

RECORD OF EXECUTIVE DECISIONS BY CABINET MEMBERS

Deputy Leader of the Council and Cabinet Member for Finance and Asset Management	Date of Decision 14.02.2024
Title Reference: Sale of embankment Land between Foxwood Industrial Park and Dunston Road, Chesterfield	
Key Decision: Yes	Delegation Reference:G260L
Report and Background papers	Exempt
Record of Decision: RESOLVED - 1.1 That Cabinet Member approves acceptance of the offer outlined in the main body of the report and in turn instructions to Legal Services to transact a sale of the land. 1.2 To authorise the Service Director – Economic Growth to agree any further amendments to the sale transaction.	
Reasons for Decision: 2.1 The proposed sale will realise a capital receipt together with payment of the Council's professional fees. The receipt will be credited to the General Fund. 2.2 The sale will relieve the Council of the potential liabilities and maintenance costs associated with holding a non-operational asset with no alternative service provision uses or development potential.	
Alternative options considered and rejected (if any) 3.1 As set out within the previously approved Cabinet Member report, the land could have been placed on the open market e.g. by auction rather than approaching the adjoining business owners to submit offers. However, this could result in the land selling below the current offer price from Datim, which reflects Datim's special purchaser interest in the land. If it failed to generate interest at auction and not meet its reserve price, then this would leave Datim in a strong position to renegotiate a much lower offer than that currently on the table. 3.2 There is the option to do nothing. However, the Council would retain the ongoing maintenance responsibilities and potentially liabilities (e.g. injury claims resulting from trespass, fly-tipping and anti-social behaviour) associated with holding a secluded coppice embankment that it has no use for.	

Notes:

The implementation of the above decision is suspended until the call-in period has expired without a call-in being validly invoked. Any Member of the Council shall be entitled to call for a decision to be suspended by giving notice to the Monitoring Officer *either by telephone, fax, email or in writing* not later than 5.00 pm on the day following the date of the decision.

Any decision so suspended shall not be capable of implementation for a period of five calendar days from the date of the meeting which will expire on 21 February 2024.

(DURING THE CALL-IN PERIOD A REQUEST MAY BE MADE IN RESPECT OF ANY DECISION SO SUSPENDED BY NOT LESS THAN ONE QUARTER OF THE TOTAL MEMBERSHIP OF THE OVERVIEW AND PERFORMANCE SCRUTINY COMMITTEE. TO DO THIS YOU WILL NEED TO NOTIFY THE MONITORING OFFICER IN WRITING, BY FAX OR BY EMAIL BY 5.00 PM ON 21 February 2024 BEING FIVE DAYS FOLLOWING THE DATE OF THE DECISION.

Signed *A Serjeant*

Date: 14 February 2024

Contact Officer: Frances Green