

**Meeting: Cabinet**

**Date: 6<sup>th</sup> August 2019**

**Wards Affected:** Clifton-with-Maidenway Ward

**Report Title: Freehold Disposal of The Monastery, Berry Drive, Paignton, TQ3 3RD**

**Is the decision a key decision?** No

**When does the decision need to be implemented?** As soon as possible.

**Cabinet Member Contact Details:** Councillor Swithin Long, Cabinet Member for Economic Regeneration, Tourism & Housing, 07419 111618, [Swithin.Long@torbay.gov.uk](mailto:Swithin.Long@torbay.gov.uk)

**Supporting Officer Contact Details:** Kevin Mowat, Interim Director of Place, 01803 208433, [Kevin.Mowat@torbay.gov.uk](mailto:Kevin.Mowat@torbay.gov.uk)

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### **1. Proposal and Introduction**

The aforementioned building has been declared surplus to Torbay Council's requirements and has been vacant since November 2017. The Interim Director of Place seeks authority to dispose of the freehold of the land and building, 367.4 sq. m (14,718.7 sq. ft.), gross internal area 245 sq. m (2,637 sq. ft.).

### **2. Reason for Proposal and associated financial commitments**

The condition of the building is reasonable given the previous use. However the building is now noticeably deteriorating since being left vacant and not in use. Whilst the building is in the ownership of Torbay Council the ongoing maintenance and repair liability remains with the Council as well. To maximise the capital receipt it is preferable for the property to be sold as soon as possible.

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### **3. Recommendation(s) / Proposed Decision**

That the Interim Director of Place, in consultation with the Chief Executive, be authorised to dispose of the freehold interest of The Monastery, Berry Drive, Paignton, TQ3 3RD by way of auction, on a date to be agreed, to the highest bidder.

### **Appendices**

Appendix 1: Site Plan – EM3134

### **Background Documents**

None

## Section 1: Background Information

<b>1.</b>	<b>What is the proposal / issue?</b>  It is proposed the Council dispose of the freehold interest of The Monastery, Berry Drive, Paignton, TQ3 3RD land with an area measuring 1,367.4 sq. m (14,718.7 sq. ft.), gross internal area 245 sq. m (2,637 sq. ft.).  This property on disposal will provide a capital receipt to help supplement the Council's capital programme. It will also reduce the Council's liability of further maintenance spending.
<b>2.</b>	<b>What is the current situation?</b>  The former Monastery until November 2017 was let to the charity Anode Connect as a place of support for families in need, as well as being used as a food bank for a period of time. Anode were in occupation on a long lease, with peppercorn rent. The building has been vacant since that time. The condition of the building is reasonable given the previous use. However the building is now notably deteriorating since being left vacant and not in use. The ongoing maintenance and repair liability remains with the Council and this is likely to increase as time passes.  The grounds of the site are now being frequented by youths on a regular basis who are using the site for unsociable activities.
<b>3.</b>	<b>What options have been considered?</b>  The Council's Corporate Asset Management Plan 2015 to 2019 (2018/19 Revision) makes it specific that the Council will 'always seek to maximise the full market receipt for their assets whether by way of freehold disposal or leasehold interest'. The disposal of this asset will meet that requirement.  The vacant building has been openly marketed for lease, since becoming vacant which raised only very limited interest. Offers were received following a reasonable marketing period last year. However these were discussed and rejected by the Interim Director of Place as they were considered too low with a strong likelihood of the property coming back to the Council at a future date.
<b>4.</b>	<b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</b>  Disposing of the land will help to support the ambitions and principles of the Corporate Plan by bringing back into beneficial use an unused building helping to create a more prosperous Torbay. The redevelopment of the building, most probably for residential use will improve the locality, ensuring this area of Paignton is an attractive and safe place to live.

5.	<p><b>How does this proposal contribute towards the Council's responsibilities as corporate parents?</b></p> <p>n/a</p>
6.	<p><b>How does this proposal tackle deprivation?</b></p> <p>n/a</p>
7.	<p><b>How does this proposal tackle inequalities?</b></p> <p>n/a</p>
8.	<p><b>How does the proposal impact on people with learning disabilities?</b></p> <p>n/a</p>
9.	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>n/a</p>
10.	<p><b>How will you propose to consult?</b></p> <p>No consultation is planned.</p>

## Section 2: Implications and Impact Assessment

11.	<p><b>What are the financial and legal implications?</b></p> <p>Financial Impact – It is proposed the building and land is sold at auction to the highest bidder. The disposal will provide a capital receipt to help supplement the capital programme. It will reduce the Council's liability of further maintenance spending and so relieve pressure on revenue budget savings.</p> <p>Legal Impact – There are no legal implications anticipated with this disposal.</p>
12.	<p><b>What are the risks?</b></p> <p>If the disposal of this asset is not authorised then the repair and maintenance of the building will remain with the Council resulting in an ongoing financial pressure.</p> <p>The Council would also lose the capital receipt.</p>

<b>13.</b>	<b>Public Services Value (Social Value) Act 2012</b>  There are no procurement issues as a disposal at auction will result in the highest bidder coming forward.
<b>14.</b>	<b>What evidence / data / research have you gathered in relation to this proposal?</b>  No research undertaken.
<b>15.</b>	<b>What are key findings from the consultation you have carried out?</b>  No consultation undertaken.
<b>16.</b>	<b>Amendments to Proposal / Mitigating Actions</b>  No amendments proposed pursuant to consultation with Torbay Council Legal Services team.

## Equality Impacts

17.	Identify the potential positive and negative impacts on specific groups		
	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			there is no differential impact'
People with caring Responsibilities			there is no differential impact'
People with a disability			there is no differential impact'
Women or men			there is no differential impact'
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			there is no differential impact'
Religion or belief (including lack of belief)			there is no differential impact'
People who are lesbian, gay or bisexual			there is no differential impact'
People who are transgendered			there is no differential impact'
People who are in a marriage or civil partnership			there is no differential impact'
Women who are pregnant / on maternity leave			there is no differential impact'
Socio-economic impacts (Including impact on child	The disposal of the land and subsequent redevelopment of		

	poverty issues and deprivation)	wider area is likely to have a positive impact on deprivation.		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			there is no differential impact'
<b>16</b>	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	No		
<b>17</b>	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	No		