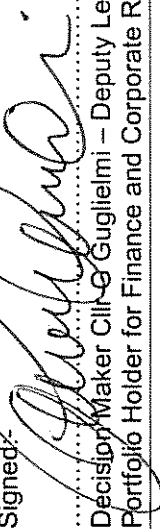


**RECORD OF EXECUTIVE DECISION**

Ref. (for Democratic Services only)	Date	Decision Maker	Decision	Reason for Decision	Alternative Options Considered	Conflicts of Interest Declared (and Dispensations granted by Standards Committee)	Consultation with Ward Member(s)	Subject to Call-in? Yes/No
	6 Oct 2017	Portfolio for Finance and Corporate Resources	<p>That the Portfolio Holder for Finance and Corporate Resources approves the principle of and terms for:</p> <p>a) purchasing back the freehold of this former Council owned garage, and;</p> <p>b) disposal of the strip of council owned housing land surplus to requirements,</p> <p>In direct exchange for each other, with each party bearing their own legal costs, and subject to such other terms considered necessary by the Corporate Director (Corporate Services)</p>	<p>Portfolio approval in July 2016 provided authority to initiate the process of negotiation of the sales (exchange) in accordance with the Council's Property Dealing Policy.</p> <p>This authority seeks authority to complete the transactions</p>	Not completing the sale transactions	None	Harwich West Ward To be confirmed	Yes
<b>URGENT DECISIONS ONLY (If non-urgent go to "Agreement to Decision" below):-</b>								
<b>GENERAL EXCEPTION APPLIES?</b> (Rule 15 Access to Information Procedure Rules)			NO	If yes, has at least 5 clear days notice been given to the Chairman of the relevant overview and scrutiny committee?		N/A	N/A	N/A
<b>SPECIAL URGENCY APPLIES?</b> (Rule 16 Access to Information Procedure Rules)			NO	If yes, has the Chairman of the relevant overview and scrutiny committee's consent been obtained?		N/A	N/A	N/A
<b>EXEMPTION FROM CALL-IN APPLIES?</b> Rule 16i Overview and Scrutiny Procedure Rules)			NO	If yes, has the Chairman of the relevant overview and scrutiny committee's consent been obtained?		N/A	N/A	N/A
<b>URGENT &amp; OUTSIDE BUDGET OR POLICY</b>			NO	If yes, why is it not practical to convene a quorate meeting of full		N/A	N/A	N/A

FRAMEWORK? (Rule 6 Budget and Policy Framework Procedure Rules)	NO	Council if yes, has the Chairman of the relevant overview and scrutiny committee	N/A	N/A
<b>AGREEMENT TO DECISION:-</b>				
Signed:  ..... Decision Maker Clif G. Guglielmi – Deputy Leader and Portfolio Holder for Finance and Corporate Resources	Date:- .....2 October 2017		Delegated Power Reference (in Part 3 of the Constitution):- 3.31, Item 4.2.1 ..... .....	

Original signed copy to be retained by Service.  
Electronic copy to be sent to Janey Nice, Democratic Services Officer, for inclusion of relevant details into decisions list.

Key Decision Required:	No	In the Forward Plan:	No
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## PORTFOLIO HOLDER FOR RESOURCES AND CORPORATE SERVICES

5 OCTOBER 2017

**A. THE FREEHOLD ACQUISITION OF GARAGE 1 ABDY AVENUE, DOVERCOURT AND THE FREEHOLD DISPOSAL OF STRIP OF SURPLUS LAND IN ABDY AVENUE, DOVERCOURT**

(Report prepared David Black)

**PART 1 – KEY INFORMATION****PURPOSE OF THE REPORT**

- To agree an offer from the freehold owner of Garage 1 Abdy Avenue, Dovercourt for TDC to acquire back the freehold ownership of this former Council owned garage in exchange for relinquishing the freehold ownership of Council owned housing estate strip of land (formally a footpath and surplus to requirements).
- To obtain authority to complete the legal transactions to swap the garage for the strip of land.

