

SURREY COUNTY COUNCIL**CABINET MEMBER DECISION**

DATE: 26 NOVEMBER 2024

REPORT OF CABINET MEMBER: NATALIE BRAMHALL, CABINET MEMBER FOR PROPERTY, WASTE AND INFRASTRUCTURE

LEAD OFFICER: DIANE WILDING, DIRECTOR OF LAND AND PROPERTY

SUBJECT: DISPOSAL OF LAND AT 110A VICARAGE ROAD, SUNBURY.

ORGANISATION STRATEGY PRIORITY AREA: GROWING A SUSTAINABLE ECONOMY SO EVERYONE CAN BENEFIT/ TACKLING HEALTH INEQUALITY/ ENABLING A GREENER FUTURE/ EMPOWERING COMMUNITIES

Summary of Issue:

This report seeks approval of the Cabinet Member for Property, Waste and Infrastructure for a surplus declaration and disposal terms for a small parcel of land (0.046 acres) at 110a Vicarage Road, Sunbury, to the party and on the terms noted in the part 2 report.

The separate part 2 report contains information which is exempt from Access to Information Requirements by virtue of Schedule 12A Local Government Act 1972, paragraph 3, "Information relating the financial or business affairs of any particular person (including the authority holding that information)".

Recommendations:

It is recommended that the Cabinet Member:

1. Declares the parcel of land known as 110a Vicarage Road, Sunbury surplus to operational requirements in conjunction with the Leader and Deputy Leader.
2. Approves the sale of the parcel of land to the party and on the terms and conditions noted in the part 2 report.
3. Delegates authority to the Executive Director for, Environment, Property and Growth and Director of Land and Property to finalise the transaction and enter into all associated legal agreements.

Reason for Recommendations:

- Following a history of complaints around anti-social behaviour attached to a small parcel of part overgrown non highway land adjacent to 110a Vicarage Road, terms have subsequently been agreed to dispose of the parcel.
- Formal declaration of the asset as surplus to operational requirements is required under Surrey County Councils (the Council) constitution, in consultation with the Leader and Deputy Leader, to enable its disposal.
- The property is not required for operational nor highway purposes.

Executive Summary:

4. The parcel of land comprises of a roughly triangular, flat, site on the corner of Vicarage Road and Wychwood Close, Sunbury totalling approximately 2000 sq. ft (0.046 acres) as outlined on the plan attached as Appendix 1.
5. The land forms a residual holding from a former school that was sold and redeveloped with housing in the 1980s and that now forms Wychwood Close.
6. Opposite the land parcel on the north side of Wychwood Close, the Council is marketing 108 Vicarage Road but the parcel at 110a is not deemed to add value to the 108 land holding.
7. The parcel has been subject to numerous complaints from neighbours on anti-social behaviour (rubbish, loitering, unkept land etc).
8. Options considered as part of marketing and negotiating process included:
9. An assessment whether the parcel would add any specific value to the land holding opposite at 108 Vicarage Road. There is no clear added value benefit, and even a suggestion of the provision of 2 car spaces (if possible subject to planning), would not reduce the anti-social behaviour issue.
 - i) A disposal unconditional on planning to include a covenant to fence and maintain. See part 2 report.
 - ii) Retained ownership by the Council and a request for it to be added to the adopted highway for their management. This would not immediately address ongoing management of complaints and localised anti-social behaviour.

Option (ii) is the recommended way forward and the parties have since agreed the key principles of a valued disposal.

Risk Management and Implications:

10. Risks identified at this stage, and mitigating actions are set out below:

	Risk description	Mitigation
1	Market	The purchaser will be fully responsible for funding the purchase.

	Risk description	Mitigation
2	Purchaser withdraws from the purchase	The Council has ability to hold the site but would have to manage ongoing costs and resources to resolve behaviour issues and complaints.
3	Finance costs	All funding, future fencing costs and maintenance remain with the purchaser.
5	Net Zero Carbon targets	N/A
6	Survey	The parcel is adjacent to an adopted pavement upon which is some telecom furniture and for which access will remain fully protected.

Financial and Value for Money Implications:

11. The transaction arises from a direct approach from a party who in this instance can be regarded as a special purchaser, being a party able to secure and manage the land.
12. The sale price as outlined in the part 2 report is recommended as best value by the Councils' agents, from whom advice and evidence had been sought - see Heads of Terms in Appendix 2, part 2 report.
13. There is no specific impact on core revenue as the asset is non income producing but there have been resource costs incurred on resolving complaints or seeking additional informal maintenance routines through highway maintenance.

Section 151 Officer Commentary:

14. The Council continues to operate in a very challenging financial environment. Local authorities across the country are experiencing significant budgetary pressures. Surrey County Council has made significant progress in recent years to improve the Council's financial resilience and whilst this has built a stronger financial base from which to deliver our services, the cost-of-service delivery, increasing demand, financial uncertainty and government policy changes mean we continue to face challenges to our financial position. This requires an increased focus on financial management to protect service delivery, a continuation of the need to deliver financial efficiencies and reduce spending in order to achieve a balanced budget position each year.
15. In addition to these immediate challenges, the medium-term financial outlook beyond 2024/5 remains uncertain. With no clarity on central government funding in the medium term, our working assumption is that financial resources will continue to be constrained, as they have been for most of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority, to ensure the stable provision of services in the medium term.
16. The proposal in this report supports the wider strategy for asset rationalisations and the capital receipt supports the funding of the capital programme, as assumed in the MTFs. There is no revenue impact. As such, the Section 151 Officer supports the recommendation.

