

Disposal of property

Summary: The Council acquired a property under a voluntary arrangement following non-compliance of an Urgent Works Notice under section 54 Planning (Listed Buildings and Conservation Area) Act (1990)

Following a feasibility study and options appraisal, Officers supported a disposal of the property. In accordance with the Councils Disposal policy, the property has since been advertised for sale on the open market seeking offers from potential purchases.

A previous offer to acquire the property which had been approved by Cabinet 12 April 2021 is no longer progressing and a number of further offers have been received and assessed. These are outlined in the exempt appendix.

Options considered: A feasibility study and options appraisal considered a number of alternative options which would require significant financial investment and resource.

Conclusions: Following the property having being advertised for sale on the open market best and final offers have been received. These offers have been qualified and assessed. Acceptance of the recommended offer will result in a requirement for the purchaser to complete works to the property as outlined in the Urgent Repairs Notice and will bring the property back into habitable use.

Recommendations:

1. That Cabinet approves the disposal of the property as outlined in the exempt appendix.
2. That should there be any further changes to the offer made or the potential purchaser, to delegate to the s151 Officer, in consultation with the Portfolio Holder, to dispose of the property for any value exceeding the original purchase price (plus any additional costs incurred).

Reasons for Recommendations: The disposal is in accordance with the Council's Disposal policy and the offer is deemed to be the best financial consideration reasonably obtainable at the current time.

Cabinet Member(s) Cllr E Seward	Ward(s) affected Walsingham
Contact Officer, telephone number and email: Renata Garfoot, Asset Strategy Manager, 01263 516086 Renata.garfoot@north-norfolk.gov.uk	

1. Introduction

- 1.1 The property was brought to the Council's Enforcement Board during 2015 over concerns that the owners' of the property were either unwilling or unable to preserve the fabric of the building which is of listed status.
- 1.2 In 2016 the Council served an Urgent Works Notice under section 54 Planning (Listed Buildings and Conservation Area) Act (1990). This required urgent works to be done within a three-month period and a Repairs Notice for the remainder of the works was issued under section 48 of the same Act, allowing 12 months for these works to be completed.
- 1.3 The previous owners had requested the works be deferred to enable them to sell the property as they were unable to complete the works listed in the notice. Having not sold the property and with the continuing deterioration the Councils Cabinet in 2018 solved for officers to undertake negotiations to acquire the property through a voluntary disposal or by way of a compulsory purchase order.
- 1.4 The former owners agreed to a voluntary disposal of the property to the Council and following legal completion of the property, a feasibility study to investigate the potential opportunities with the property was undertaken. Having consider the findings of the study, subsequent options appraisal, level of investment required to repair and refurbish the property, Officers supported a disposal of the property.

2. Disposal

- 2.1 Officers appointed an experienced and local estate agent, following a procurement exercise to advertise the freehold property for sale on the open market during 2020/21
- 2.2 During this time there have been a number of viewings and whilst a previous offer made by a potential purchaser to acquire the property was approved by Cabinet, that offer is no longer progressing. The property has continued to be marketed during that time which has resulted in a number of interested parties. Best and final offers from the interested parties had been requested and subsequently been qualified by the Agents and assessed by the Estates Team.
- 2.3 The Estates Team recommend the offer as described in the exempt appendix is accepted.
- 2.4 Once the disposal transaction is complete the purchaser will undertake a refurbishment programme and covenants will be included in the legal contract requiring the purchase to complete the works as outlined in the Urgent Works Notice.
- 2.5 The proposed disposal of the property is in accordance with the Councils Disposal policy, which provides a framework through which the Council can effectively manage its portfolio.
- 2.6 The Council will seek to dispose of its assets where it is in the best interest of the Council. In the case of this property, the asset does not contribute to the delivery of Council services and is a risk to the Council due to its dilapidated

condition. The disposal, will enable the property to be repaired, improved and brought back into use, which will enhance that area of the community.

3. Conclusion

- 3.1 The property was acquired as the former owners were unable to undertake the substantial repairs needed to ensure the preservation of the property which has continued to worsen as time passes.
- 3.2 Whilst the Council could have undertaken the repairs and renovation as the feasibility study and options appraisal demonstrated, it would result in a substantial capital outlay and resource requirement.
- 3.3 A disposal of the property will see the property repaired in accordance with the Urgent Works Notice and brought back into habitable use.
- 3.4 Whilst a previous offer was accepted this is no longer progressing and having continued to market the property a number of interested parties have made their best and final offers (as outlined in the exempt appendix) which have been qualified and assessed.

4. Implications and Risks

- 4.1 When disposing of land and property assets, Section 123 of the Local Government Act 1972 requires the Council to achieve the best consideration reasonably obtainable.
- 4.2 The property has been advertised for sale for approximately 12 weeks on the open market with an experienced estate agent and therefore officers are satisfied that best consideration has been reasonable obtained.
- 4.3 Eastlaw will act on behalf of the Council in relation to the disposal transaction and covenants requiring the purchaser to undertake the Urgent Works Notice will be included within the contract. Monitoring of this covenant will be undertaken to ensure the essential works are completed.
- 4.4 There is a risk with all land and property disposal's that it does not legally complete and if this was to occur, the Council could either commence remarketing or revisit options to undertake the repairs itself.

5. Financial Implications and Risks

- 5.1 Financial details regarding the offer are included in the exempt appendix.
- 5.2 The offers are made subject to contract and is not legally binding until exchange of contracts.

6. Sustainability

- 6.1 The sale of the property will see the building be repaired and brought back into habitable use and such works to the property will be required to meet current Building Regulation standards.

7. Equality and Diversity

7.1 There are no direct equality and diversity issues with this proposal.

8. Section 17 Crime and Disorder considerations

8.1 There are no direct crime and disorder considerations with this proposal.