

**\*PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: LAND ADJOINING 10 HILL VIEW, RUSHDEN, HERTFORDSHIRE, SG9 0SL**

REPORT OF: SENIOR ESTATES SURVEYOR

EXECUTIVE MEMBER: Finance & IT

COUNCIL PRIORITY: Responsive and Efficient

**1. EXECUTIVE SUMMARY**

1.1 To seek authority to dispose of District Council land adjoining 10 Hill View, Rushden. The land is shown as hatched at Appendix A.

**2. Recommendations**

2.1 The proposed sale of the District Council's land adjoining 10 Hill View, Rushden be approved on the terms set out in the Part 2 report.

2.2 That authority be delegated to the Service Director: Resources in consultation with the Executive Member for Finance and IT to finalise the disposal and agree any variations to the terms provided that the disposal remains at the best consideration reasonably obtainable.

**3. REASONS FOR RECOMMENDATIONS**

3.1 To provide a financial receipt to help fund the Council's Capital Programme.

3.2 The land has previously been declared as surplus to the Council's requirements

**4. ALTERNATIVE OPTIONS CONSIDERED**

4.1 Retain the District Council's land.

4.2 Market the land for sale in the open market

4.3 Let the land for grazing use.

**5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

5.1 Contact has been made with Cllr Cunningham the Portfolio Holder for Finance and IT and Cllr Jarvis, the Ward Councillor for Weston and Sandon. No objections to the proposed disposal have been raised during the consultation process.

## **6. FORWARD PLAN**

- 6.1 This report does not contain a recommendation on a key decision set out in the Forward Plan.

## **7. BACKGROUND**

- 7.1 The District Council owns 0.32 acres of land adjoining 10 Hill View, Rushden, SG9 0SL, which is a three bedroom semi detached house.
- 7.2 At the meeting of Cabinet of 16 November 2016 it was resolved (Minute 89): "That the sites identified in Table 5 [which includes the land at Hill View subject of this report] of the report be declared as surplus to the Council's requirements; that disposal options for these sites be investigated in more detail; and that Cabinet be advised about them as appropriate.

## **8. RELEVANT CONSIDERATIONS**

- 8.1 The land is designated as Rural Area beyond Green Belt in the current and emerging Local Plan.
- 8.2 The District Council's land has a steep gravel path to the front providing access directly off Hill View. There are no structures on the District Council's land and the land is mainly grassed with some shrubs.
- 8.3 The land was previously let under a garden licence granted in 1982 at a licence fee of £15 per annum. The licence came to an end in 2018 on the death of the licensee although the Council had served notice in April 2017 to bring the licence to an end in August 2019.
- 8.4 10 Hill View, Rushden is currently being marketed for sale and the Council has received a number of approaches for the land from prospective purchasers looking to acquire 10 Hill View, Rushden.
- 8.5 The Estates Department has agreed terms (Subject to Contract) to sell the land to a prospective purchaser who very recently agreed terms (Subject to Contract) to acquire 10 Hill View, Rushden.
- 8.6 The details of the Heads of Terms and the additional reasons for recommending this disposal will be provided with the Part 2 exempt report to follow.

## **9. LEGAL IMPLICATIONS**

- 9.1 The Cabinet decision in November 2016 was that Cabinet be advised about disposal options for this site. Therefore although the proposed disposal falls within the delegated authority of the Service Director: Resources, (Constitution paragraph 14.6.12 (b) 1 A) the matter has been brought back to Cabinet for consideration.
- 9.2 Section 123 of the Local Government Act 1972 allows a Council to dispose of land in any manner it wishes provided that the consideration is the best that can be reasonably obtained unless the Secretary of State consents to the disposal or the terms of the disposal fall within the general consent. The Council's Senior Estates Surveyor

considers that the proposed disposal is at the best consideration reasonably obtainable.

9.3 Sections 123(2A) and 127(3) of the Local Government Act 1972 require a local authority wishing to dispose of open space to advertise its intentions in a local newspaper for 2 consecutive weeks and to consider objections. In the event that this land falls within the definition of open space then this procedure will be carried out before a final decision is made. For the purpose of the legislation, 'open space' means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground land. Hill View does not fall within the definition of open space.

9.4 The Contract Procurement Rules apply to the sales of land or property. The Rules permit disposal by private treaty.

## **10. FINANCIAL IMPLICATIONS**

10.1 The sale of this site would generate a capital receipt for the District Council to assist in funding the overall capital programme.

10.2 The consideration agreed is the best consideration reasonably obtainable.

## **11. RISK IMPLICATIONS**

11.1 The sale of the District Council's land will reduce the risks to the Council arising from the Occupiers Liability Act 1957 and 1984.

## **12. EQUALITIES IMPLICATIONS**

12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 The recommendation of the report does not have a direct equality impact.

## **13. SOCIAL VALUE IMPLICATIONS**

13.1 The Social Value Act and "go local" policy do not apply to this report.

## **14. HUMAN RESOURCE IMPLICATIONS**

14.1 There are no human resource implications arising from this report.

## **15. APPENDICES**

15.1 Appendix A – The plan attached is approximate and for identification purposes only.

## **16. CONTACT OFFICERS**

16.1 Chris Robson, Senior Estates Surveyor; [christopher.robson@north-herts.gov.uk](mailto:christopher.robson@north-herts.gov.uk)  
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16.2 Marie Searle, Property Solicitor; [marie.searle@north-herts.gov.uk](mailto:marie.searle@north-herts.gov.uk); Ext 4315

16.3 Ian Couper, Service Director – Resources, [ian.couper@north-herts.gov.uk](mailto:ian.couper@north-herts.gov.uk) Ext 4243

**17. BACKGROUND PAPERS**

17.1 Land Registry freehold Title Number HD498020

17.2 Report to Cabinet 22 November 2016 Committee meeting and Minutes 89.