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**Stourbridge Area Committee – 19th June 2006**

**Report of the Director of Law and Property**

**Applications in respect of land and property owned by the Council**

**Purpose of Report**

1. To bring to the Committee's attention requests relating to land and property controlled by the Council and to seek the Committee's recommendations on those requests.

**Background**

2. The Council has interests in a substantial amount of land and property across the Borough, those interests being controlled by the Council's various Directorates.
3. Requests are received from the public on a regular basis for property related matters such as purchases, leases, licences, easements and access agreements. Those requests are dealt with by the Directorate Law and Property who carry out a consultation process with the Council's relevant Directorates before preparing a report for Committee to consider.
4. Reports for this Committee are attached as appendices and the proposal resulting from the consultation on each particular request is set out at the end of each appendix. A plan is provided where required.

**Finance**

5. In general terms leases, easements and access agreements each generate an income for the Council. The sale of the land generates a capital receipt for the Council, the size of which would depend on a valuation placed on the site by the Director of Law and Property and the price finally agreed between the parties.

**Law**

6. Section 123 of the Local Government Act, 1972 enables the Council to dispose of its interests in land at the best price reasonably obtainable.

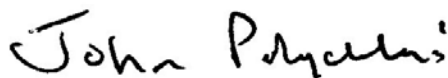
7. Section 123(2A) of the Local Government Act, 1972 requires the Council prior to any disposal of open space to advertise notice of its intention to do so for two consecutive weeks in a newspaper circulating in the area in which the land is situate and to consider any objections which may be made.
8. The various statutory undertakers have statutory powers to install equipment in Council owned land, but they do apply to the Council for a formal agreement, such as an easement, on a regular basis.
9. Sections 32 and 34 of the Housing Act, 1985 and the General Consents for the Disposal of Houses and Land, 1999, enable the Council to let and dispose of land and buildings held for housing purposes at the best price reasonably obtainable.
10. Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 enables the Council to apply a provision to any land it sells restricting its future use, provided the relevant section of the Act is specifically referred to in the transfer document and it is registered as a local land charge.
11. Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions

### **Equality Impact**

12. The proposals take into account the Council's equal opportunities policies

### **Recommendation**

13. It is recommended that the proposals contained in the attached Appendix be approved.



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**John Polychronakis**  
**Director of Law and Property**

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**List of Background Papers**

See individual appendices

## **Appendix**

### **Stourbridge Area Committee**

**Date: 19th June 2006**

**Request to: Purchase Land**

**Location: Junction Road Playing Fields, Stourbridge**  
**(As shown on the plan attached)**

### **Background**

Harrington Property Services are acting on behalf of Network Rail regarding an occupation by the Council on part of the land that is owned by their clients, as shown edged on the plan attached.

The land at Junction Road Playing Fields, Stourbridge, is an area of public recreational ground. It has been established that this piece of land is not in Council ownership. However, the Directorate of the Urban Environment (Green Care Section) have been maintaining this land that falls within this area for at least 30 years and also have a deed of dedication with the Urban Forest for planting on this land.

In order to regularise the situation, Harrington Properties have suggested that the area of land occupied by the Council be sold to the Council for £1 subject to the following:

1. The Council to pay Network Rail's surveyors and solicitors cost in formalising the transfer.
2. The Council to use the land as a playing field/leisure land only.
3. Network Rail to reserve the right of way through the land to be sold off over the existing tarmac track situated there.
4. The boundary of the land to be at the top of the bank where the existing palisade fence has been erected against the running rails which would negate any further fencing obligation on either party as this has been erected only fairly recently.

Network Rail is looking at providing a further gate at the end of the track to alleviate the fly tipping problems and there is also a Japanese knotweed encroachment in the area.

### **Comments**

All of the relevant Council Directorates have been consulted regarding the proposal and no objections have been received. However, there is great

concern from the Directorate of the Urban Environment and Directorate of Law of Property that the extent of land occupied by the Council is significantly less than submitted by Network Rail. The view of officers is that the Council only occupies the area marked B on the attached plan. It has however been ascertained that Area A of the land in question, which the Council does not occupy, has a significant amount of Japanese Knotweed that will prove costly in the long run.

