

DECISION NOTICE



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Notice and report e-
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Democratic
Services, Comms
Team and Report
Author , on 27
September 2017

NOTICE OF DECISION MADE BY PORTFOLIO HOLDER DECISION: LAWTON 1:17

(To be made available at the main offices of the Council and sent to all members of the Council within 3 working days of the decision.)

The Council's Constitution (Standing Order 28 – Recording of Executive Decisions; Part 3 Section D4 – Delegations to Cabinet members; and Part 4 D Access to Information Procedure Rules) requires that when any decision is made by an individual Portfolio Holder a record of the decision, including a statement of the reasons for it and any alternative options considered and rejected, must be prepared and published normally **within 3 working days**.

In accordance with this requirement notice is hereby given that Councillor C J Lawton, being the Portfolio Holder for Housing and Health, made the decision detailed below on 25 September 2017. This decision is not a key decision.

This notice is published on 27 September 2017.

In accordance with the terms of the Constitution (Part 3 Section D – Overview and Scrutiny (including Call-In Procedures)), the decision detailed below will come into force, and may then be implemented, on Thursday 5 October 2017 (i.e. following the expiry of 5 working days following the date of publication of this notice) unless during that period a notice, where either a Ward Representative (in relation to a matter in their ward) or two members of the Performance Monitoring Panel or any three members formally request in writing (requests for Call-In must be given on a form designed for that purpose, and must be signed by each subscriber to the call-in) to the Senior Legal Officer (or such other officer as is nominated by the Senior Legal Officer) before the end of the five clear Working Day period specified in the above paragraph in relation to a particular decision by the Leader, a Cabinet Member or Cabinet, a Sub-Committee of Cabinet or an officer, then that decision shall be referred to the Performance Monitoring Panel. Such request must contain a justifiable reason for the reference and one or more of the signatories to the reference must forward to the Senior Legal Officer at least five clear Working Days before the date of the Committee which is to consider the matter a brief explanation or statement as to the concerns of the signatories in the matter, and what alternative decision(s) that

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member/those members consider should be taken. (The call-in period expires at 5pm on the 5th working day following publication of this notice, or 4.30pm if the 5th working day is a Friday.)

Matter to which decision relates

Land at Centenary Way, Sutton Bridge – To consider a request to sell an area of Council owned land.

DECISION (IF URGENT PROVIDE REASONS)

- 1) That delegated authority be granted to the Interim Housing Landlord Services Manager to agree the sale of land as described in this report;
- 2) That delegated authority be granted to the Interim Housing Landlord Services Manager to deal with any issues which may arise, following consultation with the Portfolio Holder for Housing.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Option 1 – Do nothing (not recommended)

This option would leave the land in the Council's ownership, retaining ongoing maintenance liabilities and requiring the defence and settlement of the former landowner's Tribunal claim.

Option 2 – Intended or Alternative Use (not recommended)

The land has been considered for its originally intended use but this is considered unlikely without an established need and an alternative use from that for which it was acquired would not be acceptable.

Option 3 – Disposal to other party (not recommended)

Under Crichel Down Rules the Council must first offer it back to the former landowner, effectively in line with the recommended decision.

REASON OR REASONS FOR THE DECISION

This decision would enable the Council to dispose of the land to the former landowner with the previously paid compensation being offset against the transfer costs. It is believed that there will be a balance of approximately £5000 to pay in respect of the former land owners legal and surveyor's fees in dealing with the original CPO, the Tribunal application and the transfer costs.

Doing nothing would leave the land in the Council's ownership, retaining ongoing maintenance liabilities and requiring the defence and settlement of the former landowner's Tribunal claim.

Using the land both for its originally intended use without an established need or for an alternative use would be unlikely. The Tribunal claim would still need to be defended and settled.

Under the Crichel Down Rules the Council must first offer it back to the former landowner effectively in line with the recommended decision.

Conflicts of interest declared by an executive member, relating to the decision, and any dispensations granted

None known.

REPORT

- 1 Land at Centenary Way, Sutton Bridge -
To consider a request to sell an area of Council owned land.

(Pages
1 - 6)

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SOUTH HOLLAND DISTRICT COUNCIL

Report of: Executive Director – Place (Rob Walker)
To: Portfolio Holder for Housing (Councillor C Lawton)
(Author: Martin Cregg, Interim Housing Landlord Services Manager)
Subject: Land at Centenary Way, Sutton Bridge
Purpose: To consider a request to sell an area of Council owned land

Recommendations:

- 1) That delegated authority be granted to the Interim Housing Landlord Services Manager to agree the sale of land as described in this report;
- 2) That delegated authority be granted to the Interim Housing Landlord Services Manager to deal with any issues which may arise, following consultation with the Portfolio Holder for Housing.

