

<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**

**May 2020**

**A.1 TO INITIATE THE PROPERTY DEALING PROCEDURE IN RESPECT OF THE  
POTENTIAL DISPOSAL OF LAND ON BURROWS CLOSE, CLACTON ON SEA**  
(Report prepared by Vidmante Minkeviciute)

**PART 1 – KEY INFORMATION**

**PURPOSE OF THE REPORT**

To consider whether to initiate the Property Dealing Procedure in respect of the land on Burrows Close in Clacton, coloured red on the plan attached in Appendix A.

**EXECUTIVE SUMMARY**

- The Council owns the freehold of the plot of land in Burrows Close which is bordered by residential properties and Cann Hall Primary School, separated by a footpath.
- The plot could be sold with a residential development potential.

**RECOMMENDATION(S)**

That the Portfolio Holder agrees to initiate the Property Dealing Procedure, whereby Officers can consider the potential transaction in accordance with the Council's Constitution.

**PART 2 – IMPLICATIONS OF THE DECISION**

**DELIVERING PRIORITIES**

The potential transaction is pertinent to the following Council priorities:

- Use assets to support priorities
- Balance the annual budget

**FINANCE, OTHER RESOURCES AND RISK**

**Finance and other resources**

The freehold disposal would generate a capital receipt.

**Risk**

There is not considered to be a significant risk in this transaction

**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 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**  
Advertisement of the potential disposal is necessary
- **Ward**  
Bockings Elm

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

#### **BACKGROUND**

The Council acquired the land in 1974 and it has been maintained as an amenity green space. The land remains undeveloped and has no formal use.

The property strategy identifies the need to seek the most effective way in which unused assets can contribute to the Council's priorities. In this regard Officers have been tasked with identifying land that has no specific purpose and has the potential for sale for development or repurpose. This land is considered to be such a piece.

#### **CURRENT POSITION**

The land was originally transferred with a covenant to maintain it as a childrens play area, however the land has not been used for this purpose and has no play equipment on it.

This report seeks to initiate the Property Dealing Procedure in order to apply for outline planning consent for residential development and explore disposal options.

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

None

#### **APPENDICES**

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