

Committee: Cabinet

Agenda Item

Date: 17 September 2015

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Title: Transfer of small piece of land currently part of Dunmow depot

Portfolio Holders: Cllr Susan Barker, Deputy Leader and Cabinet Member for Environmental Services

Key decision: No

Cllr S Howell, Cabinet Member for Finance and Administration

Summary

1. Following an accident in the depot resulting in damage to an adjacent residential property it is proposed to transfer about 60sq m of the depot into the grounds of the house as part of package of risk mitigation measures.

Recommendations

2. The land be transferred to the owners of 72A High Street Great Dunmow for nil consideration subject to a covenant restricting its use. Their legal costs will be met by the council, as will the cost of erecting a boundary fence.

Financial Implications

3. The land has been valued and it is assessed to be worth £3,600 as garden land (mean value within range £2,700 to £4,500). On the basis of the current use as depot land, it has a similar value at £3,300. The site has potential alternative uses as car parking or residential which would put the value of the parcel in the range £9,500 to £13,000. This latter range represents the Best Value consideration for the land under s.123 of the Local Government Act 1972, in the opinion of the company appointed as the council's advisors. It is anticipated that the cost of the new boundary fence will be met by the insurance settlement.

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

Impact

- 5.

Communication/Consultation	If the council disposes of the land at less than its Best Value consideration it needs
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	to give public notice of its intention.
Community Safety	
Equalities	
Health and Safety	The proposal is a risk mitigation measure
Human Rights/Legal Implications	See para 10 of the report below
Sustainability	
Ward-specific impacts	The depot is in Great Dunmow South
Workforce/Workplace	

Situation

6. Following an accident on 7 May 2015 involving one of the council's waste collection trucks colliding with the boundary wall between the Dunmow Street Services depot and 72A High Street, the council received an approach from the owners requesting realignment of the boundary. The accident resulted in the boundary wall falling against the house causing external and internal damage to the render and plaster, and displacing fixtures inside the property. The damage was referred to the council's insurers.
7. The requested alignment would straighten out the boundary and increase the separation of trucks manoeuvring from the residential property. The parcel is a flat triangle. The length of the base is some 30 m, the distance from the base to the apex is 4 m. The existing boundary wall was part of the council's property. The new boundary would be a close boarded fence and belong to the council.
8. The new boundary line would have no material impact on the operation of the depot site. However, the council is actively seeking a new site to which to relocate the stabling of its vehicle fleet working out of Dunmow. The boundary alignment would not significantly affect the potential of the site for any alternative uses.
9. The owners are prepared to agree to a covenant restricting use of the transferred land to purposes ancillary to the residential occupation of 72A High Street.
10. s.123 Local Government Act 1972 provides that a local authority may not dispose of land (other than by way of a tenancy for less than 7 years) for less than the best consideration that can reasonably be obtained without the consent of the secretary of state. s.128 of the Act gives the secretary of state power to grant a general consent for such disposals. In 2003 the secretary of state issued Circular 06/03, the Local Government Act 1972: General Disposal Consent. This applies to transactions where the shortfall between the best

consideration reasonably obtainable and the actual consideration (if any) received does not exceed £2 million. In such cases where the authority is satisfied that the disposal will help to secure the promotion or improvement of the economic, social or environmental well-being of its area specific consent is unnecessary and the general consent may be relied upon. In deciding whether to dispose of land at an undervalue authorities are required by the Circular to have regard to their community strategy. It is also a requirement that the authority should comply with normal and prudent commercial policies including taking advice from a professionally qualified valuer as to the amount of the undervalue (or in the case of a gift of land the value of the land itself).

11. The transfer of the parcel would help alleviate the concerns of any occupiers of 72A High Street about a future re-occurrence of a similar incident, and therefore is consistent with the improvement of the social well being of the area.

Risk Analysis

12.

Risk	Likelihood	Impact	Mitigating actions
Reduction of the depot site area would constrain the existing or potential uses of the land	2 The current use of the site is likely to become redundant. A site search is underway for a new depot site.	1 The parcel in question is triangular and only 60 sq metres in area	

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.