Legal implications – Monitoring Officer:

17. This paper seeks approval to dispose of the Council's freehold interest of land at 110a Vicarage Road Sunbury TW16 7QX to the party and on the terms as conditions outlined in the part 2 report.
18. The Council has powers under legislation to pursue the proposals set out in this paper. Under Section 123 of the Local Government Act 1972 (LGA 1972), local authorities have the power to dispose of property in any manner they wish subject to the disposal being for the best consideration reasonably obtainable. The Council should ensure that the price for any disposal is "market value" to comply with Section 123 of the Act.
19. Due regard to the Council's fiduciary duties to residents in respect of utilising public monies should be considered and the Cabinet Member should be satisfied that the recommendations and any associated expenditure set out in this report represent an appropriate use of the Council's resources.
20. All relevant steps and necessary checks as to the source of funds should be carried out during the transaction in accordance with the Council's Anti- Money laundering procedures.
21. Legal advice should be sought at all relevant stages to ensure the Council meets its obligations.

Equalities and Diversity:

22. A full EIA is not needed as this proposed disposal does not impact adversely on any specific parties, but a sale is seen as a benefit for the wider community given it will be brought back into full use by a locally based resident.
23. The potential implications for the following Council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

Area assessed:	Direct Implications:
Corporate Parenting/ Looked After Children	None arising from this report.
Safeguarding responsibilities for vulnerable children and adults	None arising from this report.
Environmental sustainability	None other than removal of anti-social behaviour and rubbish dumping.
Compliance against net-zero emissions target and future climate compatibility/resilience	A property disposal has no specific implications.
Public Health	None other than removal of anti-social behaviour and rubbish dumping

What Happens Next:

24. Subject to Cabinet Member approval to the proposal in this report, lawyers are instructed to proceed with early contracts for sale.

Contact Officer:

Graham Glenn - Head of Acquisitions and Disposals, Estates, Land Property
Tel: 07890 561245

Consulted:

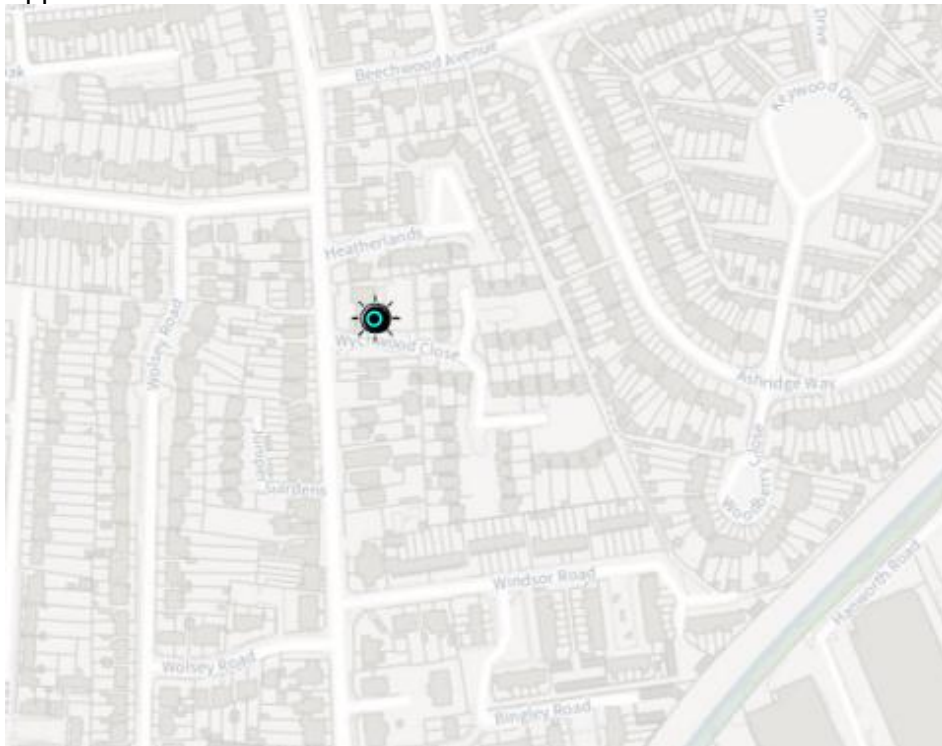
- Natalie Bramhall, County Cabinet Member, Property, Waste & Infrastructure
- Simon Crowther, Executive Director, Environment, Property and Growth
- Diane Wilding, Director of Land and Property
- Colin Galletly, Assistant Director, Estates
- Local Member
- Asset Strategy Board
- Property Panel and Capital Programme Panel
- Property Legal Teams (Kara Burnett)
- Finance Team (Louise Lawson, Rachel Wigley)

Annexes:

Appendix 1 - Site Plan – please see below

Appendix 2 - See part 2 report.

Appendix 1



Sources/background papers:

None

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