you to the public decision report.

As previously explained the decision to transfer these plots of land was a key decision made by the Council's Executive Cabinet on 27 March 2013, and their proposed disposal subsequently reported to the Council's Strategic Planning and Capital Panel on 18 November 2013. Both reports can be found on the council's website under 'democracy and then committee reports and agendas' for the relevant dates and at the following links:

<http://www.tameside.gov.uk/executivecabinet/27mar13/item14.pdf>

<http://www.tameside.gov.uk/executivecabinet/27mar13/minutes>

<http://www.tameside.gov.uk/strategicplanning/capitalmonitoringpanel/18nov13/item8.pdf>

In any event, for your ease of reference, the specific answers to your original questions are

**General request: I refer to seven plots of land transferred to New Charter. Burlington Street Car park; land off Buttermere Road; Cotton Street East car park; and the Katherine House site, all Ashton; Kynder Street car park, Denton; land on Grosvenor Street, Stalybridge, the old Hawthorn School site in Audenshaw. I would like to know:**

**Q1 the tendering process used to determine who received the land. Where was the availability of the land and /or the tendering process advertised?**

There was no tendering process and so the availability of the land was not advertised and there was and is no legal requirement to do so

**Q2 How many groups, organisations, companies or individuals tendered for the individual plots**

As there was no tendering process, no tenders were received. On considering the response I think the use of the word 'tender' in the response was confusing, it would have been more accurate to have used the phrase "unsolicited offer" in these circumstances.

**Q3 How much did TMBC receive from New Charter for the individual plots**

The Council received £1m for the Hawthorn School site from New Charter. The other sites were transferred at nil cost to New Charter, subject to an agreement to secure deferred payment for any capital receipts subsequently received from any right to buy sales on the sites. Such amounts are calculated in relation to the statutory right to buy formal prevailing at the time.

**Q4 Who, besides New Charter, tendered or made an offer for any of the plots.**

No one tendered as there was no tendering exercise. An unsolicited offer was received for one site but as this was withdrawn, no offer stood. An unsolicited offer for a non-residential development was received for another, but this was not pursued as redevelopment for affordable housing was anticipated to deliver greater value for money, and therefore in line with the Council's policy to deliver affordable housing within the Borough.

Both offers which were speculative, early on in the process, and made in the expectation that they would remain confidential unless they resulted in the completion and transfer of any property – in which case, the sale would be a matter of public record.

Of relevance, Schedule 12A of the Local Government Access to Information Act 1985 sets out information which may be exempt from disclosure in the public domain:

(7) Information relating to the financial or business affairs of any particular person (other than the authority).

(9) Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

My view therefore is that the identity of the unsolicited offer(s) is/are exempt from disclosure under s 41 of the Freedom of Information Act 2000. This is because the requested information should not be released because disclosure of that information to third parties would contravene one or more of the data protection principles under the Data Protection Act 1998, including the principle that information should be processed lawfully and fairly. The information is therefore exempt under section 40(2) – Personal Information - of the Freedom of Information Act 2000. As this is an absolute exemption there is no requirement to consider the public interest.

I can confirm that the Council holds information that you have asked for, but in this case we will not be providing it to you as it is exempt from disclosure.

We are not obliged, under section 41 of the Act, to provide information that has been provided in confidence to the Council.

The terms of this exemption in the Freedom of Information Act mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

Further to this, we are not obliged, under section 40(2) of the Act, to provide information that is the personal information of another person if releasing would contravene any of the provisions in the Data Protection Act 1998 (DPA) for example, if disclosure is unfair.

Again, the terms of this exemption in the Freedom of Information Act mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

You can find out more about Sections 41 and 40(2) by reading the extract from the Act and some guidance points we consider when applying the exemption, attached at the end of this letter.

You can also find more information by reading the full text of the Act available at:

<http://www.legislation.gov.uk/ukpga/2000/36/section/41> and

<http://www.legislation.gov.uk/ukpga/2000/36/section/40>) and further guidance:

<http://www.justice.gov.uk/information-access-rights/foi-guidance-for-practitioners/exemptions-guidance>.

