

 WARWICK DISTRICT COUNCIL	EXECUTIVE 1 JUNE 2017	Agenda Item No. 7A
Title	Disposal of WDC land to the rear of 2-10 The Square, Kenilworth	
For further information about this report please contact	Chris Makasis, Estates Manager	
Wards of the District directly affected	Kenilworth Abbey	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No but a linked confidential report appears elsewhere on the agenda	
Date and meeting when issue was last considered and relevant minute number	None	
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	No
Equality & Sustainability Impact Assessment Undertaken	No

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant Deputy Chief Executive, Head of Service, Finance, Monitoring Officer and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	8/5/17	Bill Hunt
Head of Service	15/5/17	Robert Hoof
CMT	9/5/17	
Section 151 Officer	9/5/17	Mike Snow
Monitoring officer	9/5/17	Andrew Jones
Finance	9/5/17	Mike Snow
Portfolio Holder(s)	15/5/17	Cllr. Grainger
Consultation Undertaken		
Please insert details of any consultation undertaken with regard to this report.		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. **SUMMARY**

- 1.1 This report proposes the disposal of land adjoining the rear of 2-10 The Square, Kenilworth.

2. **RECOMMENDATION**

- 2.1 That the Executive approve the disposal of the land at the rear of 2-10 The Square, Kenilworth, hatched on the plan attached as Appendix One, subject to terms & conditions listed in the Private & Confidential report elsewhere on the agenda.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 The land in question, shown hatched on the plan at Appendix One, covers an area of approximately 89 square metres and is located to the rear of 2-10 The Square, Kenilworth, shown in cross-hatch on Plan 2 attached. It is owned by WDC and currently used as a landscaped area of open space at the entry to the Council owned Square West pay & display surface car park. A 'Square West Pay & Display Car Park' sign is currently located on this land.
- 3.2 The owners of 2-10 The Square approached the Council towards the end of 2016 with a proposal to purchase the land, in order to assist them with the refurbishment of a disused outbuilding at the rear of their properties (shown on Appendix One) by providing access and egress to the rear and/or potential additional car parking spaces for both the refurbished outbuilding and 2-10 The Square. These proposals would allow their existing access from The Square public highway to be retained, creating a safer one way traffic stream to and from 2-10 The Square and the future refurbished outbuilding.
- 3.3 Access to and from the Square West car park is via a private driveway owned by Warwickshire County Council (WCC). Consequently any agreement on the proposed new access arrangements at the rear of 2-10 The Square, utilising the land in question, would also require approval for access over WCC's land. Discussions have been held with WCC who are prepared to give their consent, subject to them receiving a third of the consideration that this Council receives for the sale of the land in question.
- 3.4 Terms & conditions for the sale of the land in question have been negotiated between WDC and the owners of 2-10 The Square. These are private & confidential as they fall within the provision of information that relates to the financial or business affairs of any particular person, including the authority holding that information, hence are set out in full in the Private & Confidential report elsewhere on this agenda.
- 3.5 The proposal will make good use of land without detriment to the operation of the car park. There will be a small saving on grounds maintenance and a small parcel of land would be retained by the Council to enable the car park entrance sign to be retained in this location. This retained area would also have the capacity to accommodate footpath access to the car park from The Square, if this is required in the future.

4. **POLICY FRAMEWORK**

- 4.1 The proposal would support the Council's Fit for the Future programme, through the Money strand, by allowing the Council to secure a capital receipt for the

General Fund and making best use of our assets which include open space such as these.

- 4.2 The proposal also supports the Prosperity theme of the Sustainable Community Strategy by supporting development within the Kenilworth town centre.

5. **BUDGETARY FRAMEWORK**

- 5.1 The proposal shall provide this Council with a Capital Receipt & reduce its Grounds Maintenance costs, assisting it to achieve a sustainable balanced budget. Details of the proposed receipt are set out in the Private & Confidential report.

6. **RISKS**

- 6.1

Risk	Possible Trigger	Possible Consequences	Risk Mitigation / Control
Refuse to Dispose of Land	The land will remain within ownership & responsibility of WDC	Reduced Capital Receipt WDC continue to pay Grounds Maintenance costs of the Public Open Space & continue to insure/indemnify WDC against any claims that may be brought against it due to injuries/damages that may occur on the land.	Approve disposal of the land

7. **ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 The alternative is not to proceed with the proposed disposal. This is not recommended as it would not deliver the benefits set out in section 5.