

HALESOWEN AREA COMMITTEE

17th NOVEMBER 2004

REQUEST TO: PURCHASE FREEHOLD TITLE

LOCATION: HAWNE CANAL BASIN, HALESOWEN

(As Shown outlined in black on the plan attached)

BACKGROUND

The Combswood Canal Trust has applied to the Council to purchase the freehold title of the Hawne Basin, (as shown outlined in black on the plan) which is under the control of the Directorate of the Urban Environment (Cultural & Community Services). The Combswood Canal Trust currently leases the Hawne Basin from the Council by way of a lease, which expires in 2010. The objective of the Trust is the preservation, maintenance in good order and improvement of the Dudley No 2 Canal and Hawne Basin for the use and benefit of the public. If their application to purchase the freehold title of the land were successful, it would assist in the long-term attainment of its charitable objectives, as it would justify greater investment in public facilities.

Some time ago, a proposal was received from British Waterways to exchange their land at Fenns Pool (which is leased by the Council from British Waterways) for the land at Hawne Basin. Alternatively, British Waterways have advised that they would also have an interest in acquiring the freehold title, without an exchange of land. The acquisition of the Hawne Basin fulfils part of their strategic plans for the Dudley No. 2 Canal.

A report regarding the above proposal was submitted to the Leisure & Development Committee in 1999, but it was resolved that consideration of the application be deferred pending a further report regarding the existing lease and maintenance agreements between the Council and British Waterways in respect of the exchange of land and any financial implications which may arise as a result of such an exchange.

The proposal for the exchange was circulated to the Council Directorates. The response from the original circulation was that whilst most were in favour of a land swap, the Council should not accept liability for the sluices and other responsibilities for the land. British Waterways were contacted and they stated that they were, in principle, agreeable to a land swap. To date they have failed to make a formal request. For these reasons, it has now been decided that only the disposal of the freehold title to Hawne Basin should be considered. British Waterways are still interested in acquiring Hawne Basin and may seek to acquire the title if the land is declared surplus.

COMMENTS

All of the relevant Council Directorates have been consulted, and there have been no objections to the disposal of the freehold title to the Coombeswood Canal Trust. However, the Directorate of the Urban Environment have pointed out the possibility of land contamination. Accordingly, the Council should consider protecting its interests in any sale of the site with appropriate caveats.

PROPOSAL

That the Halesowen Area Committee advise the Lead Member for Leisure to agree to the sale of the freehold title of the Hawne Canal Basin to the current tenants, the Coombeswood Canal Trust. The sale to be on terms and conditions to negotiated and agreed by the Director of Law & Property.

BACKGROUND PAPERS

Correspondence with applicant
Emails and Memos from Council Directorates

Contact Officer: Alan Nugent, Property Manager Ext 5351