

REPORT TO THE EXECUTIVE		Report No. 7
Date of Meeting	7 th February 2008	
Title of Report	Land at Ernle Road, Calne	
Portfolio	Policy – Asset Management	
Link to Corporate Priorities	Effective and efficient use of the Council's assets	
Key Decision	No	
Executive Workplan Ref	B382	
Public Report	Yes	

Summary of Report

To reconsider the disposal of land at Ernle Road Calne, in the light of written objections received from the public, and if appropriate, to seek best and final offers for the land.

Officer Recommendations

The Executive are recommended:

- (a) To consider whether or not to proceed with the disposal of the land;
- (b) Subject to (a) above, to invite best and final offers from each party which has expressed an interest in acquiring the land;
- (c) That, subject to contract, the Legal Services Manager be authorised to accept the highest financial offer for the land.

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
Yes	Yes	None	None	None

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1. Introduction

- 1.1 Following the Executive meeting on 4th October 2007, the disposal of the land at Ernle Road was advertised in the Wiltshire Gazette and Herald on 18th and 25th October 2007, in accordance with statutory requirements relating to the disposal of open space land. A number of objections to the proposed disposal were made and on 6th December 2007 the Executive were asked to consider whether or not to proceed with the disposal. However, a decision was deferred so that the Legal Services Manager could investigate whether any local residents were interested in acquiring the land. As a result of those investigations, a local resident has expressed an interest in acquiring the land.

2. Options and Options Appraisal

- 2.1 Option 1: To proceed with the disposal of the land and seek best and final offers from each party which has expressed an interest in acquiring the land.
- 2.2 Option 2: Not to proceed with the disposal of land.

3. Objections to Disposal

- 3.1 Eight objections were received from adult residents of the Ernle Road area and two objections from children. A summary of the objections is attached as Appendix 1. A response to the objections, from the Calne Congregation of Jehovah's Witness is attached as Appendix 2.

4. Financial Implications

- 4.1 If the disposal proceeds the Council will receive a capital receipt. If the land is retained the Council will continue to incur maintenance costs.

5. Legal Implications

- 5.1 The Council has a legal obligation to consider the objections received as a result of the advertisement of its intention to dispose of the land.
- 5.2 Under Section 123 of the Local Government Act 1972 the Council cannot dispose of a long leasehold interest in land for less than the best consideration that can reasonably be obtained without the consent of the Secretary of State.
- 5.3 The General Disposal Consent 2003 enables the Council to sell at an undervalue provided the undervalue does not exceed £2m and that the Council consider the disposal to be in the economic, social or environmental interests of the district. This is not a case where the General Disposal Consent would apply.

6. Risk Analysis

- 6.1 There are no risks connected with this report.

Appendices:	1 Objections to the proposed disposal of land. 2 Comments of the Jehovah's Witnesses to the objections.
Background Documents Used in the Preparation of this Report:	Letters of objection - exempt

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
• Report No 15	Executive 6/12/2007	E130
• Report No 15	Executive 4/10/2007	E85