

### Record of officer decision

<b>Decision title:</b>	Approval to dispose of land at westbrook manor in accordance with a pre-emption agreement
<b>Date of decision:</b>	22 May 2018
<b>Decision maker:</b>	Director for economy communities and corporate
<b>Authority for delegated decision:</b>	Cabinet decision of 3 October 2016 item 42 recommendation (8)  to take all operational decisions necessary to implement the [disposals programme] and, following consultation with the relevant cabinet member and section 151 officer, to conclude sales.
<b>Ward:</b>	Countywide
<b>Consultation:</b>	The cabinet member and s151 officer were consulted on 18 October and 1 August 2017 and were supportive of the decisions.
<b>Decision made:</b>	To approve the proposed heads of terms to exchange and complete the sale of land to westbrook manor.
<b>Reasons for decision:</b>	<p>The Smallholding Estate was offered to the open market in accordance with the agreed disposal programme approved by cabinet on 13 October 2016.</p> <p>The land at Westbrook manor (part of the small holding estate), consists of 7.05 acres. It was excluded from the sale as there is a pre-emption agreement in place to allow the freeholder of Westbrook Manor to have first refusal to purchase the area of the land subject to the agreement.</p> <p>The freehold owner of Westbrook Manor has agreed to progress with the sale under the terms of the pre-emption agreement.</p> <p>The tenant has voluntarily agreed to surrender the current tenancy on the land so the sale can proceed with vacant possession. The Pre-emption agreement sets out a prescribed timetable for offers and acceptance but the councils agents Fisher German recommend that the council proceed by agreement by both parties rather than following this timetable so that the sale can be exchanged and completed by the Councils solicitors in a timely manner, but not subject to deadlines which may be difficult to achieve.</p> <p>Other than a change to the timetable the sale will be on the basis of the terms agreed in the pre-emption agreement as attached to this decision in Appendix 1.</p> <p>.</p>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	Finance

	<p>As defined in the pre-emption agreement, the price payable is the highest of either the market value or the area of land purchased multiplied by £10,000. Fisher German do not consider that the market price would be any higher taking the poor roadside access to this land into account.</p> <p>Legal The council approved the sale of the small holding estate on 5 December 2015 and this decision forms part of the sale of the council smallholdings. On the 9 December 2005 a pre-emption agreement was entered into whereby it was agreed that the owners of westbrook manor had within a period of twenty years from the date of the deed the option to purchase a further seven acres of land in the event that the council decides to dispose of the land.</p> <p>Risks The buyer does not proceed with the purchase of the land. The council may try to dispose of the land elsewhere but not for less than the price in the original offer. If no disposal the terms of the pre-emption agreement remain in place.</p> <p>Equality There are no negative impacts identified from the approval of the recommendations.</p>
<p><b>Details of any alternative options considered and rejected:</b></p>	<p>Not proceeding with the sale under the terms of the pre-emption agreement.</p> <p>Advantages None, the councils agents have advised that it is unlikely that the value would be higher in the open market and the council can only proceed with that route should the purchaser not go through with the disposal.</p> <p>Disadvantages, it is not in line with the disposals policy and the council would be in breach of contract.</p>
<p><b>Details of any declarations of interest made:</b></p>	<p>Cabinet member has used the selling agents (Fisher German) as a prospective purchaser on a property unrelated to this disposal.</p>

Signed..... Date: