

Key Decision Required:	N	In the Forward Plan:	Y
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THE LEADER OF THE COUNCIL

5 NOVEMBER 2019

REPORT OF THE DEPUTY CHIEF EXECUTIVE AND HEAD OF PROPERTY SERVICES

A.1 PRINCIPLE OF GRANTING AN OPTION AGREEMENT IN RESPECT OF A RIGHT OF WAY OVER LAND ADJACENT TO MISTLEY PLACE PARK, MISTLEY

(Report prepared by Layla Davey)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To agree the principle of granting an Option Agreement in respect of a right of way over land adjacent to Mistley Place Park, Mistley, as shown hatched red on the plan in Appendix A

EXECUTIVE SUMMARY

The owners of land in Mistley Place Park, Mistley has approached the Council requesting a right of way over the Council's land in order to meet requirements to provide a rear escape route in case of flooding for their potential development. An Option Agreement has been negotiated and full terms are set out in the concurrent confidential report.

RECOMMENDATION(S)

That subject to his decision in respect of the concurrent confidential report, the Leader of the Council approves the principle of granting the Option in respect of a potential right of way.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Granting this right of way over Council land will have the potential to deliver on the following Council priorities and corporate objectives:

- Maximising our Assets
- Promoting Local Regeneration

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The granting of an Option Agreement will provide a capital receipt to the Council as well as grantee taking on the maintenance of this area on exercise of the option, which will provide a small revenue saving.

Risk

There is little risk in proceeding with this transaction as the land is currently unused.

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.

Ordinarily, this Report would go to the Portfolio Holder for Corporate Finance and Governance however in this case he has indicated a potential conflict of interest so it is being put to the Leader of the Council.

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 / Area or Ward affected / Consultation/Public Engagement.

WARD

Lawford

PART 3 – SUPPORTING INFORMATION**BACKGROUND**

The owner of land adjacent to the Council's land in Mistley Place Park, Mistley has approached the Council requesting a right of way over the Council's land. This is in order to meet requirements to provide a rear escape route for a potential small development in the event of flooding. An Option Agreement has been negotiated and full terms are set out in the concurrent confidential report.

CURRENT POSITION

A valuation has been sought and details of this along with terms for the proposed Option Agreement are set out in the concurrent confidential report.

FURTHER HEADINGS RELEVANT TO THE REPORT

None

BACKGROUND PAPERS FOR THE DECISION

Equality Impact Assessment – available on request

APPENDICES

Appendix A – Location Plan