

EXECUTIVE**DATE:** 30th MARCH 2009**SUBJECT:** DISPOSAL OF LAND AT REAR OF ST. NICHOLAS HOUSE, BUTTERWORTH PATH AND BRETTS MEAD, LUTON**REPORT BY:** HEAD OF CAPITAL AND ASSET MANAGEMENT**CONTACT OFFICER:** G L SPADEMAN 546343**IMPLICATIONS:**

LEGAL	✓	STAFFING
EQUALITIES	✓	COMMUNITY SAFETY
FINANCIAL	✓	RISKS

OTHER**CONSULTATIONS:**

COUNCILLORS CONSULTED	✓	SCRUTINY COMMITTEE CONSULTED
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STAKEHOLDERS CONSULTED	OTHER
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WARDS AFFECTED: FARLEY, SAINTS AND NORTHWELL**LEAD EXECUTIVE MEMBER(S):** Councillor Robin Harris

RECOMMENDATION(S)**Executive is recommended to**

1. approve in principle the disposal of the freehold land at:
 - a) the rear of St Nicholas House 15/17 George Street,
 - b) adjacent to 84 Butterworth Path,
 - c) adjacent to 1 Bretts Mead.

2. **Delegate authority for the approval of the final terms and conditions to the Director of Customer and Corporate Services, the Head of Capital and Asset Management and the Portfolio Holder for Finance.**

REPORT

3. The three sites comprise the following properties:-
 - a) Luton Borough Council owns an area of land at the rear of St Nicholas House, 15/17 George Street (shown edged red on the plan at Appendix A) Part of the land which is not public highway provides access to a car park the owner of which enjoys a right of way over the Council's land, the other part of the land is unused although the responsibility for general maintenance falls to the Council. This additional area of land has been the subject of complaints from adjacent shop owners due to litter and ongoing maintenance problems. The owner of St Nicholas House has asked to purchase the land to provide access to his car park and additional car parking, responsibility for maintenance will pass to the new owner.
 - b) The land at Butterworth Path (shown edged red on the plan at Appendix B) is laid to grass, maintenance responsibility falls to the Council. The owner of 84 Butterworth Path a former Council house has asked to purchase the land which can be used as garden land.
 - c) The land at Bretts Mead (shown edged red on the plan at Appendix C) is laid to grass, maintenance responsibility falls to the Council. The owner of 1 Bretts Mead a former Council house has asked to purchase the land which can be used for car parking or garden.
4. The Council will receive a capital receipt for the disposals, this will contribute towards the target for capital income generation assumed in the funding profile of the Council's approved capital programme. The purchasers will pay the Council's legal and surveyors costs.

LEGAL IMPLICATIONS

5. There are the following legal implications to this report and this has been agreed with Mary Cormack in Legal Services on 6 March 2009. s123 Local Government Act 1972 allows the Council to dispose of land within its ownership for the best consideration available. It will be the responsibility of the owners to seek all relevant planning and highways permissions for any intended works and the Council may impose such conditions on the sale as may be warranted to protect adjoining buildings and occupiers.

EQUALITIES, COHESION AND INCLUSION IMPLICATIONS

6. This report has no equality, cohesion and inclusion implications, except in so far as the Capital receipts will provide resources for the Council's Capital Programme which will indirectly impact equality, cohesion and inclusion. These implications were agreed by the Performance Review Manager on 6 March 2009.

FINANCIAL IMPLICATIONS

7. The Capital receipts for the disposals will contribute towards the target for capital income generation assumed in the funding profile of the Council's approved Capital Programme. These implications were agreed by the Finance and Airport Client Manager on 6th March 2009

COUNCILLORS CONSULTATIONS

South, Councillors Lynda Ireland, Michelle Kiansumba, Dave Taylor
High Town, Councillors Lakhbir Singh, Jackie Burnett
Farley, Councillors Robin Harris, Mahmood Hussain, Sian Timoney

OPTIONS

1. Proceed with the freehold sales on some or all sites.
2. Do not proceed with the freehold sales on some or all sites

APPENDIX

Appendix A: Site plan land at the rear of St Nicholas House 15/17 George Street.
Appendix B: Site Plan land adjacent to 84 Butterworth Path.
Appendix C: Site Plan land adjacent to 1 Bretts Mead.

BACKGROUND PAPERS

There are no background papers relating to this report.