**EXECUTIVE SUMMARY**

**Abdy Avenue Garage Site**—This is a residential garage site managed within the Operational Services Department by the Housing Service. The site consists of four sixties constructed concrete garages and access forecourt. One of the garages (Garage 1) was sold freehold with the property 27 Abdy Avenue under right to buy legislation. The garages have now exceeded their lifespan and are beyond economic repair. Survey and inspection of the garage site has ruled out residential re-development. However, the existing garages need to be demolished. The site could then, subject to approval, be laid to an open car park or the garages replaced with new ones and re-let to local council tenants and residents within Abdy Avenue.

**Strip of land / former footpath**—This land lies adjacent to 27 Abdy Avenue and was previously used as an access footpath to the local Primary School, Chase Lane. However, the School fenced off the access over 25 years ago leaving the footpath redundant. Since that time it has been maintained by the Housing Service with grounds maintenance/weed and grass cutting and regular fly tipping clearances. Initial enquiries indicate that no one has conveyed or assumed rights over the land and on this basis it is considered surplus to the requirements of the Housing Service.

The applicants are the freehold owners of both 27 Abdy Avenue and Garage 1 Abdy Avenue and have made an application to sell back the garage, which they have not used for many years and purchase, or exchange it, for the strip of land/old footpath which runs adjacent to their property.

The garage site has been identified as high priority for clearance and re-development and

finance to carry out this work has been identified within existing HRA Budgets.

**RECOMMENDATIONS**

That the Portfolio Holder for Finance and Corporate Resources approves the principle of and terms for:

- a) purchasing back the freehold of this former Council owned garage, and;
- b) disposal of the strip of Council owned housing land surplus to requirements, in a direct exchange for each other, with each party bearing their own legal costs, and subject to such other terms considered necessary by the Corporate Director (Corporate Services)

**PART 2 – IMPLICATIONS OF THE DECISION**

**DELIVERING PRIORITIES**

This freehold acquisition and disposal contribute to the future viability of the site and the proposals contribute to the following Corporate Priorities

- Deliver a quality living environment
- Local regeneration

**FINANCE, OTHER RESOURCES AND RISK**

**Finance and other resources**

The purchase of the freehold of the plot (Garage 1) will allow the Council free choice over the future management and use of the garage site. The owners of the plot have indicated a willingness to sell in exchange for the strip of land.

The existing Housing Revenue Account budget for the upkeep and refurbishment of the Council's garage stock at this site has an uncommitted balance which can be used to facilitate the redevelopment of the site.

The freehold acquisition of the garage in exchange for the land would not result in any capital or revenue cost or receipt to the Council aside from the Council's own legal costs.

**Risk**

Risks of Acquiring	Risks of not Acquiring
<p><b>Garage</b></p> <p>Subject to additional maintenance costs, there is no risk to the Council in acquiring the garage as it would provide the Council total freehold ownership with which to decide the future of the site unencumbered.</p>	<p><b>Garage</b></p> <p>There is a risk that by not acquiring the garage it could be sold to another party and/or could be used as ransom to any site re-development</p> <p>There is a risk that the condition of the site will continue to deteriorate and that the Council would have to invest revenue on safety grounds but with limited, if any, positive impact on use of</p>

	the site.
<p><b>Strip of land/ Footpath</b></p> <p>There are no recognised risks in disposal of the land as the valuation and negotiation process has confirmed that the transaction is in accordance with the Council's Property Dealing Procedure and meets Best Value statutory requirements</p>	<p><b>Strip of Land/ Footpath</b></p> <p>The land will continue to be a financial burden and responsibility for the Council. There is no recognised advantage in the Council retaining the land</p>

**LEGAL**

Section 17 of the Housing Act provides the principal power for the acquisition of land for housing purposes

Section 32 of the Housing Act 1985 together with the General Housing Consent 2013 (particularly paragraphs A3.1.1 and A3.2 here) gives the Council discretionary power to dispose of land held under Part II of the Housing Act 1985 that has not been developed; this would include the strip of land to be disposed of.

