

Meeting:	Cabinet
Date:	18 <sup>th</sup> January 2007
Subject:	Disposal of former Allotments at Kenmore Road
Key Decision:	Yes
Responsible Officer:	Andrew Trehern Executive Director ( Urban Living )
Portfolio Holder:	Councillor Chris Mote, Portfolio Holder for Property
Exempt:	No – Part 1
Enclosures:	Site Plan

## **SECTION 1 – SUMMARY AND RECOMMENDATIONS**

This report sets out details of this vacant former allotments site and proposals to dispose of the site for best consideration.

### **RECOMMENDATIONS:**

That Cabinet authorise the Executive Director (Urban Living) to negotiate the best possible price for the sale of the site.

Authority be delegated to the Executive Director (Urban Living) to consider and arbitrate on any objections received following advertisement of the proposed disposal

**REASON:** To enable a redundant site to be sold raising a capital receipt for the Council at best consideration.

The proposal is consistent with the Council's new Corporate priority of tackling waste and giving real value for money.

## **SECTION 2 – REPORT**

The Land was acquired by the London Borough of Harrow from London County Council in June 1959 for the purposes of open space under the Public Health Act 1875 and the Allotments Acts 1908/1950.

The site has an area of approximately 0.611 of an acre and is located adjacent and immediately to the south of Kenmore Playground.

The site was identified as part of a possible location for the development of an LIFT/PFI Scheme including a PCT element. However it is now deemed surplus to requirements as the location of the Neighbourhood Resource Centre without PCT involvement is to be located adjacent to the allotment site on part of Kenmore Playground. This ensures maximum use of the overall site.

The site has been vacant and unused since at least early 2003 and with the fall in demand for allotments application was made to have its statutory allotment designation released which was granted in 2005 by the Secretary of State specifically for the proposed LIFT scheme in conjunction with Harrow Primary Care Trust.

Legal have now made a further application for release given the proposed change of use.

The site whilst adjacent to Kenmore playground is nevertheless in a predominantly residential area of mainly former council residential properties and the site is considered appropriate for residential development.

Costs of disposal will include legal and agents fees.

Ward Councillors have been consulted on the proposal to dispose of the site for residential development.

### **Financial Implications**

The proposed disposal will generate a capital receipt for the Council. All reasonable legal and agent's costs will be offset against this capital receipt.

### **Legal Implications**

The Land is held by the Council under the Allotment Act. Accordingly it will be necessary for the Council to obtain the consent of the Secretary of State prior to disposal of the property.

Subject to this the Council has the power under Section 123 Local Government Act 1972 to sell the land.

Section 123 of the Local Government Act 1972 provides that the Council may dispose of any land it owns if it obtains a consideration which is the best that can be reasonably obtained. This is usually demonstrated by extensive marketing of the property and acceptance of the best price or by disposal at auction.

Where this is not being received, the Council must either rely on the general consent issued by the Secretary of State if applicable or obtain the ad hoc consent of the Secretary of State for the disposal.

As the land forms part of an open space the Council is required under Section 123 (2A) Local Government 1972 to advertise the proposed disposal for two consecutive weeks in a newspaper circulating in the area in which the land is situated and to consider any objections to the proposed disposal before making the disposal.

**Equalities Impact**

None

**Community Safety ( s17 Crime and Disorder Act 1998 )**

The development of this overgrown disused site will removal a potential source of crime and vandalism

**SECTION 3 - STATUTORY OFFICER CLEARANCE**

Chief Finance Officer	<input type="checkbox"/> / <input type="checkbox"/>	Name: Anil Nagpal Date: 20 <sup>th</sup> December 2006
Monitoring Officer	<input type="checkbox"/>	Name: Ade Amisu Date: 21 <sup>st</sup> December 2006

**SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS**

**Contact:** Andrew Connell , Portfolio Surveyor Capital Receipts dir tel no. 020 8424 1259 internal x2259.

**Background Papers:** The files are held with the report author

**IF APPROPRIATE, does the report include the following considerations?**

1.	Consultation	YES
2.	Corporate Priorities	YES
3.	Manifesto Pledge Reference Number	D4