

<b>Key Decision Required:</b>	<b>No</b>	<b>In the Forward Plan:</b>	<b>No</b>
-------------------------------	-----------	-----------------------------	-----------

**REPORT TO THE PORTFOLIO HOLDER FOR  
FINANCE AND CORPORATE RESOURCES**

26 January 2020

**A.1 INITIATION OF THE PROPERTY DEALING PROCEDURE IN RESPECT OF LAND  
OFF ELM TREE AVENUE, FRINTON ON SEA**

(Report prepared by Jennie Wilkinson)

**PART 1 – KEY INFORMATION**

**PURPOSE OF THE REPORT**

To consider whether to initiate the disposal process with regard to land off Elm Tree Avenue, Frinton on sea in order to facilitate development of a new medical centre for the area.

**EXECUTIVE SUMMARY**

The Council holds the freehold ownership of open space off Elm Tree Avenue and Bardfield Way in Frinton on Sea. The North East Essex Clinical Commissioning Group (NEECCG) on behalf of the NHS have identified a need for a new medical centre in this area to serve both Frinton and Walton and incorporate several of the existing local practices that are currently operating over capacity.

The NEECCG are currently exploring options in this area and have identified the land off Elm Tree Avenue as one possibility.

Further investigation is required into the size and value of the site required and a covenant which currently restricts the use of the land will need to be released if a medical centre is to be developed here.

**RECOMMENDATION(S)**

**That the Portfolio Holder**

- (a) Agrees to initiate the disposal process, whereby Officers can consider the potential transaction in accordance with the Council's Property Dealing Policy as set out in the Constitution.**
- (b) Allocates funds in the sum of £15,000 from the Emerging Property Projects Budget in order to instruct external consultation on the need in the area and potential options.**

**PART 2 – IMPLICATIONS OF THE DECISION**

**DELIVERING PRIORITIES**

The potential transaction is pertinent to the following Council priorities:

- Joined up public services for the benefit of our residents and businesses.
- Health and wellbeing – for effective services and improved public health.
- Use assets to support priorities

## **FINANCE, OTHER RESOURCES AND RISK**

### **Finance and other resources**

In order to explore the need and the potential options available for this scheme it would be beneficial to procure external expertise and advice. A sum of £15,000 should be sufficient to secure this consultancy.

### **Risk**

The purpose of this initiation of the disposal process is to gather information with regard to risk in order to inform the decision of whether or not proceed with the project in a later report.

## **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.

The General Disposal Consent Order (England) 2003 gives consent for disposal at below best consideration reasonably obtainable provided that the undervalue is less than £2m and the proposal enhances the environmental economic and social wellbeing of the area.

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.

In this case the land is public open space. It is not currently proposed to dispose of the land other than at Best Consideration Reasonably Obtainable but if a disposal takes place without marketing of the site, the use of the General Disposal Consent Order (England) 2003 will be required.

## **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**

This is not required at this stage of the process, however advertisement of the potential disposal of Public Open Space will be necessary

- **Ward**

Frinton

## **PART 3 – SUPPORTING INFORMATION**

### **BACKGROUND**

A new medical centre was proposed for this area around 15 years ago, but the plans have never proceeded further than the proposal. Officers have recently been contacted by the NEECCG to advise that local surgeries are now working beyond recommended capacity and they have to find a solution. The previously proposed medical centre in Frinton is one of the preferred options they are considering.

The land, edged red on the plan in Appendix A was transferred to the Council by a developer in 1989 and includes a covenant that the land can only be used as public open space. In order for a medical centre to be built in this location, consent from the current beneficiary of this covenant will be required and they will require payment to provide this consent.

#### **CURRENT POSITION**

It is proposed that the disposal process is initiated so Officers can explore the potential of this medical centre. In order to gain a full understanding of the Council's options, it would be beneficial to gain external advice by way of a consultations report to include disposal options, valuations, options in regard to the covenant mentioned above and recommendations for the best use of the asset. In order to procure this report a sum of £15,000.00 is proposed from the Emerging Property Projects budget.

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

None

#### **APPENDICES**

- Appendix A – Location Plan.
- Appendix B – Assessment of Disposal Feasibility