1.0 BACKGROUND

- 1.1 This land was compulsorily acquired in 2010 for the purpose of providing a temporary stopping place for Gypsies and Travellers for a then identified need.
- 1.2 It has never been developed for that purpose and the need no longer exists.
- 1.3 An advance payment was made to the landowner from whom it was acquired and the landowner has now submitted a compensation claim to the Upper Tribunal which must be defended and settled on timescales spread over the next couple of months.
- 1.4 The landowner is prepared to agree terms to have the land transferred back to it while offsetting the advance payment against the transfer costs and avoiding the additional costs of the Upper Tribunal process.
- 1.5 The Crichel Down Rules are non-statutory arrangements under which surplus land which was acquired by or under threat of compulsion should be offered back to former owners. Local authorities are recommended to follow the rules. The rules include timescales for negotiations, and the land may be sold on the open market if negotiations are not concluded. Disposals to former owners should be at the current market value. Clawback provisions should be included in any transfer where it is not practicable to establish the planning position at the time of disposal, or where the likelihood of obtaining planning permission is not adequately reflected in the current market value.
- 1.6 Valuation advice has been obtained from the District Valuer but, as the scope for open market disposal is limited (considering Crichel Down Rules for disposal and bearing in mind the location, existing use, limited alternative use, development potential and planning change of use prospects) an accurate valuation would be difficult to estimate. It is considered the value to the current landowner would be low due to the lack of competition and demand and open market interest would be equally low.

2.0 **OPTIONS**

2.1 Option 1 – Do nothing (not recommended)

2.1.1 This option would leave the land in the Council's ownership, retaining ongoing maintenance liabilities and requiring the defence and settlement of the former landowner's Tribunal claim.

2.2 Option 2 – Intended or Alternative Use (not recommended)

2.2.1 The land has been considered for its originally intended use but this is considered unlikely without an established need and an alternative use from that which it was acquired would not be acceptable. The Tribunal claim would still need to be defended and settled.

2.3 Option 3 – Disposal to other party (not recommended)

2.3.1 Under the Crichel Down Rules the Council should first offer it back to the former landowner effectively in line with the recommended decision.

2.4 Option 4 - Sale of land as described in this report (Recommended)

2.4.1 This decision would enable the Council to dispose of the land to the former landowner with the previously paid compensation offset against the transfer costs.

3.0 **REASONS FOR RECOMMENDATIONS**

3.1 This decision would enable the Council to dispose of the land to the former landowner with the previously paid compensation offset against the transfer costs.

3.2 Doing nothing would leave the land in the Council's ownership, retaining ongoing maintenance liabilities and requiring the defence and settlement of the former landowner's Tribunal claim.

3.3 Using the land for its originally intended use or an alternative use is considered unlikely without an established need would not be acceptable respectively.

3.4 Under the Crichel Down Rules the Council should first offer it back to the former landowner effectively in line with the recommended decision.

4.0 **EXPECTED BENEFITS**

4.1 There are two expected benefits in this case. Firstly, the Council will reduce its ongoing liabilities and secondly it will avoid a possibly costly Tribunal process with an uncertain final compensation settlement.

5.0 **IMPLICATIONS**

5.1 **Constitution & Legal**

5.1.1 Valuation advice has been sought but it is difficult to estimate an open market value due to the circumstances of the case as explained elsewhere in this report at Section 1.5, 1.6, 2.0 and 3.0.

5.1.2 It is anticipated that this report will result in the Portfolio Holder making a non-key decision. The decision will be subject to call-in.

5.2 **Contracts**

5.2.1 It is considered that the granting of the request would have no significant implications relating to contracts, other than the preparation of the documentation relating to the sale of the land.

5.3 **Financial**

5.3.1 The granting of the request to sell the land at a nominal sum would be offset by the removal or reduction of liabilities for compensation and the costs of defending and settling any Tribunal case.

5.4 **Risk Management**

5.4.1 The main risk associated with approving the recommendation of this report is around whether the Council could use its land for development purposes. This has been considered but it is considered unlikely bearing mind the limited scope for open market disposal (considering Crichel Down Rules), the location of the land, it's existing use and limited alternative use and planning change of use prospects.

