

Report of : Property Services

Report to : Head of Property Services

Date: 9 January 2014

Subject: PROPOSED GARDEN LAND SALES
Land adjacent to 2 Oak Ridge, Wetherby, LS22 8GT

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Wetherby	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:	10.4.3	
Appendix number:	1	

Summary of main issues

1. This report is accompanied by a confidential appendix which details the terms upon which the sale of garden land has been provisionally agreed. The terms are being recommended for approval to the Head of Property Services under delegated powers.

Recommendations

2. It is recommended that the terms detailed in the accompanying confidential appendix be approved.

1 Purpose of this report

- 1.1 This report is accompanied by a confidential appendix which details the terms upon which the sale of Council owned land for garden land use has been provisionally agreed with potential purchasers. The terms are recommended for approval.

2 Background information

- 2.1 Home owners often approach the Council requesting to purchase Council owned land upon which their garden may be extended. Each transaction will be completed on similar terms and individual transactions will be reported on a confidential appendix accompanying this standard report.

3 Main issues

3.1 The main terms detailed on the confidential appendix are as follows:

Land	Address	USE/AREA	VALUE	OWNING SERVICE	Covenants and or restrictions on the sale of the land
Land adjacent to 2 Oak Ridge, Wetherby, LS22 8GT	2 Oak Ridge, Wetherby, Leeds, LS22 8GT	140m ² Garden land	As detailed in the confidential appendix	Parks & Countryside	Use as a garden only

- Land : Address of land to be sold.
- Address : The address of the person to whom the land is being sold.
- Use : The purpose for which the land is being sold in accordance with the terms of the sale (e.g. garden land, garage, driveway, extension).
- Area of land : The area will be quoted in square metres.
- Value of the land : The agreed price of the land together with the price per square metre.
- Owning Service : The service which owns the land.
- Reason for sale : Additional comments on the sale of the land together with associated risks.
- Consultation : Consultation has been undertaken with Ward Members and neighbouring properties.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Ward Members are consulted at the time an enquiry is received from a prospective purchaser. Details of the consultation are contained in the confidential appendix.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There are no such issues arising from the proposal to dispose of Council owned land for garden use.

4.3 Council Policies and City Priorities

4.3.1 The sale will contribute to the priority of creating better neighbourhoods. Land being sold for garden use is generally unmaintained at the time of sale. By creating a garden the new owner brings about general improvements to the area. The sale also contributes to the Council's revenue budgets.

4.4 Resources and Value for Money

4.4.1 The disposal is recommended for approval on the basis of the transaction being completed at market value.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Under Part 3 Section 3E Paragraph 2(a) of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of Executive Board in relation to the management of land (including valuation, acquisition, appropriation, disposal and any other dealings with land or any interest in land) and Asset Management.

4.5.2 The Head of Property Services has authority to take the decisions requested in this report under Executive functions 1 and 10 (specific to the Director of City Development) of the Director of City Development's sub delegation scheme.

4.5.3 The proposal constitutes a significant operational decision and is therefore not subject to call in.

4.5.4 The Head of Property Services confirms that in his opinion the terms offered to the Council represent the best consideration that can reasonably be obtained under Section 123 of the Local Government Act 1972 (or under the Housing Act 1985).

4.5.5 The information contained in the Appendix attached to this report relates to the financial or business affairs of a particular person, and of the Council. This information is not publicly available from the statutory registers of information kept in respect of certain companies and charities. It is considered that since this information was obtained through one to one negotiations for the disposal of the property/land then it is not in the public interest to disclose this information at this point in time. Also it is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to other similar transactions in that prospective purchasers of other similar properties would have access to information about the nature and level of consideration which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of this transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time. It is therefore considered that this element of the report should be treated as exempt under Rule 10.4.3 of the Access to Information Procedure Rules.

5 Conclusions

5.1 It is concluded that the terms proposed on the confidential appendix can be recommended for approval and the sale completed.

6 Recommendations

6.1 It is recommended that the Head of Property Services approves the sale of the land as outlined on the accompanying confidential appendix.

7 Background documents¹

7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.