

The Vale of Glamorgan Council

Cabinet Meeting: 21 January, 2019

Report of the Leader

Disposal of Surplus Land at Pencoedtre Road Barry, Churchfields in Barry and Trebeferad Boverton

Purpose of the Report

1. To seek approval to progress the disposal of 3 small parcels of land located at (1) Pencoedtre Road, (2) Churchfield in Barry and (3) Trebeferad, Boverton, Llantwit Major and to confirm that no further action will currently be taken in relation to the proposed sales of land at Kenson Close, Rhoose and Glenbrook Drive, Barry.

Recommendations

1. That the land at Pencoedtre Road, Barry be declared surplus to the Council's requirements and that the Section 151 Officer/Head of Finance be authorised to appoint an external valuer to agree terms and conditions for the sale of the land to the adjacent property owner at market value.
2. That the land at Churchfields, Barry and Trebeferad, Boverton, Llantwit Major be declared surplus to the Council's requirements and that the Section 151 Officer/Head of Finance be authorised to offer for the land for sale on the open market on terms and conditions to be agreed.
3. That the Monitoring Officer/Head of Legal and Democratic Services be authorised to complete the appropriate legal documentation required to dispose of the various parcels of land.
4. That in view of the objections received no further action be taken in relation to the disposal of land at Kenson Close, Rhoose and Glenbrook Drive, Barry

Reasons for the Recommendations

1. To allow the parcel of land to be transferred to the adjacent property owner at best consideration and to ensure the Council's fiduciary and statutory obligations are met on disposal.
2. To allow the parcels of land to be offered for sale on the open market and to ensure the Council's fiduciary and statutory obligations are met on disposal.
3. To ensure that all the necessary legal procedures for the land disposal are followed..

4. To advise Cabinet of the outcome of the statutory consultation on the proposed disposal of these two parcels of land.

Background

2. Cabinet minute C273 (26 March 2018) resolved –
 - (1) T H A T the five areas of land identified at Appendices A – E to the report be disposed of at a value and on terms to be agreed by the Director of Environment and Housing Services in consultation with the Cabinet Member for Neighbourhood Services and Transport and Head of Finance.
 - (2) T H A T the Head of Legal Services be authorised to draft and execute all legal documentation associated with the disposals.

Relevant Issues and Options

3. Following the above-mentioned Cabinet minute, the disposal of the parcels of land at Glenbrook Drive, Pencoedtre Road and Churchfields, Barry, Kenson Close, Rhoose and Trebeferad, Boverton were advertised in accordance with the provisions of section 123(2A) of the Local Government Act 1972. The three areas are shown in Appendix A.
4. No objections were raised in relation to the disposal of land at Pencoedtre Road, Churchfields and Trebeferad.
5. Objections and comments were raised in relation to the proposed sale of land at Glenbrook and Kenson Close, and it now proposed not to go ahead with the disposal of these particular areas of land at the current time.
6. In order to progress the disposal of the parcels of land at Pencoedtre Road, Churchfields and Trebeferad and in order to ascertain the market value of the land firstly, an external valuation will be required of the land at Pencoedtre Road. There is no other suitable purchaser here except the adjoining land owner and therefore, terms and conditions of disposal will be agreed this party.
7. Secondly, the land at Churchfields and Trebeferad will be advertised for sale on the open market because there are likely to be a number of interested parties and therefore, this will be the most effective way to obtain best consideration. However, the Council would not be bound to accept any offer and this would be detailed appropriate in the marketing documentation whether that be by formal tender or invitation of (sealed) offers.

Resource Implications (Financial and Employment)

8. The Council would not be willing to incur any costs in respect of the proposed disposal of land. The prospective buyers will therefore be required to meet all of the Council's costs. The cost of the valuation of the land would need to be recharged to the prospective buyer and any abortive costs would be the responsibility of the prospective buyer.

Sustainability and Climate Change Implications

9. There are no significant sustainability or climate change implications associated with this report.

Legal Implications (to Include Human Rights Implications)

10. The Council has the power under section 123 of the Local Government Act 1972 to dispose of land in any manner it wishes including private treaty, formal tender or invitation of (sealed) offers. The only constraint is that a disposal must be for the best consideration reasonably obtainable. There are exemptions to this requirement however, the Council is not relying on any such exemptions for these particular disposals as the intention is to secure market value.
11. Furthermore, section 123 (2A) of the Local Government Act 1972 states that no principal council may dispose of land consisting or forming part of an open space unless, before disposing of the land, they cause notice of their intentions to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them. This process has been undertaken.
12. The Legal Section will be required to draft, complete and execute the documentation required to complete the disposals of land.

Crime and Disorder Implications

13. There are no significant crime and disorder implications associated with this report.

Equal Opportunities Implications (to include Welsh Language issues)

14. There are no significant equal opportunity implications associated with this report.

Corporate/Service Objectives

15. The relevant Well-being Outcome 2: An Environmentally Responsibility and Prosperous Wales:
Objective 4: Promoting sustainable development and protecting our environment.

