

REPORT TO:		CABINET	
DATE:		21 June 2023	
PORTFOLIO:		Councillor Kathleen Pratt - Housing & Regeneration	
REPORT AUTHOR:		Mandy Catterall – Estates Manager	
TITLE OF REPORT:		Disposal of Land at Charter Street, Accrington	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. Purpose of Report

- 1.1 To seek Cabinet’s approval for the disposal of the Council’s interest in the land at Charter Street shown edged red on the plan attached at Appendix 1.

2. Recommendations

I recommend that Cabinet:

- 2.1 Considers and gives in principle approval to the disposal of the land at Charter Street shown edged red on the plan attached at Appendix 1 at open market value of £217,000 (two hundred and seventeen thousand pounds), subject to the outcome of the Council’s advertisement of its intention to dispose of public open space in accordance with Section 123 (2A) of the Local Government Act 1972 and consideration of any responses received; and
- 2.2 Delegates authority to the Head of Regeneration and Housing to consider any responses received following the advertisement of the intention to dispose of public open space in accordance with paragraph 2.1 above and, following consultation with the Portfolio Holder for Housing and Regeneration, to decide whether to proceed with the disposal in light of those responses, if any; and
- 2.3 Subject to a decision being made to proceed with the proposed sale in accordance with paragraph 2.2 above, delegates authority to the Head of Regeneration and Housing in consultation with the Executive Director (Legal and Democratic Services) to agree and finalise detailed terms in relation to the disposal recommended in paragraph

2.1 above and to instruct Legal Services to dispose of the land in accordance with those terms.

3. Reasons for Recommendations and Background

- 3.1 In 1980 the Council acquired 14 acres, or thereabouts, of land at Charter Street, Accrington from British Railways Board. A number of disposals have taken place over the years predominantly to Housing Associations for the residential developments known as Howard Close and The Copse.
- 3.2 Since 2019 the Council has considered the disposal of the land at Charter Street for residential development and has had initial discussions with a number of developers. In September 2019 Cabinet approved the disposal of land at the western end of Howard Close to a developer and a further report in September 2022 confirmed the terms of that disposal.
- 3.3 An offer has been received from a reputable house builder to acquire the site with the intention to develop in the region of 58 units on the land shown edged red on the plan in appendix A.
- 3.4 Subject to the necessary planning consent being obtained, it is currently anticipated that the accommodation will be 100% affordable housing.
- 3.5 The developable area of the site is 1.55 acres and has been valued by the Council at £217,000 (two hundred and seventeen thousand pounds); market value for unrestricted residential development. The prospective purchaser has accepted this valuation and wishes to proceed on this basis.
- 3.6 The site can be considered public open space and therefore the Council will follow the requirements of Section 123 (2A) of the Local Government Act 1972, by advertising its intention to sell the land, and, before making a decision to proceed with the proposed sale, will consider any objections to the proposed disposal which may be made.

4. Alternative Options considered and Reasons for Rejection

- 4.1 The Council could choose at this stage not to agree in principle to the disposal of the site, however, this could mean forgoing an opportunity to provide affordable new housing
- 4.2 It should be further noted that the site has suffered from fly grazing in the past and therefore a decision not to proceed with the disposal could lead to future unauthorised occupation

5. Consultations

- 5.1 The site comprises public open space and, for this reason, Cabinet can only make an in principle decision about disposal at this point. The Council has a statutory duty to

advertise its intention to dispose of public open space and to consider any objections that may be received before making a final decision about sale. Assuming that Cabinet approves the recommendations set out in this report, the statutory advertisement process will commence. This report delegates authority to the Head of Regeneration and Housing to consider the objections and decide whether to proceed with the proposed disposal

6. Implications

<p>Financial implications (including any future financial commitments for the Council)</p>	<p>The sale of the site would generate a capital receipt. Disposal of the site would also remove the Council's financial responsibility for the site, especially maintenance costs, albeit these will be low.</p>
<p>Legal and human rights implications</p>	<p>The Council will advertise its intention to dispose of open space in accordance with Section 2A of the Local Government Act 1972 and will consider any objections that it may receive before a final decision is taken about sale of the site.</p> <p>Section 123 of the Local Government Act 1972 requires the Council to obtain best consideration when disposing of interests in land unless it has Government consent to sale at an under value. This disposal is a sale at market value</p>
<p>Assessment of risk</p>	<p>There are no financial risks arising from this report, and any legal risks will be address in the contract for sale.</p>
<p>Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<p>The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to:</p> <ul style="list-style-type: none"> • eliminate unlawful discrimination, harassment and victimisation; and • advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and • foster good relations between those who share a relevant protected characteristic and those who don't. <p>For these purposes the relevant protected characteristics are: age, disability, gender</p>

	reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. To assist the Cabinet in this regard a Customer First Analysis has been carried out as part of the review process and is attached as Appendix B to this report. Cabinet is advised to consider the Customer First Analysis and its obligations in respect of the public sector equality duty when making a decision in respect of the recommendations contained in this report.
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7. **Local Government (Access to Information) Act 1985:**
List of Background Papers

- 7.1 *Copies of documents included in this list must be open to inspection and, in the case of reports to Cabinet, must be published on the website.*

If the report is public, insert the following paragraph. If the report is exempt, contact Member Services for advice.

8. **Freedom of Information**

- 8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.