

EXECUTIVE DECISION NOTICE

DELEGATED EXECUTIVE DECISIONS

A record of delegated decisions made by individual Portfolio holders or officers on Thursday, 12 September 2019.

The reports (unless exempt under Section 100(B)(2) of the Local Government Act 1972, on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12 A of the Act as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the Paragraphs indicated and, in all the circumstances of the case, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing it) are available for inspection from the Solicitor to the Council, South Lakeland House, Kendal.

DEX/3

ASSET OF COMMUNITY VALUE

(Chief Executive)

Summary

Consideration was given to a nomination from Blawith and Subberthwaite Parish Council to list a plot of land named Little Fell, Water Yeat, Ulverston as an Asset of Community Value.

The nomination had described Little Fell as being overgrown, but had provided no evidence of the main and non-ancillary current use of the land. The nomination stated that the community gained pleasure from use of the site which would be lost along with the ecological habitat, if the site were to be lost. Despite the wishes of the community to protect the land by registering it, there was little detail or evidence provided within the nomination about the proposed timescale, funding or deliverability. As a result, and in accordance with legislation, there was insufficient evidence to prove that the current use of the asset furthered social well-being and, due to a lack of detail on the future plans for the site, it was felt that the nominated asset should be added to the list of unsuccessful nominations.

Decision

That the plot of land named Little Fell, Water Yeat, Ulverston, LA12 8DJ, be entered onto South Lakeland District Council's list of unsuccessful nominations of Assets of Community Value.

Reasons for Decision

To meet legislative requirements.

Alternative Options Considered and Rejected

Listing the land as an asset of community value. However is likely that it could be proven on appeal that the listing would be contrary to the requirements of the legislation.

DEX/4

PRESS AND PUBLIC

RESOLVED - That, under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in

Part 1 of Schedule 12 A of the Act as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the paragraphs indicated.

DEX/5 DISPOSAL OF COUNCIL LAND ADJACENT TO DUKE OF CUMBERLAND PUB, KENDAL

- *Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

(Chief Executive)

Summary

Consideration was given to the proposal to dispose of Council Land adjacent to the Duke of Cumberland Public House, Kendal.

Decision

(1) To dispose of the land for the negotiated price with the Council's standard clawback provision.

(2) The Director of Customer and Commercial Services be delegated authority to agree all other disposal terms.

Reasons for Decision

To achieve the market value for the land and in line with established local authority policy.

Alternative options considered and rejected

To retain the land and continue to receive rent based on current terms.

DEX/6 APPLICATION TO MODIFY A RESTRICTIVE COVENANT ON LAND AT 1 FRIARS GARTH, CARTMEL

- *Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

(Chief Executive)

Summary

Consideration was given to the application to modify a restrictive covenant on land at 1 Friars Garth, Cartmel.

Decision

Authorisation be given for the modification of a restrictive covenant thereby allowing a new property to be provided, on land previously owned by the Council at 1 Friars Garth, Cartmel, and being made available at a permanent discount for 'approved persons' with a 'local connection'.

Reasons for Decision**The decision links to the Council Plan priorities, as follows:-**

(1) Creating balanced communities and delivering affordable homes to meet needs with:-

- New affordable homes to rent;
- New elderly care provision;
- A range of housing to attract and retain young people;
- New delivery models including a loans scheme; and
- Support for Community Housing and self-build.

(2) Encouraging a sustainable environment and inclusive economy, we will build resilience by ensuring that new development is sustainable, energy efficient and flood resilient.

Alternative options considered and rejected

- (1) To lift the covenants unconditionally. This would not be in accordance with the statutory requirement to obtain best consideration in land transactions;
- (2) To take cash instead of permanent price reductions. This would not achieve affordable housing; and
- (3) To attempt to impose more stringent conditions which may not be considered reasonable in the event of an appeal.