

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 1st 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 Graham Ballinger, as Strong Leader, delegate the decision to dispose of land adjacent to 37 Yellowhammer Court, Spennells, Kidderminster to the Cabinet Member detailed below:

Cllr Fran Oborski, Cabinet Member for Economic Regeneration, Planning & Capital Investments

Dated:

3/12/19

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 1st 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 37 Yellowhammer Court, Spennells, Kidderminster	To delegate authority to the Corporate Director: Economic Prosperity & Place to advertise the intended disposal of land currently held as open space in accordance with the requirements of Section 123 of the Local Government Act 1972 and in consultation with the Cabinet Member for Economic Regeneration, Planning and Capital Investments consider any objections made as a result of the advertisement and following such consideration to decide whether the land should be disposed of, and if it is agreed to proceed with the disposal, to put in place the necessary steps to complete the disposal.	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.	

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

Dated:

03-12-19



Signed:

Fran Dobson, MBE

Councillor:

Cabinet Member

To: Leader of the Council
From: Director of Economic Prosperity & Place
Date: 22.11.19

Disposal of Land adjacent to 37 Yellowhammer Court, Spennells, Kidderminster

1. PURPOSE

To seek approval to dispose of a plot of land to the occupier of the adjacent property, 37 Yellowhammer Court, Spennells, Kidderminster, for incorporation into their garden, subject to the disposal first being advertised in accordance with the provisions of the Local Government Act 1972. 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.

RECOMMENDATION

That the Leader agrees to delegate authority to the Corporate Director: Economic Prosperity & Place:

- 2.1** to advertise the intended disposal of land currently held as open space in accordance with the requirements of Section 123 of the Local Government Act 1972;
- 2.2** in consultation with the Cabinet Member for Economic Regeneration, Planning and Capital Investments, to consider any objections made as a result of the advertisement and following such consideration to decide whether the land should be disposed of; and
- 2.3** if it is agreed to proceed with the disposal, to put in place the necessary steps to complete the disposal.

2. BACKGROUND

37 Yellowhammer Court is part of the Spennells housing development. Adjacent to the property is a large area of open space, through which runs a public footpath. The owner of 37 Yellowhammer Court has asked to buy a small strip of land, measuring 40.6 sq m, to incorporate into their garden. This will not affect the public footpath and the purchased land will be fenced off at the purchaser's expense as a condition of the sale.

As the subject land (shown edged red on the attached plan) 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 locally advertised. There will be two advertisements in the Kidderminster Shuttle.

4. FINANCIAL IMPLICATIONS

Based on comparable sales, the land has been valued by the Council's Estates Officer at £1,000.00. The purchaser will also 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.

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, subject to the process for advertising disposal and consideration of any objections received..

8. RISK MANAGEMENT

It will be a condition of the sale that within 8 weeks of completion the purchaser will separate the land from the Council's remaining land with fencing at the purchaser's own cost. 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.