The Property Dealing Procedure in the Council's Constitution, provides for an initial Portfolio Holder decision to initiate the Property Dealing Procedure which was obtained in July 2016. This was followed by investigations, an independent valuation and appropriate steps to negotiate and otherwise agree terms for the deal.

Independent valuation of both the Garage and Land have indicated that a straight exchange or swap represents Best Value for the Council in accordance with their individually achievable market values. This Report seeks approval to complete the deal on these terms.

**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

None

**Ward**

Harwich West Ward

**PART 3 – SUPPORTING INFORMATION**

**BACKGROUND**

**Summary**

**Garage Site**

The property is a Council Housing Residential Garage Site with access and turning forecourt. It is a semi- derelict site subject to fly tipping and unauthorised parking.

**Strip of land/old footpath**

The site is immediately adjacent to 27 Abdy Avenue. There are no known rights of access over the land and it is currently an area prone to fly-tipping.

Details of both sites are provided in the Appendices.

**CURRENT POSITION**

The garage site is currently unused and derelict and is detrimental to the local amenities. The precast concrete garages are beyond economic repair and require demolition.

The strip of land/footpath remains unused and continues to be a financial liability to the Council in respect of ground maintenance and potential fly-tipping.

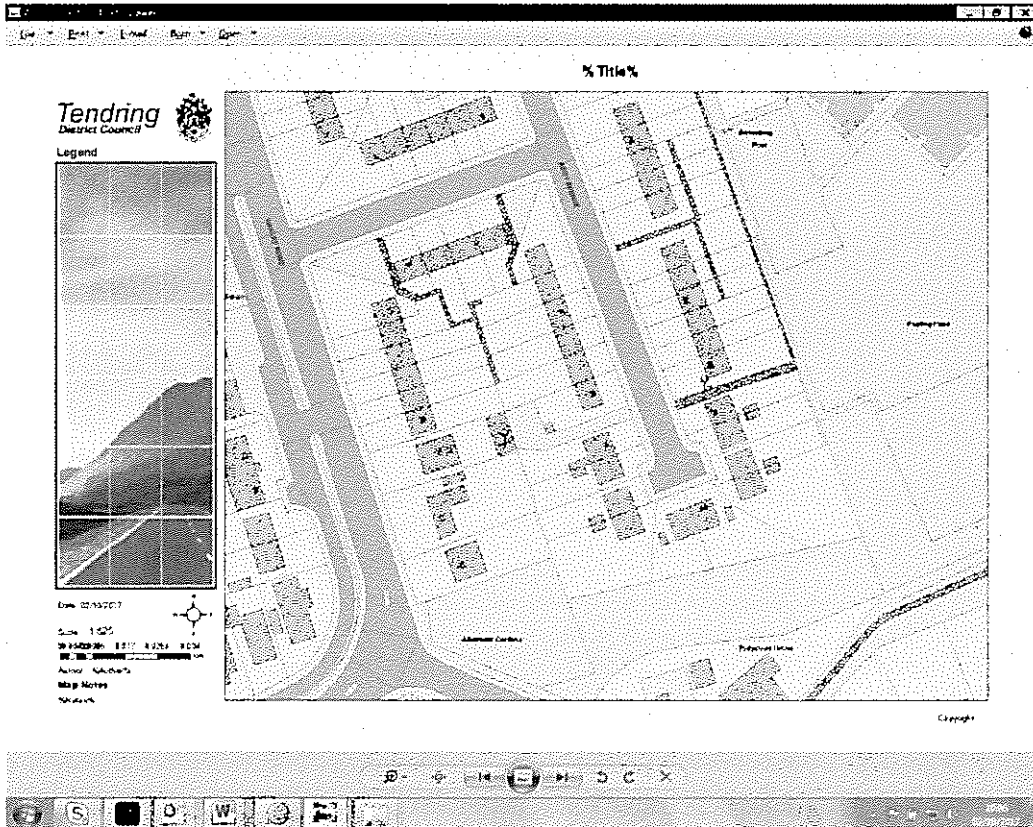
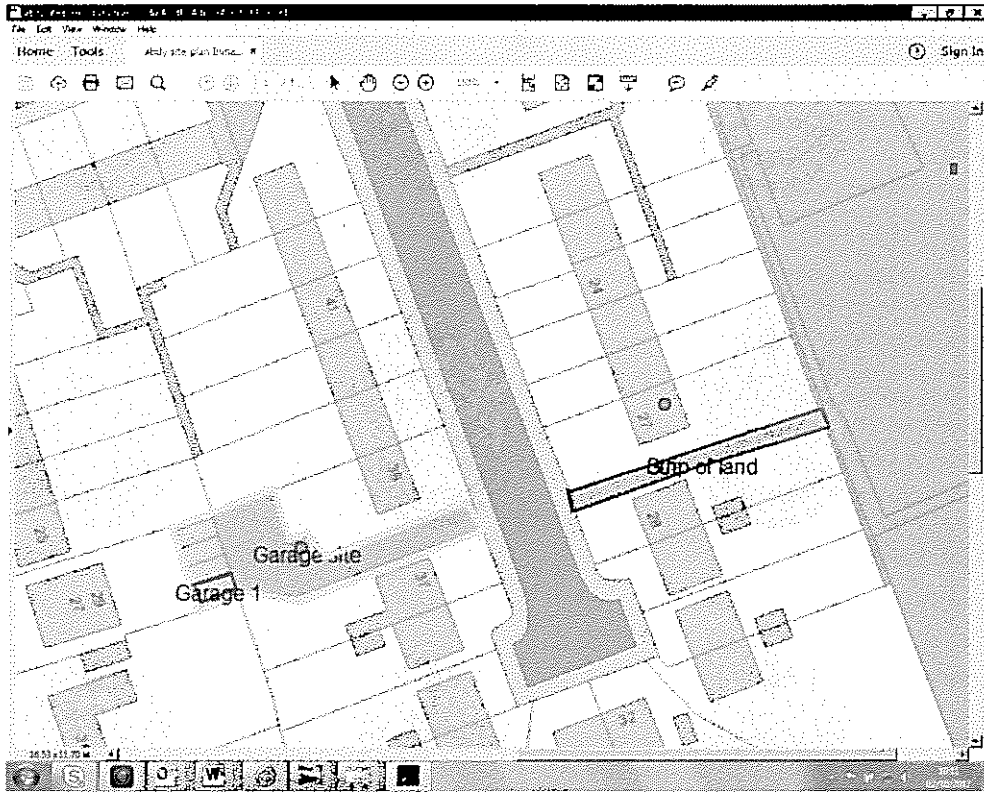
The applicant has now agreed, in principal, to the direct and straight exchange of ownership of their freehold garage for the strip of land.

