



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Officer Delegated Decision

19 April 2024

Richard Wyles - Deputy Chief
Executive & S151 Officer



Disposal of Land at Hungate Road, Denton, Grantham, NG32 1LP.

To grant approval to dispose of the freehold interest in land at Hungate Road, Denton, Grantham, NG32 1LP.

Contact

Gareth Dawkins - Corporate Property Services



g.dawkins@southkesteven.gov.uk

Decision made by:	Richard Wyles (Deputy Chief Executive & S.151 Officer)
Decision:	To grant approval to dispose of the freehold interest in land at Hungate Road, Grantham, NG32 1LP
Public or Exempt:	This report is not exempt from publication; however, Appendix 1 is exempt from publication
Reasons for exemption:	The public interest in maintaining the exemption in Appendix 1 outweighs the public interest in disclosing the information because it contains financial information relating to confidential negotiations with a third party and the Council must be able to undertake such negotiations without thereby putting confidential items in the public domain if it is to maintain the confidence of third parties in undertaking dealings with the Council
Conflicts of interest:	No

Policy compliant:	Yes
Details of delegation:	<p>The Deputy Chief Executive is authorised under at Part 3 (c) for Delegated Powers to Officers, item 26 Property (Including land) to Dispose of General Fund Assets:</p> <p>To dispose of General Fund Assets up to a value of £2 million, exclusive of any applicable VAT, subject to legal and valuation advice</p>

1. Implications

Finance

- 1.1 This is a proposal to transfer the freehold of the site to the local Parish Council which provide a local opportunity to invest in the site for the parish use. The agreed Heads of Terms provides the financial context of the proposal.

Completed by: Richard Wyles, Deputy Chief Executive and s151 Officer

Legal and Governance

- 1.2 South Kesteven District Council is the freehold owner of the land.
- 1.3 The Council's power to dispose of land is set out under Section 123 of the Local Government Act 1972. Under Section 123 of the Local Government Act 1972, the Council may not dispose of land otherwise than for the best consideration reasonably obtainable except with the consent of the Secretary of State. The Council will not be receiving best consideration for the disposal. However, the Secretary of State has issued a general consent under Section 123 which applies where:
- (a) the authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or all or any of the persons resident or present in its area:
- the promotion or improvement of economic well-being
 - the promotion or improvement of social well-being
 - the promotion or improvement of environmental well-being; and

- (b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000.

The Deputy Chief Executive & Chief Finance Officer should therefore be satisfied, for the reasons set out in this report, that the disposal will contribute to the achievement of one or more of the above objectives.

- 1.4 In accordance with Section 123 of the Local Government Act 1972 there is a requirement for the Council to give formal notice of the intention to dispose of public open space and consider any objections to the proposed disposal. Reference is made to this in paragraph 6.1 of this report.

Legal Implications reviewed by: Mandy Braithwaite, Legal Executive

2. The Purpose of the Report

- 2.1 To seek approval to the proposed disposal in accordance with the Heads of Terms at **Exempt Appendix 1**

3. Available Options Considered

- 3.1 Option 1) To proceed with the Sale as detailed in the attached **Exempt Appendix 1 – Heads of Terms**
- 3.2 Option 2) To retain within the Council's ownership.

4. Preferred Option

- 4.1 Option 1) To proceed with the Sale as detailed in the attached **Exempt Appendix 1**

5. Reasons for the Decision

- 5.1 The subject land is currently used as the village play area with the surrounding area being open space.
- 5.2 The play area is very outdated with limited equipment no longer fit for purpose and has not been refurbished for many years.
- 5.3 The Parish Council has raised funds to carry out major improvement works and will be better placed for raising grant funding if owners of the site.
- 5.4 The land in question has no development potential, given that as well as being in

use as a play area and adjacent public open space, there is no road access to the site. Any sale of the land would contain restrictions as to future use, restricting it to a play area and public open space.

- 5.5 Once transferred into direct community ownership, SKDC would have no further responsibility for the play area or maintaining the adjacent open space.
- 5.6 The Council and the Parish Council have agreed to share the cost of removing the play equipment and current surfacing and walls, leaving the site top soiled and seeded.

6. Consultation

- 6.1 Land disposal is being advertised in accordance with Section 123 of the Local Government Act 1972.

7. Appendices

- 7.1 Exempt Appendix 1 – Heads of Terms
Appendix 2 – Plan of land to be transferred

Signed by: **Richard Wyles**

Dated: **19 April 2024**