The Data Protection Act can be found at the following link:  
<http://www.legislation.gov.uk/ukpga/1998/29/contents>

**Information Commissioner's Office**

I hope I have now addressed all your concerns. If not please let me know and I will be happy to look into that matter.

Nevertheless, if you remain dissatisfied with this internal review decision, you have the right to apply to the Information Commissioner's Office. The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if he considers that we have handled it incorrectly.

You can contact the Information Commissioner's Office at the following address:

Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire  
SK9 5AF

Internet address: [https://www.ico.gov.uk/Global/contact\\_us.aspx](https://www.ico.gov.uk/Global/contact_us.aspx)

Again, please accept my sincere apologies for the failure to deal with your concerns expediently.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S Stewart', written in a cursive style.

**Sandra Stewart**  
**Borough Solicitor**



## **EXPLANATION OF FOIA - SECTION 41 – INFORMATION PROVIDED IN CONFIDENCE**

We have provided below additional information about Section 41 of the Freedom of Information Act. We have included some extracts from the legislation, as well as some of the guidance we use when applying it. We hope you find this information useful.

### **The legislation**

#### **Section 1: Right of Access to information held by public authorities**

- (1) Any person making a request for information to a public authority is entitled—
- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
  - (b) if that is the case, to have that information communicated to him.

#### **Section 41: Information provided in confidence.**

- (1) Information is exempt information if—
- (a) it was obtained by the public authority from any other person (including another public authority), and
  - (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.
- (2) The duty to confirm or deny does not arise if, or to the extent that, the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) constitute an actionable breach of confidence.

### **Guidance**

Section 41 provides an exemption to the right of access under the Freedom of Information Act if release would be an actionable breach of confidence.

This exemption qualifies the right of access under Freedom of Information Act by reference to the common law action for 'breach of confidence'. According to that action, if a person who holds information is under a duty to keep that information confidential (a 'duty of confidence'), there will be a 'breach of confidence' if that person makes an unauthorised disclosure of the information.

The concept of 'breach of confidence' has its roots in the notion that a person who agrees to keep information confidential should be obliged to respect that confidence. However, the law has now extended beyond this: the courts recognise that a duty of confidence may also arise due to the confidential nature of the information itself or the circumstances in which it was obtained.

The concept of 'breach of confidence' recognises that unauthorised disclosure of confidential information may cause substantial harm. For example, the disclosure of a person's medical records could result in a serious invasion of that person's privacy, or the disclosure of commercially sensitive information could result in substantial financial loss. The law protects these interests by requiring the information to be kept confidential: if information is disclosed in breach of a duty of confidence, the courts may award damages (or another remedy) to the person whose interests were protected by the duty.

## **EXPLANATION OF FOIA - SECTION 40(2) – INFORMATION RELATING TO THIRD PARTIES**

We have provided below additional information about Section 40(2) of the Freedom of Information Act. We have included some extracts from the legislation, as well as some of the guidance we use when applying it. We hope you find this information useful.

### **The legislation**

#### **Section 1: Right of Access to information held by public authorities**

- (1) Any person making a request for information to a public authority is entitled—
- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

- (b) if that is the case, to have that information communicated to him.

#### **Section 40: Personal Information.**

- (1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.
- (2) Any information to which a request for information relates is also exempt information if—
- (a) it constitutes personal data which do not fall within subsection (1), and
  - (b) either the first or the second condition below is satisfied.
- (3) The first condition is—
- (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the M1Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene—
    - (i) any of the data protection principles, or
    - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
  - (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the M2Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

#### **Guidance**

Section 40 of the Freedom of Information Act applies to:

- requests for the personal data of the applicant him or herself
- requests for the personal data of someone else (a third party)

**Personal data of a third party:** Personal data of a third party is exempt under section 40(2) if its disclosure to a member of the public would contravene one or more of the data protection principles and a request must be refused.

