

## Wiltshire Council

### Individual Cabinet Member Delegated Decision

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**Subject:** Disposal of former Rising Sun site, Box, to the Rising Sun Memorial CIC at less than market value

**Cabinet Member:** Councillor Toby Sturgis  
Cabinet Member for Spatial Planning, Development  
Management and Property

**Key Decision:** No

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#### Purpose of Report

- 1.1 To seek authority for the disposal of approximately 480 square metres of land known as the former Rising Sun Site, Box to The Rising Sun Memorial CIC at less than market value.

#### Background

- 2.1 The land, which is the site of a former public house which was destroyed in an explosion in the late 1950s, was leased to and managed by Box Parish Council for many years. It became available when Box Parish Council surrendered the lease.
- 2.2 On 15<sup>th</sup> March, 2016, Cabinet Capital Assets Committee declared the land as an asset held for sale and authorised the Associate Director for People and Business to dispose of it at or above market value as part of a package of 15 assets.
- 2.3 Negotiations were entered into with a neighbouring householder and terms agreed for a sale.
- 2.4 As the land comprises public open space its intended disposal was advertised in the local paper on the 11<sup>th</sup> and 18<sup>th</sup> January 2018. Representations were required by 31<sup>st</sup> January 2018.
- 2.5 Ten objections were received within the representation period and one late objection on 1<sup>st</sup> February 2018. In addition, a paper petition signed by 41 people and an online petition signed by 1007 people worldwide were received.
- 2.6 Following the expiry of the representation period a group of the objectors set up The Rising Sun Memorial CIC to buy and look after the land.
- 2.7 Best offers were sought from the two adjoining householders and the CIC. Both householders offered the same amount of money and the CIC a lesser amount. The difference between the offers is in the region of £4,000. All parties are prepared to agree to the continued use of the land by the public.

## **Main Considerations for the Council**

- 3.1 Wiltshire Council does not have funds for the maintenance of the land as this is an additional burden at a time when resources are scarce.
- 3.2 The consultation procedure has made it clear that there is a desire in the local community for the land to remain available for public use.
- 3.3 Although all parties have indicated a willingness to keep the land available for public access there is a risk that if the land is sold to an adjoining householder a future owner of the property might not do so.
- 3.4 The transfer to the CIC will protect against sale at a profit for them for a period of ten years.

## **Safeguarding Considerations**

- 4.1 There are no direct safeguarding issues associated with this decision.

## **Public Health Implications**

- 5.1 There are no direct public health issues associated with this decision.

## **Environmental and Climate Change Considerations**

- 6.1 There are no direct environmental and climate change issues associated with this decision.

## **Equalities Impact of the Proposal**

- 7.1 There are no direct impacts on equality and inclusion issues associated with this decision.

## **Risk Assessment**

- 8.1 Various risks have been identified should the decision be taken or not and summarised below.

## **Risks that may arise if the proposed decision and related work is not taken**

- 9.1 If the decision is not taken it may be difficult to enforce the requirement for continued public access to the land upon change of ownership of the adjacent property, leading to the loss of the area as open space which is likely to be politically sensitive to the local community.

## **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

- 10.1 If the decision is taken there is a risk that the land might be sold at a profit. This risk will be managed by provision being made in the legal documentation that any additional amount received during the first ten years after the date of transfer of the land is passed to Wiltshire Council.

## **Financial Implications**

- 11.1 Although a small receipt will be obtained it will be in the region of £4,000 less than the likely receipt from a sale to one of the adjoining householders.
- 11.2 All costs associated with the maintenance and management of the land will pass to the CIC.
- 11.3 A provision to the effect that if the land is sold by the CIC at a higher price within ten years of the date of the transfer, the profit will be paid to Wiltshire Council will be included.

## **Legal Implications**

- 12.1 The transaction will be a disposal of the freehold interest
- 12.2 Disposal of this open space has been advertised under the Local Government Act 1972. The formation of the CIC is a result of this consultation.

## **Options Considered**

- 13.1 Seek full value for the land from the adjoining householders. Although this would result in a slightly higher receipt there would be a risk that the land could be assimilated into the adjoining garden, compromising public access, after a change of ownership.

## **Conclusions**

- 14.1 Authorise the disposal of approximately 480 square metres of land known as the Rising Sun Site, Box to the Rising Sun Memorial CIC at less than market value.

**Alistair Cunningham**  
**Corporate Director**

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## **Background Papers**

The following unpublished documents have been relied on in the preparation of this report:

None

## **Appendices**

None

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