

EXPLANATORY MEMORANDUM TO
**THE THURROCK DEVELOPMENT CORPORATION (TRANSFER OF PROPERTY,
RIGHTS AND LIABILITIES) ORDER 2012**

2012 No. 534

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 This Order transfers to Thurrock Borough Council (“the Council”) any residual property, rights and liabilities of Thurrock Development Corporation (“the Corporation”).
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Context**
 - 4.1 The Thurrock Development Corporation (Area and Constitution) Order 2003 (S.I. 2003/2896) (“the 2003 Order”) designated the borough of Thurrock as an urban development area, and established the Corporation as an urban development corporation (UDC) to regenerate the area.

4.2 This Order transfers the property, rights and liabilities of the Corporation to the Council as a precursor to dissolution of the Corporation. It is proposed that the Corporation will be dissolved on 31st October 2012 by an Order made under section 166 of the Local Government, Planning and Land Act 1980.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to England.
6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
 - 7.1 The 2003 Sustainable Communities Plan (“Sustainable communities: building for the future” ODPM¹) identified four growth areas to accommodate the economic success of London and the wider South East, and included a commitment to set up strengthened

¹ <http://www.communities.gov.uk/publications/communities/sustainablecommunitiesbuilding>

local delivery vehicles in these areas with the necessary powers to drive forward development.

7.2 The statutory objective and powers of an UDC are set out in section 136 of the Local Government, Planning and Land Act 1980 (“the 1980 Act”). The 2003 Order established the Corporation to secure the regeneration of its area. This was to be achieved by:

- bringing land and buildings into effective use;
- encouraging the development of existing and new industry and commerce;
- creating an attractive environment; and
- ensuring that housing and social facilities are available to encourage people to live and work in the area.

7.3 The Corporation was intended to be a time-limited body, initially for a period of 7 years, which was later extended to 10 years.

7.3 In June 2009, the Department for Communities and Local Government (DCLG) undertook a Quinquennial Review of the three UDCs in England. The review looked at the performance and future of the UDCs and included a 12 week consultation. Following that review, it was decided that the Homes and Communities Agency should take over the functions of the Corporation from April 2011.

7.4 In 2010, however, the new Government reviewed this decision as part of a review of all arms-length bodies and concluded that it should not be implemented as it would be a centralising measure that would have further distanced local people from decisions about the future of their area. In addition, the consultation undertaken as part of the Quinquennial review showed clearly that there was no local support in favour of this decision.

7.5 In September 2010 the Government announced that, subject to parliamentary approval, the Corporation would cease operation and its functions would be transferred to the Council. This will lead to a number of benefits including:

- maintaining the momentum of private sector investment
- enabling efficiency savings to be made through shared services
- achieving value for money by limiting public sector investment necessary to enable maximum private investment
- strengthening local control over regeneration and the operation of planning responsibilities
- strengthening the council’s capacity to drive regeneration

8. Consultation outcome

8.1 Section 165B of the 1980 Act requires the Secretary of State to consult the Council (being the local authority in whose area the Thurrock urban development area is situated) before making this Order.

8.2 The Council has been fully consulted regarding the transfer of property, rights and liabilities from the Corporation to the Council. The consultation has taken the form of regular meetings in which the Council have participated in discussions and plan-making as members of a working group set up by DCLG in 2010. The Council's views have been sought on all property, rights and liabilities which will transfer to them under this order and they have expressed their willingness to take these property, rights and liabilities. A wider public consultation was not necessary in this case because of the limited impact of the Order.

8.3 Both the Council and the Corporation have been given an opportunity to comment on the provisions made in this instrument. No substantive comments have been received.

9. Guidance

9.1 No guidance on this Order will be issued.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

10.2 There is a minimal impact on the public sector – the functions of the Corporation will now be carried out by the Council.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 There will be no formal monitoring or review of the effect of this Order.

13. Contact

Isabella Connell at the Department for Communities and Local Government Tel: 03033 44 43639 or email: Isabella.connell@communities.gsi.gov.uk can answer any queries regarding the instrument.