

	<h2 style="margin: 0;">ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER</h2>
<p style="text-align: center;">Title</p>	<p>Sale of land adjacent to Cavan Court (The Bungalow), East Road, Burnt Oak, HA8 0AJ (the 'Property')</p>
<p style="text-align: center;">Report of</p>	<p>Deputy Chief Executive</p>
<p style="text-align: center;">Wards</p>	<p>Burnt Oak</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Enclosures</p>	<p>Appendix 1 – Sale Plan</p>
<p style="text-align: center;">Officer Contact Details</p>	<p>Alan Zierler, alan.zierler@barnet.gov.uk Extn.5354</p>

Summary

This report sets out a proposal to sell a plot of land by London Borough of Barnet, as Freeholder, to the adjoining owner of a new development (Cavan Court). The Site is shown on the attached plan (drawing no. 24881), which is held under Title Number MX389449.

Decisions

Approve the sale of the land (the 'Property'), as identified on the Plan in Appendix 1 (drwg. no.24881) for £35,000.

1. WHY THIS REPORT IS NEEDED

- 1.1 The London Borough of Barnet owns the freehold interest in the 'Property'. CSG (Barnet Estates) was notified that the 'Property' had been enclosed by a timber hoarding, together with the adjoining site being developed for a block of flats.
- 1.2 The planning permission for the development includes 4 car spaces, two of which are positioned on the 'Property'. The developer claimed ownership of the 'Property' for the purposes of the planning permission, without CSG being aware of the encroachment.

- 1.3 Having established this was an encroachment on Council land, CSG contacted the developer who had erected the hoarding unlawfully, and commenced a negotiation for the sale of the land commenced, given that the land was vacant.
- 1.4 The alternative approach would be a Court injunction, as the Planning Officer confirmed that an enforcement notice was not appropriate. Having established the market value for the 'Property' would be £25,000, a premium was negotiated for the additional marriage value of £10,000. An agreement for the sale at £35,000 has been negotiated subject to Council's approval; which represents best value for the Council.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The reason for this decision is to regularise an encroachment by an adjoining property owner, which is best resolved by a disposal as the Council's land is surplus to requirements. The sale is at a premium above 'best value' which would be achieved in the market, thereby providing the Council with a capital receipt.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Either to retain the 'Property' and include it within the Open-Door Homes development of The Croft for two car spaces, but this will not provide a capital receipt, Or, to market the 'Property', but this would not provide the premium value arising from merging with adjoining development, approx. £10,000.

4. POST DECISION IMPLEMENTATION

- 4.1 A transfer of the 'Property' will be completed providing the Council with a capital receipt.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Council's Corporate Plan 2015-20 states that the Council, working with local, regional and national partners, will strive to ensure that Barnet is a place:
- of opportunity, where people can further their quality of life.
 - where people are helped to help themselves, recognising that prevention is better than cure.
 - where responsibility is shared, fairly.
 - where services are delivered efficiently to get value for money for the taxpayer.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The sale of the 'Property' provides the Council with 'Best Value', as there is a premium above the market value (approx. £25,000) due to the marriage value by merging with the adjoining development.

5.3 Social Value

- 5.3.1 Not applicable.

5.4 Legal and Constitutional References

- 5.4.1 As this is a disposal for less than £181,302 and it is not a 'Less than Best' transaction, it is not necessary to refer this to the Asset, Regeneration and Growth Committee ('ARG') for approval and it can be authorised by the Director of Finance via Full DPR – (Constitution Article 10 – Table A).

5.5 Risk Management

- 5.5.1 If the disposal is not implemented, the alternative approach is for the Council to seek a legal injunction against the adjoining developer, to cease using the land and remove the hoarding causing the encroachment. The risk is that the cost of the legal action would consume any potential compensation, if the Council is not successful with its claim for possession.

5.6 Equalities and Diversity

- 5.6.1 Under the 2010 Equality Act, the Council must have due regard to the need to: a) eliminate discrimination, harassment, victimisation and any other conduct, that is prohibited by or under the Act; b) advance equality of opportunity between those with a protected characteristic and those without; c) promote good relations between those with a protected characteristic and those without. The 'protected characteristics' referred to are age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex, sexual orientation. It also covers marriage and civil partnership with regards to eliminating discrimination.

- 5.6.2 The proposal does not raise any issues under the Councils' Equalities Policy and does not have a bearing on the Council's ability to demonstrate that it has paid due regard to equalities as required by legislation. No equality impacts are anticipated because of this proposal.

5.7 Corporate Parenting

- 5.7.1 Not applicable.

5.8 Consultation and Engagement

- 5.8.1 Not applicable.

5.9 Insight

- 5.9.1 Not applicable.

6. BACKGROUND PAPERS

6.1 None.

7. DECISION TAKER'S STATEMENT

7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision-making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations. The decision is compliant with the principles of decision making in Article 10 of the constitution.*

Chief Officer: Cath Shaw

Dated: 07.10.19