



DECISION TAKEN BY OFFICER UNDER PARAGRAPH 13(4) OF THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Name of Officer	Russell O'Keefe
Position of Officer	Chief executive
Service Area	Property

Title of Decision	Auction sale of roads, pavements and paths at Saxon Way
Date of Decision	6 th October 2023

Appendix	
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Exempt or Confidential Information
It is considered that information contained within this report does not contain exempt information under the meaning of Schedule 12A of the Local Government Act 1972, as amended, and therefore can be made public.

Glossary of terms

Term	Definition

Background to decision:

The landscaped areas included in the sale should have transferred to the council under the terms of a section 52 agreement dated 30th July 1980. Legal advice obtained in 2020 advised that this agreement could not be enforced to transfer the land to the council.

This sale is of landscaped areas and of highway land and given that the landscaped land should have transferred to the council, the residents in the area have been a request that the council bid for the land to rectify the situation.

Authority to make the decision:

Para 3.14 (j) of the Executive Director of Corporate Services power authorising agreement of the terms of acquisition of interest in land where the principle has been duly approved

Reason for Decision:

The landscaped areas should have transferred to the council under the section 52 agreement and the auction sale represents an opportunity to rectify the failure to ensure that the land was transferred. The council already maintains the landscaping whilst the adopted highway is maintained by the highway authority. If successful, this will ensure against future transfer of the landscaped areas to private owners

Report/Information considered:	
Legal	Advice was received that the s52 agreement made under the Town and Country Planning act could not be enforced against successors in title to the developer. The council had assumed maintenance liability for the land as it was unaware that the transfer of the landscape and open space areas had not been completed. The council has power to acquire land under s124 Local Government Act 1972 for the benefit or improvement of the area. Any transfer will allow the residents to be sure of the ownership and use of this auction land
Finance	The council is authorised to bid up to £1000. Liability will also be incurred for auction fees, legal fees, and sale fee and search fees totalling £1950 plus VAT plus unquantified search fees
Property and regeneration	The council already maintains the landscaped area and the land is off low value due to its requirement to be used for landscaping
Risk Management	The council may be unsuccessful in the auction if there are other bidders
Equality, Diversity and Inclusion	A successful acquisition will ensure that the landscaped areas continue to be available for the benefit of all residents of the estate
Consultation and communication	Residents have requested the council to consider this acquisition
Climate Change, ecological and biodiversity	None
HR	None

Alternative options considered and rejected:

Not to bid for the land. The land could be sold to a private purchaser who could then try to sell off parts of the landscaped areas to increase garden plots of residents.

Signed:	
Name:	Russell O'Keefe
Job title:	Chief Executive

Decision: To bid up to £1000 at auction for the auction land.

Record of any conflict of interest declared by any cabinet member who was consulted by the decision maker.

None

Dated: 6th October 2023