

Full Council

Date:	09 April 2013
Title:	Disposal of Amenity Land
Purpose of the Report:	To consider a request to sell land at Chalgrove Road
Contact Officer:	Morag Robinson, Office Administration Manager

Background

Following discussion at the Policy & Resources Committee meeting on 26 March 2013 it was decided to refer this report to Full Council.

The Council adopted a policy for land acquisition and disposal in September 2012. The policy aims to establish a transparent and consistent approach to the acquisition and disposal of Council owned land. A copy of the Policy accompanies this report.

Chalgrove Road

The resident of 10 Chalgrove Road has been corresponding with the Council since 2007 about land surrounding his property. The latest request was received in January this year about the purchase of amenity land to the rear of his property. A Google map of the area is included with the report papers.

Mr. Scholey has considered the Council's policy on Land Acquisition and Disposal and considers this particular area meets the criteria for disposal in the following way:

- The space can be considered as "surplus" as it is not used for any public benefit.
- The up keep of the area is an expense to the council that would be removed if the applicant's garden was to encompass the identified space.
- The public benefit of the disposal of the open space would be i) a financial return on sale, ii) the removal of the cost of maintenance, and iii) a general improvement as to the appearance of the area because it looks as it is, namely, an unused and untidy "dead" space.

He states in his letter that his objective is to increase the garden size and that he has no intentions of building on the land.

Council Consideration

Councillors are asked to give consideration to this request against the adopted policy and determine whether it meets the criteria in a sufficient way for a recommendation for disposal.

The Council *must consider whether this request meets the criterion as stated in the policy:*

- *Does this piece of land satisfy the requirements of amenity land*
- *Is it correct to call this land public open space and is it used by the general public*
- *Is the land in a good state*
- *What is the cost to the Town Council to maintain this piece of land*
- *Is the land surplus to requirement*

Risk Assessment

Legal advice would be necessary to ensure that the correct procedures for the disposal of public land were followed. Financially all costs would have to be met by the applicant.

How a decision is reached in response to this request needs to be clear and consistent with regard to previous decisions and any future requests for amenity land to be disposed of.

Any Planning permissions would be the responsibility of Mr. Scholey.

Resource Appraisal

Disposal of the land would require staff time and legal costs. These would need to be recharged as part of any agreed financial receipt from Mr. Scholey.

Legal Powers: Local Government Act 1972 S.127

Recommendation:

That the Council:

- i) Considers whether the identified piece of land meets the criteria for disposal with the Land Acquisition and Disposal Policy.***
- ii) To decide whether the Council should consider disposing of the land.***