#### **The Data Protection Principles:**

The data protection principles are a statutory code for the processing of personal data. They are set out in Part I of Schedule 1 to the Data Protection Act.

Three data protection principles require personal data to be:

- fairly and lawfully processed
- processed for specified and lawful purposes
- adequate, relevant and not excessive
- accurate, and kept up to date
- not kept longer than necessary
- processed in accordance with individuals' rights under the Data Protection Act
- kept secure
- not transferred to non-EEA (European Economic Area) countries without adequate protection

The principle most likely to be relevant to the disclosure of information under the Freedom of Information Act is the first principle. This requires personal information to be:

- processed 'fairly'
- processed 'lawfully'
- not processed at all unless one of the 'conditions' for fair processing is met

Processing in this context includes disclosure.

In most cases, personal data will be exempt if disclosure would be 'unfair'. Disclosure of personal data relating to a third party will often breach the fair processing principle if there was a legitimate expectation by a third party that this information would remain confidential.

**Robin Monk**  
**Executive Director**Council Offices, Wellington Road  
Ashton-under-Lyne, Tameside. OL6 6DLCall Centre 0161-342-8355  
Fax 0161-342-2151  
Minicom 0161-342-[www.tameside.gov.uk](http://www.tameside.gov.uk)  
email: [elaine.todd@tameside.gov.uk](mailto:elaine.todd@tameside.gov.uk)Doc Ref FOI 1489  
Ask for Elaine Todd  
Direct Line 0161 342 3238  
Date 9.4.2013By email:  


Dear Sir

**Freedom of Information Request Unique Reference No: FOI 1489**

Thank you for your enquiry received through the CRM system on 19 February 2013 requesting information under the Freedom of Information Act. I understand your request to be as follows:

"Request regarding the freehold land at the former Hawthorn's School site.

- Could you confirm the land has been sold, if so to whom and at what price?
- Can you list the companies that have bid for the land and the price they offered?
- Could you please state the method used to sell the land – for example; auction or private treaty?
- Can you inform me of the Council's procedure with regards to land disposal?
- Has the land been advertised for sale in a local paper?"

I am pleased to advise that the Council can provide the information that you have requested. The information you requested is as follows:

- I can confirm that the land on which the former Hawthorn's School was located has not yet been sold;
- We have a number of enquiries on the site, however, there is only one existing firm offer from New Charter Housing Limited, the price has not yet been agreed but is likely to be in line with a market value of £250,000 per acre and is subject to contract and a formal approval by the Council;
- A Key Decision was made on 27 March 2013, by the Council, to approve in principle the disposal of the site to New Charter Housing Trust Limited, however, this is subject to further governance and contract, therefore no final decision has been made as to how the site will be sold;
- The Council may market properties for sale through agents or receive unsolicited offers for buildings and land which it will consider. The Council will consider any offer received and will determine whether the offer or price likely to be achieved is value for money, before approving disposals. The assessment of value for money will not be limited to the value of a capital receipt, it will also take into account wider economic factors such as future business rates or council tax generated, level of local spend in developing the

site, revenue savings achieved and number of jobs created as a result, number of dwellings constructed, environmental improvements to an area and so on. There is a separate planning approval process that any developer of a site or building in Tameside will also have to follow if they wish to build on the site or substantially change an asset ;

- The land has not been marked or advertised for sale in a local newspaper.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint, or request a review of the Council's decision, please write to Sandra J Stewart, Borough Solicitor, at Tameside Metropolitan Borough Council, Wellington Road, Ashton-under-Lyne, Tameside OL6 6DL

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. The Commissioner cannot normally make a decision unless you have exhausted the complaints procedure provided by the Council. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF and at [www.ico.gov.uk](http://www.ico.gov.uk)

Yours sincerely

**Elaine Todd**  
**Assistant Executive Director**  
**Economic Growth, Investment & Sustainability**