### **Proposal**

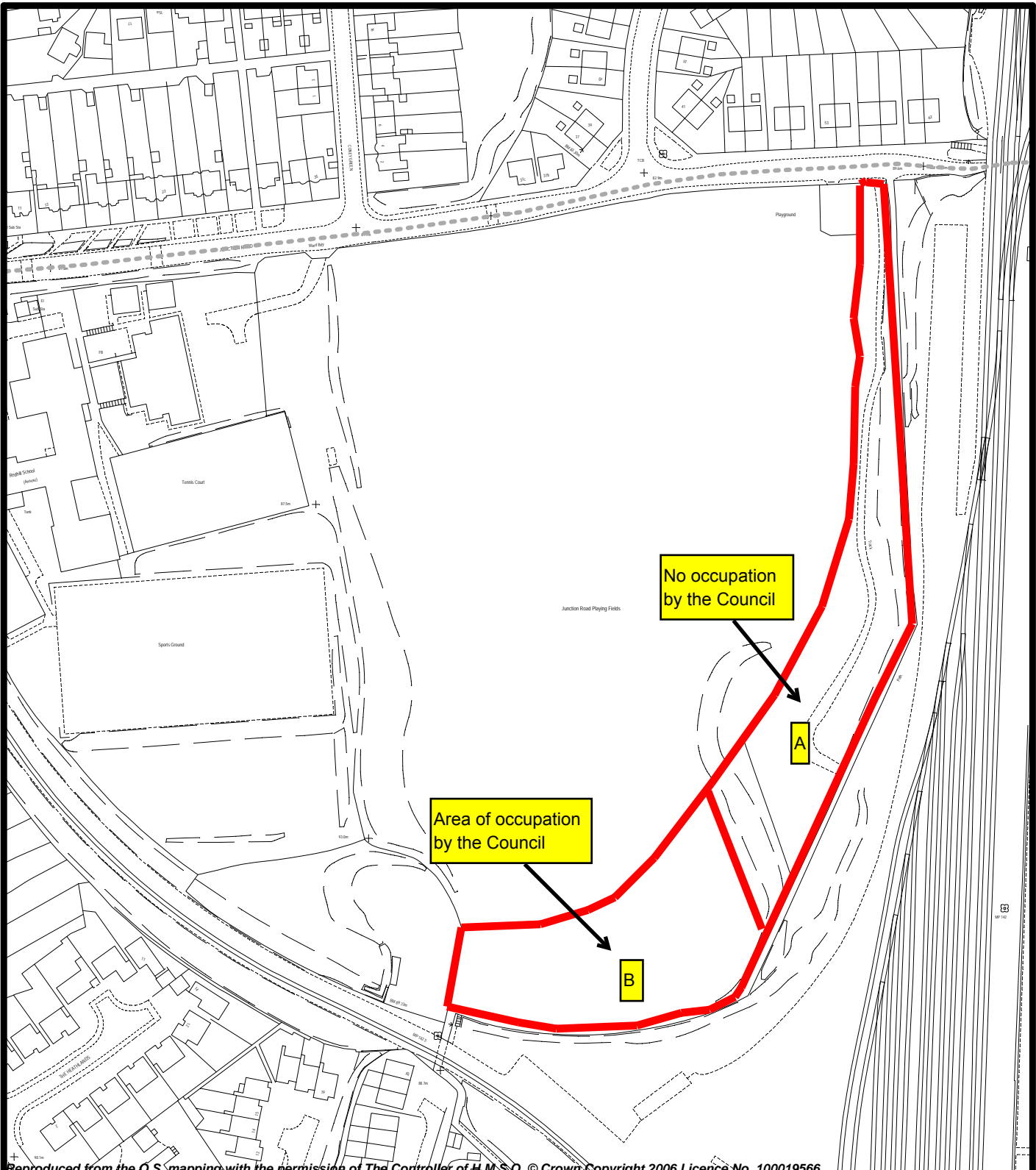
That the Area Committee advise the Cabinet Member for Leisure to refuse the purchase of Area A of the land and approve the purchase of Area B as shown on the plan attached, on the terms and conditions to be negotiated and agreed by the Director of Law and Property.

### **Background papers**

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:

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TITLE:

JUNCTION ROAD PLAYING FIELDS

STOURBRIDGE



SCALE:

1 : 1900

DATE:

23-FEB-2006

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Metropolitan Borough Council