5.5 **Stakeholders / Consultation / Timescales**

5.5.1 Consultation will be carried out with relevant officers and members.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 This report and its recommendations affect the Sutton Bridge ward only.

7.0 **ACRONYMS**

7.1 Not applicable.

Background papers: None

Lead Contact Officer

Name and Post: Martin Cregg, Interim Housing Landlord Services Manager
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Key Decision: No

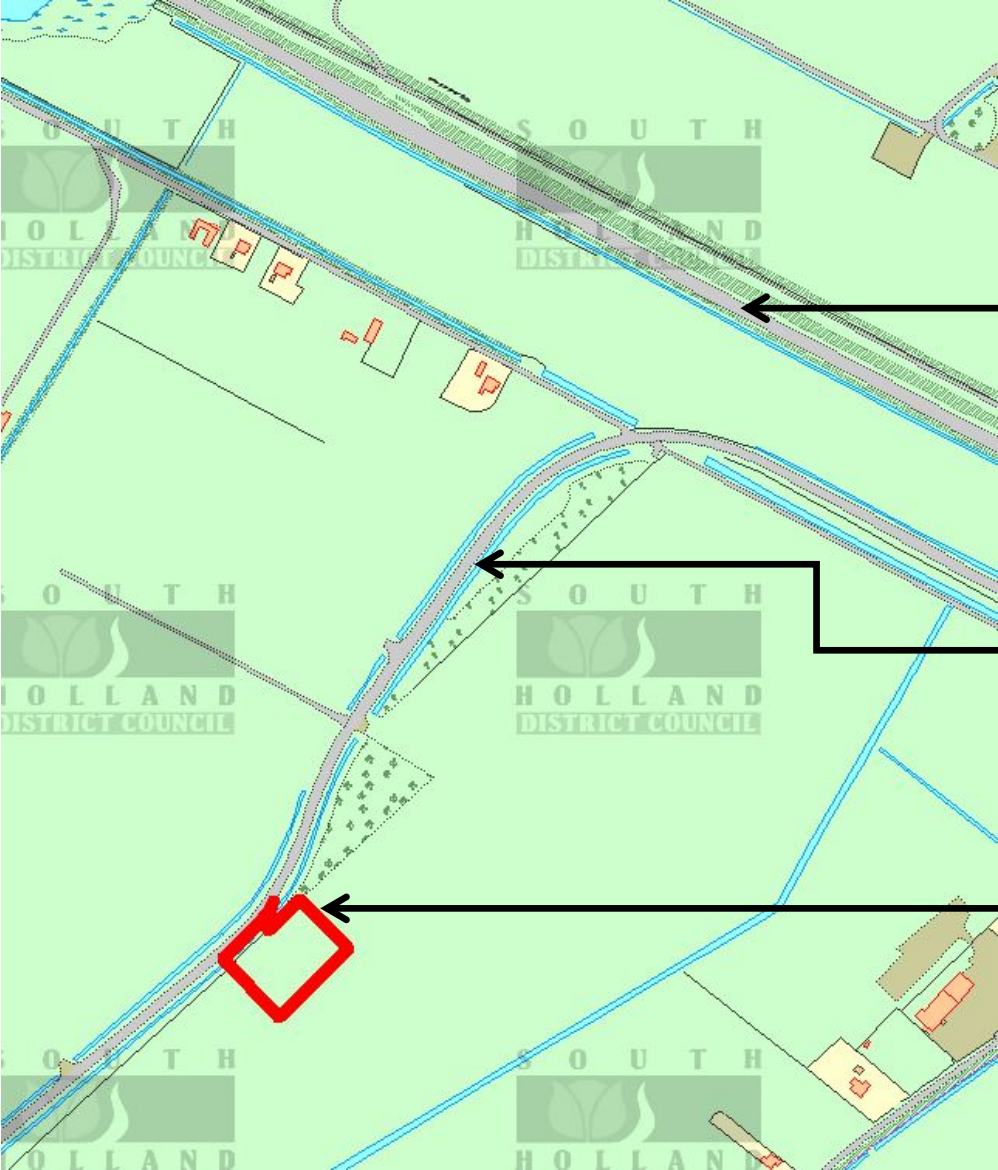
Exempt Decision: No

This report refers to a Discretionary Service

Appendices attached to this report:

- **Appendix A** - Site Plan

Appendix A – Site Plan



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Centenary Way, Sutton Bridge

Land at Centenary Way, Sutton Bridge

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