

**FORM 1**

**NOTICE OF DELEGATION OF DECISION TO CABINET MEMBER BY STRONG LEADER**

Section 15(4) of the Local Government Act 2000, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1<sup>st</sup> December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).


I, Cllr Marcus Hart, as Strong Leader, delegate the decision to dispose of land adjacent to 4 Briars Gardens, Kidderminster to the Cabinet Member detailed below:

Nathan Desmond, Cabinet Member for Resources

Dated:

12<sup>th</sup> December 2018.

Signed:

  
.....  
Leader of the Council

**FORM 2**

**NOTICE OF DECISION OF CABINET MEMBER**

Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1<sup>st</sup> December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me by the Leader (delete as appropriate), I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Disposal of land adjacent to 4 Briars Gardens, Kidderminster	To agree the sale for the sum of £650.00 plus costs	Approval by Strong Leader is required to enable the sale of the land which is open space and therefore falls outside the Delegation of Executive Functions.	12th December 2018

**I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.**

Dated: 11/12/18  
Signed:   
Councillor: .....  
Cabinet Member

To: Leader of the Council

From: Director of Economic Prosperity & Place

Date 07.12.18

**Disposal of Land adjacent to 4 Briars Gardens, Kidderminster**

**1. PURPOSE**

To seek approval to dispose of a plot of land to the occupier of the adjacent property, 4 Briars Gardens. The land is currently designated as Open Space and there is therefore no delegated authority for Officers or the Cabinet Member to dispose of it.

**2. RECOMMENDATION**

That the Leader agrees the sale of the land to the adjacent occupier for the sum of £650 plus associated costs.

**3. BACKGROUND**

4 Briars Gardens is part of a housing development built on the site of the former Briars Hotel next to Blakemarsh Nature Reserve.

The subject land (shown hatched red on the attached plan) is not designated Nature Reserve, as it is part of land transferred to the Council at the time of the housing development. However, as it is classed as Open Space, the Council's usual Delegation of Executive Functions does not apply to its disposal. In addition, Section 123(1) and (2A) Local Government Act 1972 requires the proposed sale of Open Space to be advertised.

Following the notice of disposal advertised in the Kidderminster Shuttle, one objection has been received from a neighbour on the grounds that 1. WFDC refused to sell him land at the rear of his garden (this claim has not been substantiated) and 2. that he believes the occupants of 4 Briars Gardens have been moving their fence boundary. These objections have been considered but no evidence found to support them such that the sale of the land should not proceed.

It also appears that the title plan for the site does not currently show the correct boundary and it has been agreed that this will be amended to correctly show the access at the side of 4 Briars Gardens (as shown cross hatched black on the attached plan).

**4. FINANCIAL IMPLICATIONS**

Based on comparable sales, the land has been valued by the Council's Estates Officer at £650.00. The purchaser will be responsible for the advertising costs plus legal and surveyor's fees at disposal. The sale proceeds will be directed to the Evergreen Investment Fund under the agreed arrangements for disposal of land.

**5. SECTION 151 OFFICER'S COMMENTS**

There are none.

**6. LEGAL AND POLICY IMPLICATIONS**

As the subject land is classed as Open Space, the Council's usual Delegation of Executive Functions does not apply to its disposal, hence the requirement for the Strong Leader report.

It will be the purchaser's responsibility to apply for planning consent for change of use to garden land.

**7. CONCLUSION**

It is recommended that Wyre Forest District Council agrees the sale of the land and the amendment of the site boundary.

**8. RISK MANAGEMENT**

It will be a condition of the sale that within 4 weeks of completion the purchaser will separate the land from the Council's remaining land with fencing at the purchaser's own cost and will also remove all of their materials from that area of land which is not being purchased. The purchaser will also be responsible for all costs associated with the sale, including advertising.

**9. EQUALITY IMPACT NEEDS ASSESSMENT**

Not applicable.

**10. CONSULTEES**

None.

**11. BACKGROUND PAPERS**

Site plan attached.



