

LAND AT JENKINS NECK WOOD, SHACKLANDS ROAD, BADGERS MOUNT

Cabinet - 10 January 2018

Report of Chief Finance Officer

Status: For Recommendation to Cabinet

Key Decision: Yes

Executive Summary: This supplementary report (further to the report considered by Cabinet on 6 December 2018, [Minute 50](#)) attaches a letter from the Solicitors acting for owners of 1 Shacklands Cottages. The Solicitors have requested that the letter is considered by Cabinet in taking decisions on the proposed disposal of surplus property assets at Jenkins Neck Wood, Shacklands Road, Badgers Mount.

This report supports the Key Aim of Value for money

Portfolio Holders Cllr John Scholey, Cllr Peter Fleming

Contact Officers Andrew Stirling, Ext. 7099

Recommendation: That Cabinet considers the letter attached at Appendix A to the report in taking any decisions on the proposed disposal of surplus property assets at Jenkins Neck Wood, Shacklands Road, Badgers Mount.

Reason for recommendation: The Solicitors acting for the owners of 1 Shacklands Cottages have requested that their letter is considered by Cabinet in taking decisions on the proposed disposal of surplus property assets at Jenkins Neck Wood, Shacklands Road, Badgers Mount.

Introduction and Background

- 1 Laker Legal Solicitors act for the owners of 1 Shacklands Cottages and wrote to the Council on 4 December 2018 requesting that their letter is considered by Cabinet as part of the decision making on the proposed disposal of surplus property assets at Jenkins Neck Wood, Shacklands Road, Badgers Mount. The letter is attached at Appendix A to the report.
- 2 The owners of 1 Shacklands Cottages are requesting that consideration is given to converting the remainder of their 99 year lease to a freehold interest or to extend the term of their long lease. The owners of 1 Shacklands Cottages have expressed concern that they were inequitably treated by the decision taken by the Cabinet on 15 May 2008 to transfer the land to them on a 99 year Lease, whilst a separate piece of land adjacent to

another property was transferred freehold. The minute of the Cabinet meeting from [15 May 2008](#) is attached at Appendix B to the report.

- 3 The Cabinet will have taken the decision at that time on the basis of information provided and any context and background around the management and retention of the woodland in this particular location. The section of the minute is reproduced below:

“The Professional Services Manager advised that following the Performance and Governance Committee he had been in discussion with Shoreham Parish Council and the prospective purchaser of the land set out in Appendix B of the report. Their responses were circulated as late information to Cabinet. The Parish Council had raised issues in relation to the odd shape of the land and whether it would affect the District Council’s use and management of the remainder of the land. The shape of the land was as a result of consultations with the operating department being requested to identify the land in response to the offer to buy. The question of a lease had been discussed with the prospective purchaser who would prefer to buy the land but was not averse to a possible 99 year sub-lease. This would make no difference to the income for the Council.”

Key Implications

Financial

Disposal of surplus and underperforming assets will generate capital receipts that can be reinvested in higher performing assets in accordance with the Council’s approved Property Investment Strategy.

Legal Implications and Risk Assessment Statement.

Resources from the Council’s legal team are and will continue to be needed to complete the disposal process.

No significant risks have been identified for the Council in progressing the sale. The land is not required for operational purposes.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusion

The request to either convert the long leasehold interest into a freehold or further extend the long lease can be considered by Cabinet as part of the wider consideration of the proposed disposal of the land at Jenkins Neck Wood.

Appendices:

Appendix A - Site Plan

Appendix B - Minute of the meeting of Cabinet
of 15 May 2008

Background Papers:

[Cabinet agendas and minutes](#)

Adrian Rowbotham

Chief Finance Officer