

**Record of Decision**  
**Proposed Disposal of Surplus Assets**

**Decision Taker**

Mayor on 06 February 2017

**Decision**

- (i) that the Council be recommended that the land adjacent to 4 Berry Head Road (known as Jubilee Gardens) remains in the Council's ownership and is not disposed of (recommendation to Council not subject to call-in); and
- (ii) that the Council place a covenant on the land adjacent to 4 Berry Head Road protecting it from future development (recommendation to Council not subject to call-in);
- (iii) that, having considered the feedback set out in Appendix 3 to the submitted report and heard at the meeting, the following assets should be declared as no longer required for service delivery and that the Assistant Director Corporate and Business Services be requested to where appropriate advertise their intended individual disposal in accordance with the Section 123(2A) of the Local Government Act 1972:
  - 1. North Boundary Road playpark, Brixham;
  - 2. Land at Green Park Road, Preston; and
  - 3. Bay Tree House, Croft Road;
- (iv) that, subject to any objections received to any disposal advertised pursuant to S123 of the Local Government Act 1972 the assets listed in (iii) above be individually disposed on such terms as are acceptable to the Assistant Director Corporate and Business Services in consultation with the Executive Head of Business Services and the Chief Executive of the Torbay Development Agency; and
- (v) that, the Assistant Director Corporate and Business Services in consultation with the Executive Head of Business Services and the Chief Executive of the Torbay Development Agency be given delegated authority to consider any objections received on the advertisement of any of the proposed disposals pursuant to s123 of the Local Government Act 1972.

**Reason for the Decision**

The disposal of the three assets not required for service delivery will enable the capital receipts to be reinvested into the Council's existing Capital Programme, which will contribute to the Council's objectives as set out in the Council's Corporate Plan and the Corporate Asset Management Plan and is in accordance with the Council's budget and Policy Framework.

The reduction of the number of assets held is seen as an important element to achieving a sustainable maintenance regime for future generations.

The land known as Jubilee Gardens is a valued community asset and should remain as such and be protected from future development.

## **Implementation**

The recommendations in respect of (i) and (ii) will be considered at the Council meeting on 23 February 2017.

The decision in respect of (iii) to (v) will come into force and may be implemented on 17 February 2017 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

## **Information**

The submitted report set out a proposal to dispose of the following four assets which had been deemed surplus to the Council's requirements in accordance with the Council's Corporate Asset Management Plan:

- Land adjoining 4 Berry Head Road, Brixham (known as Jubilee Gardens);
- North Boundary Road Playpark, Brixham;
- Land at Green Park Road, Preston; and
- Bay Tree House, Croft Road, Torquay.

Oral representations were heard against the proposed disposal of the land adjacent to 4 Berry Head Road (known as Jubilee Gardens) from Tracy Hallett (Town Clerk of Brixham Town Council and on behalf of Phil Trayhorn who had submitted a petition via Change.org which contained approximately 1,600 unverified signatures from local residents and visitors) and Mr John Bates (member of the public). Members also noted that a number of representations had been sent directly to the Mayor opposing this disposal.

The Mayor considered the oral representations made at the meeting, together with the written representations in connection with Jubilee Gardens, the representations set out in Appendix 7 to the submitted report and the recommendations of the Policy Development and Decision Group (Joint Operations Team) made on 6 February 2017 and his decision is set out above.

## **Alternative Options considered and rejected at the time of the decision**

Alternative options were set out in the submitted report but were not discussed at the meeting.

The Mayor considered the recommendation of the Policy Development and Decision Group to transfer the land adjacent to 4 Berry Head Road (known as Jubilee Gardens) but felt that this asset should remain in the ownership of Torbay Council but that it should be protected by means of a covenant.

## **Is this a Key Decision?**

Yes – Reference Number: I028277

## **Does the call-in procedure apply?**

Yes

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None

**Published**

9 February 2017

Signed: \_\_\_\_\_  
Mayor of Torbay

Date: 9 February 2017