



Notice of Non-key Executive Decision

Subject Heading:	Land at Keats Avenue, Harold Hill
Cabinet Member:	Councillor Roger Ramsey
CMT Lead:	Andrew Blake-Herbert
Report Author and contact details:	Garry Green Property Strategy Manager E: garry.green@onesource.co.uk T: 01708 432566
Policy context:	The criteria for retaining ownership of land and property assets is set out in the Corporate Asset Management Plan
Financial summary:	The disposal of the property identified in this report will generate a capital receipt that would accrue interest until it is used to deliver the capital programme.
Relevant OSC:	Value
Is this decision exempt from being called-in?	No

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To approve the open market disposal of the land at Keats Avenue (as shown edged red on the attached plan).

The Property Strategy Manager – in consultation with the Head of Legal Services – will be authorised to deal with all matters arising and thereafter to complete the disposal of the land.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3, para 2.5 (t) of the Council's Constitution – 'The Cabinet Member for Value [has authority] to approve the 'in principle' decision of the Council disposing of an interest in property or land where the disposal or acquisition receipt is not considered likely to exceed £1,000,000.

STATEMENT OF THE REASONS FOR THE DECISION

The Council owns land at Keats Avenue. The land was formerly used as a garage site but this use ceased and the garages were subsequently demolished. As such, the site consists of a hard-standing area and an access road which is used as an informal pedestrian right of way for accessing Risebridge Golf Course.

An authority to dispose of the land was first obtained by Cabinet on 16 September 2009. The authority related to a number of garage sites across the borough and commenced the process of procuring a development partner for the provision of new affordable housing. Agreement could not be reached with the affordable housing provider on account of adverse possession claims in respect of access to adjoining privately owned land. An open market sale was proposed as an alternative.

A planning consent for a 3 bedroom bungalow on the site has now been obtained (subject to completion of a s106 agreement) and the property is now to be offered for open market disposal. Whilst disposal was previously approved, it was in the context of a sale to a Registered Provider. The purpose of this decision is to document the revised course of action.

Negotiations have taken place on a possible disposal of the land or grant of access rights with the parties claiming access rights but it has not been possible to reach an agreement. It is proposed, therefore, that the property is sold at auction where these disputes will be disclosed.

The Property Strategy Manager – in consultation with the Head of Legal Services – will be authorised to deal with all matters arising and thereafter to complete the disposal of the site.

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Section 123 Local Government Act 1972 requires the Local Authority to achieve the best price for the land that can be reasonably obtained and this duty would be satisfied by offering it for sale on the open market. Accordingly there are minimal legal risks in agreeing the disposal.

Legal advice and assistance will be provided as necessary through the sale process.

Stephen Doye – Legal Manager (Litigation)

FINANCIAL IMPLICATIONS AND RISKS

The decision will result in the Council receiving a capital receipt. Eligible disposal costs will be met from the sale proceeds. The receipt will therefore become available to fund capital expenditure and will generate interest earnings for the benefit of the general fund until such time that the resources are fully spent.

The Council will no longer be responsible for the maintenance of the site, although this will not generate a significant saving.

Mike Board – Corporate Finance Manager

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

Not applicable.

Geraldine Minchin – HR Business Partner

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

Not applicable.

BACKGROUND PAPERS

None

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OTHER OPTIONS CONSIDERED AND REJECTED

Pursuing a disposal for Affordable Housing has been considered and abandoned previously on account of the difficulties resolving claims over the land.

The site has formerly consisted of garages but these were under-utilised and were subsequently demolished.

Retaining the site in Council ownership is not a favoured option because its retention would not resolve existing difficulties and the site would remain vacant and unproductive.

The land is surplus to requirements and the Council will obtain a capital receipt from the disposal.

PRE-DECISION CONSULTATION

None

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Garry Green

Designation: Property Strategy Manager

Signature:



Date:

17th July 2014

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed



Name: Councillor Roger Ramsey

Cabinet Portfolio held: Lead Member for Value

Date: 22.7.14

Lodging this notice

The signed decision notice must be delivered to the proper officer, Andrew Beesley,, Committee Administration Manager, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on 23/7/14

Signed A.M. M

Strategic Property Services

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 Internet: www.havering.gov.uk

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All Dimensions (where stated) are to be checked on site prior to commencement of work & any discrepancies reported to Strategic Property Services.

No	Revisions	Int	Date
A	Right of Way to Risebridge Golf Course Shown	nt	08/01/14


 Job Title:
Keats Avenue

 Romford
 RM3 7AU

 Drawing Title:
Disposal Plan

 Drawn By:
 nt

 Scale:
 1:1250 @ A4

 Date:
 January 2014 Revision

 Drawing Number:
 sps1734/A
