

# KENT COUNTY COUNCIL – RECORD OF DECISION

## DECISION TO BE TAKEN BY:

**Peter Oakford, Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services**

## DECISION NO:

**22/00072**

## For publication

**Key decision: YES** *The decision will result in savings or expenditure which is significant having regard to the budget for the service or function (currently defined by the Council as in excess of £1,000,000).*

## Title: Disposal of former Conningbrook Depot, Kennington Road, Ashford TN24 0LS

### Decision:

As the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, I agree to the disposal of the property, the former Conningbrook Depot, Kennington Road, Ashford TN24 0LS and delegate authority to:

1. The Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to finalise the terms of the disposal, either by sale or long-term lease; and
2. The Director of Infrastructure to authorise the execution of all necessary or desirable documentation required to implement the above.

### Reason(s) for decision:

The property is surplus to Kent County Council's (KCC) operational requirements and due to the values requires a key decision per KCC's Constitution.

The sale of the property will result in a capital receipt which will be reinvested back into KCC's Capital Programme.

### Cabinet Committee recommendations and other consultation:

The proposed decision was discussed by the Policy and Resources Cabinet Committee on 13 July 2022 and the proceedings were as follows:

Mr D'Alton introduced the report and he and Mr Oakford responded to comments and questions from the committee.

Mr T Bond proposed and Mr G Cooke seconded that the wording of recommendation 1. be amended to read '...to finalise the terms of the disposal, *either by sale or long-term lease*'. Mr Oakford confirmed he was happy with this and the new wording was generally supported by the committee.

It was RESOLVED that the decision proposed to be taken by the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to authorise the disposal of the property, the former Conningbrook Depot, Kennington Road, Ashford TN24 0LS and delegate authority to:

1. The Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to finalise the terms of the disposal, either by sale or long-term lease; and
2. The Director of Infrastructure to authorise the execution of all necessary or desirable documentation required to implement the above,

be endorsed.

Local Members were previously consulted in line with the Property Management Protocol.

Mr Ross, Member for Ashford South, raised comments following the Cabinet Committee in response to the proposed record of decision which were responded to:

Q. Has KCC approached Ashford Borough Council (ABC) directly to buy the land?

A. Subject to the Cabinet Member taking the decision the site is to be openly marketed, all interested parties will be free to put forward a bid for the site. Historic conversations did take place with ABC and further information is contained within the exempt committee report provided to the July Policy and Resources Cabinet Committee.

Q. Is the land contaminated or requires cleaning to allow it for development?

A. KCC does not hold detailed information on potential contamination on the site.

Q. What is the land licenced for?

A. There are no active licenses or leases in relation to the site. It's presumed use class for planning purposes is B8 storage and distribution.

Q. Conningbrook area is expanding, and I know the community wanted proper services to meet the growing population and expanding requirements. There is a boating club with no clubhouse, nor toilets or shower facilities?

A. KCC is not involved in the management of these clubs and does not hold information on the facilities they provide to their members.

Q. Some mobile catering unit has appeared plus ABC have invested in better seating and benches to allow areas to sustain people to sit and eat. It would dramatically enhance the area to have purpose facilities for the residents and visiting community as it views the lakes and countryside. Would it make more commercial sense and lower cost to strike a deal with ABC or see if any surplus land could be sold to ABC. Thus, lower associated costs for sale.

A. KCC has a duty to comply with S123 of the 1972 Local Government Act, it must also comply with its adopted freehold asset disposal policy.


The difference in disposal value to a special purchaser vs open marketing is negligible and any saving should be weighed against the impact on potential receipt level which is likely to be reduced in the absence of competitive tension. Open marketing allows all parties interested in the site, including local government and third sector partners, to put forwards a bid which can be assessed transparently against adopted policy.

**Any alternatives considered and rejected:**

KCC has an overarching duty under S123 of the Local Government Act 1972 to secure not less than best consideration in respect of property disposals. It also has a fiduciary duty to the residents of Kent.

As the property is not required for KCC's operational purposes the only alternative option would be to seek a tenant and gain a rental income stream from the asset. However, this approach does not align with KCC's investment strategy and a disposal provides an opportunity to reinvest capital in agreed priorities, as set out in KCC's Capital Programme.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer: None.**



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signed

14 October 2022

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date