

Key Decision Required:	No	In the Forward Plan:	YES
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PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE

23 FEBRUARY 2021

A.A TO AGREE TERMS FOR A FREEHOLD DISPOSAL IN RESPECT OF 9 BUS SHELTERS LOCATED IN VARIOUS PLACES THROUGHOUT THE TENDRING DISTRICT

(Report prepared by Izaak Marshall)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To agree terms for a freehold disposal in respect of 9 bus shelters located in various places throughout the Tendring District as shown on the location plans in Appendix A.

EXECUTIVE SUMMARY

As part of a wider project, Essex County Council (ECC) have approached various district Councils, including Tendring, to enquire about purchasing all bus shelters within their districts.

ECC currently manage the bus provision service. By transferring the freehold of the bus shelters to them, all bus shelters within the County will be under the same umbrella. This will enable maintenance of the shelters to be uniform across the County and enable advertising agreements to be put in place more efficiently to help pay for maintenance and service costs.

RECOMMENDATIONS

That the Portfolio Holder agrees terms for a freehold disposal of the 9 bus shelters owned by Tendring District Council, in accordance with the current position section of this report and authorises the Corporate Director for Operations and Delivery to proceed with the disposal on the terms set out in this report and any other such terms as he sees fit.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council has corporate priorities to join up public services for the benefit of our residents and use assets to support priorities. The granting of this freehold disposal will contribute to these.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

Whilst the proposed premium for this freehold disposal is only £1, the disposal will reduce revenue costs to the Council's maintenance budget.

Due to the use and small size of the assets proposed to sell, the development potential and therefore financial gain if these were to be sold for other purposes is negligible.

Risk

Due to the nature of the assets and the small size of the land plots, the use of all sites will always be predominantly as a bus shelter or Highway land. There is therefore not considered to be any significant risk in the granting of this freehold disposal.

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.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of Crime and Disorder, Equality and Diversity, Health Inequalities, Consultation/Public Engagement and Wards; and any significant issues are set out below.

With all shelters coming under the County Council, they will be able to set a maintenance and quality standard that every shelter will comply with.

Ward

Dovercourt Bay, Dovercourt All Saints, Dovercourt Tollgate, Harwich & Kingsway, Lawford Manningtree & Mistley, The Oakleys & Wix, Burrsville, Kirby le Soken & Hamford and Walton

PART 3 – SUPPORTING INFORMATION

BACKGROUND

ECC have approached various district Councils, including Tendring, as they are interested in purchasing all bus shelters within the County. The intention is for all bus shelters to fall within ECC's remit, in order to make its bus provision service better for local residents. It will also make it easier for all shelters to be maintained to the same standard and blanket agreements for advertising put in place to mitigate the maintenance cost.

CURRENT POSITION

Heads of terms have been negotiated in respect of the disposal of the 9 bus shelters owned by Tendring District Council, the highlights of these being:

Premium: £1 if demanded

TDCs legal fees: Payable by ECC

Timescale: To be completed as soon as possible

It is not proposed to add a restriction for future use on the land, as due to the size of the sites and the minimal potential, it is unlikely that the land will ever be used for anything other than a bus shelter or part of the highway.

A Market Valuation has been undertaken by Morley Riches & Ablewhite in order to

establish best value for the Council, which is reported as £1 in line with the offer received.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix A: Location Plans