

STANDING ORDER 6 – LAND TRANSACTIONS

1. This Standing Order outlines the LDA's statutory powers and current process for the acquisition and disposal of land. The Agency is currently developing a detailed LDA Development Strategy for the Board's approval which will be incorporated into this Standing Order as appropriate.

Acquisition of land

2. Section 20 of the Regional Development Agencies Act 1998 (RDA Act 1998) confers a power on the LDA to acquire land by agreement or, on being authorised by the Secretary of State, compulsorily by means of a compulsory purchase order (CPO).
3. This power can be used where acquisition is for the Agency's statutory purposes, as set out in section 4 of the RDA Act, or purposes incidental thereto. The making of a CPO is subject to a formal resolution by the Board, consent of the Mayor and confirmation by Secretary of State.
4. On 4 February 2004, the Board approved a policy and procedural framework for the making of CPOs by the Agency (contained at **Annex E**). The guidelines and process outlined within the framework must be complied with before a recommendation to make a CPO is submitted to the Board for formal resolution.
5. Applications for the consent of the Mayor and the Secretary of State for the making of a CPO must be made through the Secretary or his or her deputy, or in the case of the Secretary of State, a panel solicitor acting on behalf of the Agency on the matter.

Disposal of land

6. The LDA is required to dispose of land at open market value. Under section 5 of the RDA Act 1998, the LDA may only dispose of land for less than the best consideration which can reasonably be obtained if the Secretary of State consents.
7. Where the Agency proposes to dispose of land for less than best consideration, potential State Aid implications must be considered and the advice of the Secretary or his or her deputy should be sought. The Secretary or his or her deputy will seek the advice of the appropriate government department, if necessary, and facilitate any notification to the EU Commission for determination.
8. Applications for the consent of Secretary of State for disposal of land for less than best consideration must be made through the Secretary or his or her deputy, and in accordance with the Guidance Note on the Exercise of the Secretary of State for Trade & Industry's Powers under Section 5 of the Regional Development Agencies Act 1998 contained at **Annex D**.

Breach of the Standing Order

9. It is the responsibility of members and all employees and officers to comply with the rules and obligations of this Standing Order as amended from time to time. It is the responsibility

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of all Executive Directors and Directors to take steps to ensure that the provisions of this Standing Order are brought to the attention of their team. Failure to comply shall constitute a breach of Standing Orders. For employees and officers, a breach of this Code may result in disciplinary action being taken in accordance with the Agency's Disciplinary Procedure.

Further Advice

10. Where any uncertainty exists about the application of this Standing Order, the advice of the Secretary should be sought.