

Committee: Finance and Administration

Agenda Item

Date: 27 November 2008

6

Title: Disposal Of Land Including White Street
Public Convenience

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Item for
decision

Summary

This report outlines the current position with the Great Dunmow Town Square initiative as far as it impacts upon the assets of this council. The report recommends the transfer of a small piece of land from this council to Great Dunmow Town Council to complete the project. The report also recommends that the White Street Public Convenience is transferred to Great Dunmow Town Council with a reducing grant from this council to assist with the upkeep.

Recommendations

1. That the freehold of the piece of land including White Street Public Convenience as shown in Appendix One is transferred to Great Dunmow Town Council at no cost.
2. That the council agrees to pay to Great Dunmow Town Council a reducing 3 year grant, to assist with the upkeep of the White Street Public Convenience, as shown in paragraph 7 of this report.

Background Papers

None.

Impact

Communication/Consultation	Great Dunmow Town Council have been consulted on this report and fully support the recommendations
Community Safety	None
Equalities	None
Finance	The piece of land has a value of £14,437 but is not of material benefit to the operations or priorities of the council
Human Rights	None
Legal implications	A grant agreement will be prepared subject to the agreement of this report
Sustainability	None
Ward-specific impacts	Impact on Dunmow wards only the town council have been fully involved in the process. Gifting this land will enable the

Disposal Of Land Including White Street Public Convenience

Finance and Administration

	town square initiative to be completed thereby enhancing the area
Workforce/Workplace	None

Situation

- 1 Great Dunmow Town Council is currently in the process of implementing a town square initiative. The area has been highlighted and is attached as appendix one. Part of the identified area is owned by this council and includes the White Street Public Conveniences. The proposed Town Square will not effect the location or usage of the public conveniences.
- 2 Officers have held discussions with the Town Council and its representatives and the outcome is that the Town Council have requested that this council transfers the land to their ownership.
- 3 On 1 April 2007 the land was valued at £14,437 by the District Valuer. The land is not deemed to be an asset central to the business of this council nor a strategic asset that should be retained.
- 4 Section 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. Section 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).
- 5 The value of the land is below the maximum identified in paragraph 4 above. The transfer of the land would enable the town square initiative to be completed which would meet the economic, social and environmental well-being of the area requirement.
- 6 As part of the official transfer process suitable clauses would be included to:
 - a. Enable council access to neighbouring council owned land; and

Disposal Of Land Including White Street Public Convenience

Finance and Administration

- b. Require the Town Council to continue to provide a public convenience on the site.

- 7 As part of the transfer, Great Dunmow Town Council has agreed to take over all responsibility for the White Street public convenience. This agreement would be subject to this council providing a reducing grant over the next three years to assist with the upkeep. The annual budget for these conveniences is £10,350 and it is proposed that the following agreement is entered into:

2009/10	£7,750
2010/11	£5,175
2011/12	£2,600
2012/13 and beyond,	no grant

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
The proposed transfer fails to go ahead	1 There are no significant risks arising from the proposal	1 There are no significant risks arising from the proposal	All parties fully support and agree with the process.

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.