**APPENDIX**

A, Site Plan

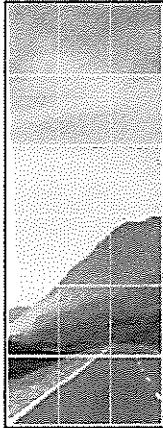
# APPENDIX A

## ABDY AVENUE, DOVERCOURT



Tendring  
District Council

Legend



Date: 02/05/2017

Scale: 1:250

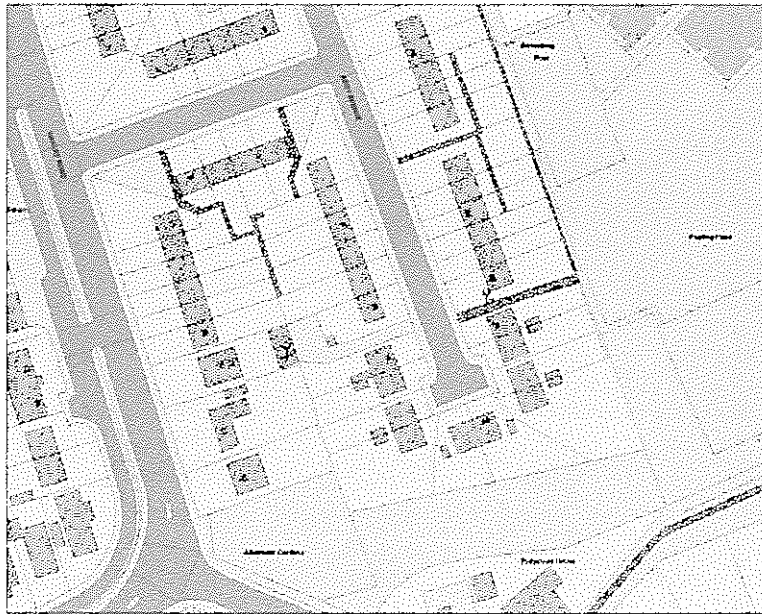
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Author: M.A. 1/2017

Map Notes

Scale

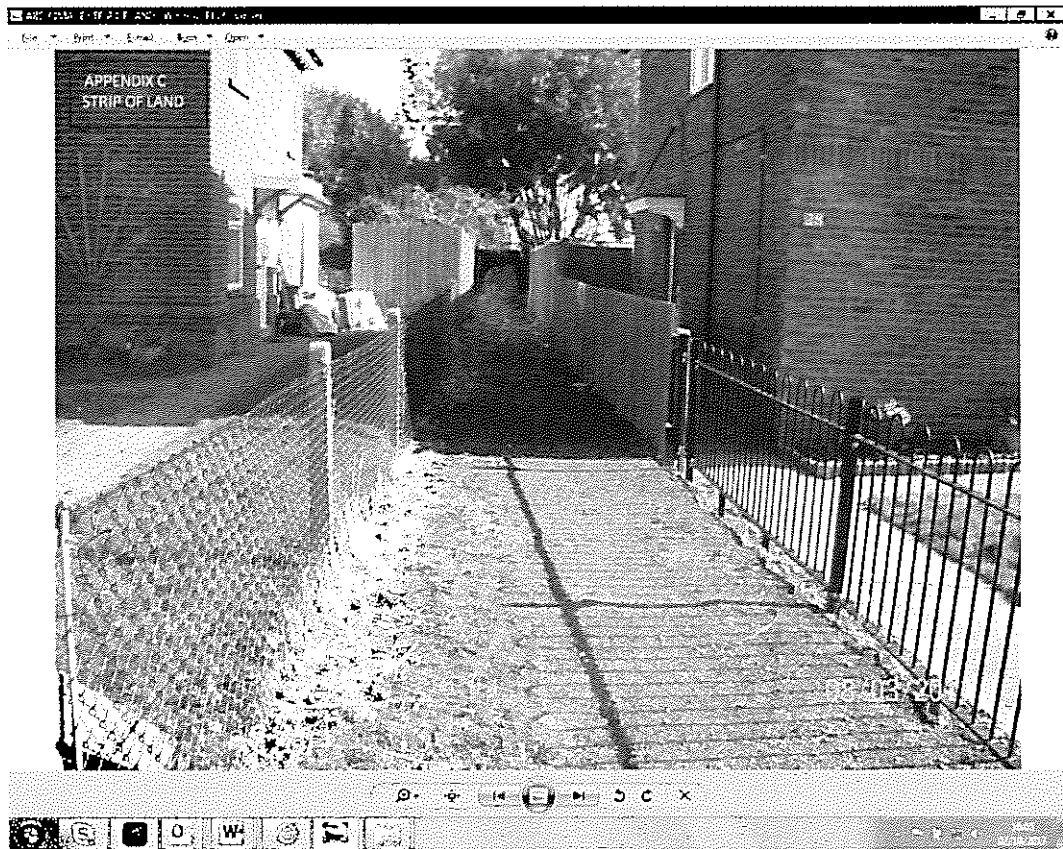
% Title %



Copyright



Garage



Land