

<b>Key Decision Required:</b>	<b>No</b>	<b>In the Forward Plan:</b>	<b>No</b>
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**PORTFOLIO HOLDER FOR  
FINANCE AND CORPORATE RESOURCES**

January 2019

**A.1 TO INITIATE THE PROPERTY DEALING PROCEDURE IN RESPECT OF THE  
DISPOSAL OF LAND IN DOVER ROAD, BRIGHTLINGSEA**  
(Report prepared by Jennie Wilkinson)

**PART 1 – KEY INFORMATION**

**PURPOSE OF THE REPORT**

**To consider whether to initiate the disposal process for the land in Dover Road, Brightlingsea as edged red on the plan in Appendix A**

**EXECUTIVE SUMMARY**

The Council owns the freehold of the land in Dover Road, Brightlingsea which is bordered by residential property.

It is considered that this land has the potential for use as a single residential plot and this report seeks the authority to explore this option and if viable apply for outline planning consent in order to maximise the value to the Council on a sale.

**RECOMMENDATION(S)**

**That the Portfolio Holder agrees to initiate the disposal process in order for Officers to consider the potential disposal in accordance with the Council's Property Dealing Procedure as set out in the Constitution.**

**PART 2 – IMPLICATIONS OF THE DECISION**

**DELIVERING PRIORITIES**

The potential transaction is pertinent to the following Council priorities:

- Make the most of our assets
- Balance our budget

**FINANCE, OTHER RESOURCES AND RISK**

**Finance and other resources**

The freehold disposal would generate a capital receipt.

**Risk**

There is a risk that outline planning consent will not be granted.

**LEGAL**

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district.

Section 123(1) Local Government Act 1972 indicates that, a local authority may dispose of land held by it in any way it wishes so long as (section 123 (2)) the land is disposed for a

consideration not less than the best that can reasonably be obtained.

Section 123(2A) Local Government Act 1972 indicates that, a local authority may not dispose of open space land held by it without advertising its intention to do so in the local press.

#### **OTHER IMPLICATIONS**

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder/Equality and Diversity/Health Inequalities/Consultation/Public Engagement

- **Consultation/Public Engagement**

None. It is considered that this land is remaining following development of local housing and not public open space.

- **Ward**

Brightlingsea

### **PART 3 – SUPPORTING INFORMATION**

#### **BACKGROUND**

The land has been maintained as an area of low cut grass since the Council acquired it in 1976 and is not used by the public or council for any specific purpose.

A Disposal Feasibility has been carried out and is attached at Appendix B.

#### **CURRENT POSITION**

Officers have committed to review the Council's land assets and find those areas of land that are currently contributing to the revenue maintenance budget, but not to the corporate priorities. Disposing of these areas of land would not only save revenue but also bring in a capital receipt to the Council and unlock potential for local housing.

The land in Dover Road is considered to be one such asset and the purpose of this report is to initiate the disposal process and explore this option.

#### **FURTHER HEADINGS RELEVANT TO THE REPORT**

None

#### **APPENDICES**

- Appendix A – Location Plan
- Appendix B – Assessment of disposal feasibility