

Key Decision Required:	No	In the Forward Plan:	Yes
-------------------------------	-----------	-----------------------------	------------

PORTFOLIO HOLDER FOR FINANCE AND CORPORATE RESOURCE

1 March 2019

A TERMS FOR THE FREEHOLD DISPOSAL OF LAND OFF MUNNINGS DRIVE AND COTMAN ROAD, CLACTON

(Report prepared by Jennie Wilkinson)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek approval for the freehold disposal of a parcel of land off Munnings Drive and Cotman Road, Clacton as shown edged red on the plan in Appendix A

EXECUTIVE SUMMARY

The land off Munnings Drive and Cotman Road is an isolated piece of land for which the Council owns the freehold. Due to its location and the fact it is not adjacent to any other Council owned property, it has been identified for potential disposal as part of a wider disposals initiative.

Access to the land is only possible on foot along a footpath that is not owned by the Council and therefore the potential use of this land is limited.

The Council have been approached by a neighbouring property owner who would like to purchase the land in order to extend their garden. Terms have been provisionally agreed and are set out in the concurrent confidential report.

RECOMMENDATION(S)

That the Portfolio Holder authorises the freehold disposal, in principle.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council has corporate priorities that support delivering a quality living environment and making the most of our assets.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The freehold disposal will result in a capital receipt for the Council as well as a revenue saving on maintenance.

Risk

This is dealt with in the concurrent confidential report.

LEGAL

Section 123(1) Local Government Act 1972 (1972 Act) 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.

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.

The land is left over following development and not designated public open space and in this case it would be appropriate to agree to the sale of the land for the capital sum stated in the valuation report. Officers have concluded that there is no benefit in marketing the land and that the amount determined by the external valuer represents Best Consideration Reasonably Obtainable.

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

An Equality Impact Assessment has been carried out and the Local Ward Members have been advised of the proposed transaction. Councillor Whitmore responded "It appears to make sense to dispose of this land, providing we do get actual market value.

I really cannot see that it would be of any future use to TDC because of its proximity"

Ward

Bockings Elm

PART 3 – SUPPORTING INFORMATION

BACKGROUND

This piece of land was identified for potential disposal as part of a wider disposals initiative, however was lower on the list than others with better prospects. In the meantime, a neighbouring property owner has approached the Council showing an interest in purchasing the land.

CURRENT POSITION

An independent valuation report has been obtained and negotiations have taken place full details of which are contained in the concurrent confidential report.

FURTHER HEADINGS RELEVANT TO THE REPORT

None

APPENDICES

- Appendix A – Location Plan