Policy Framework and Budget

16. This report is a matter for Executive decision by Cabinet.

Consultation (including Ward Member Consultation)

17. Local Ward Members have previously been consulted on the disposal of these parcels of land and not objections have been received.

Relevant Scrutiny Committee

18. Corporate Performance and Resources.

Background Papers

None.

Contact Officer

Emma Reed - Head of Visible Services and Transport

Officers Consulted

Operational Manager - Property
Financial Accountant - Visible Services
Committee Reports - Legal
Operational Manager - Leisure
Operational Manager - Development
Operational Manager - Highways and Engineering

Responsible Officer:

Miles Punter - Director of Environment and Housing Services

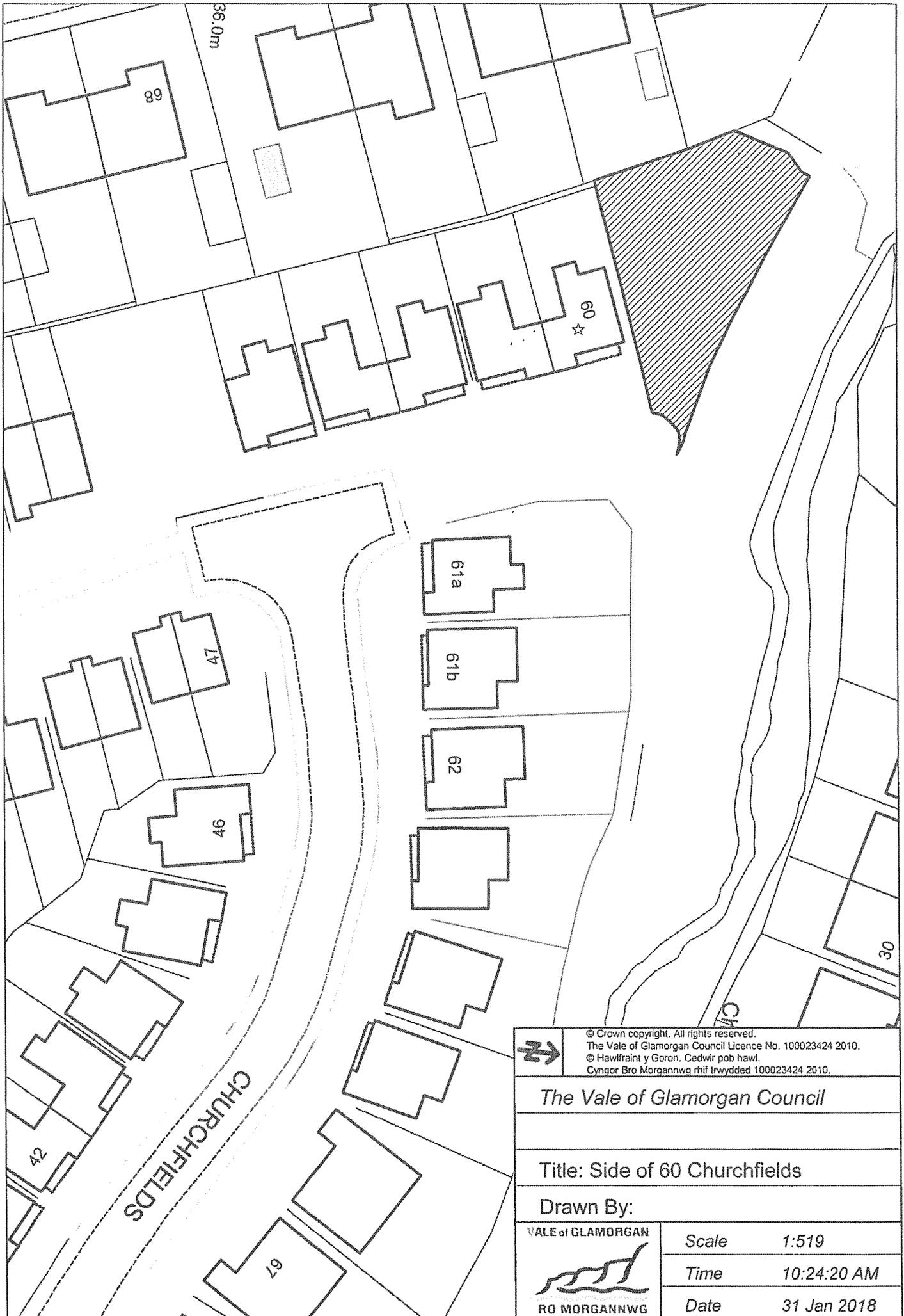
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	<i>The Vale of Glamorgan Council</i>	
Title: 7 Pencoedtre Road		
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