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**Stourbridge Committee – 6th September 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, easement and access agreements each generate an income for the Council. The sale of the land generates a capital receipt of 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.

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.

The various statutory undertakers will 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.

Section 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.

Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 enables the Council to apply provision to any land it sells restricting its future use, provided the relevant section of the Act are specifically referred to in the transfer document and are registered as a local land charge.

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.

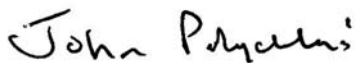
### **Equality Impact**

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

The Directorates when formulating their view on the attached land items have considered the effects on children and young people. Any relevant issues will be reported in the individual appendices.

### **Recommendation**

8. It is recommended that proposals contained in each of the attached appendices be approved.



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

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**List of Background Papers**  
See individual appendices

**Stourbridge Area Committee**

**Date: 6<sup>th</sup> September 2006**

**Request to Purchase Land**

**Location: Adjoining 42 Market Street, Stourbridge**  
**(As shown on the plan attached)**

**Background**

An application has been received from Picton Jones & Co. Property Consultants, on behalf of Scotpro Holdings Ltd. (the owners of 36-42 Market Street, Stourbridge) to purchase the above mentioned Council owned land adjacent to the Ring Road, as shown hatched on the plan attached.

Scotpro require this land with a view to it being incorporated in any redevelopment of their site, primarily as open space, thereby removing from the Council the cost of maintaining the same.

The land is under the control of, and maintained by, the Directorate of the Urban Environment.

**Comments**

All of the relevant Council Directorates have been consulted regarding the application to purchase the land. The Directorate of the Urban Environment strongly object to the disposal of this land as it forms a valued amenity space enhancing future highway improvements/alterations. Additionally, the Directorate of the Urban Environment advise that the applicant must obtain pre-planning permission enquiries to determine what is acceptable.

**Proposal**

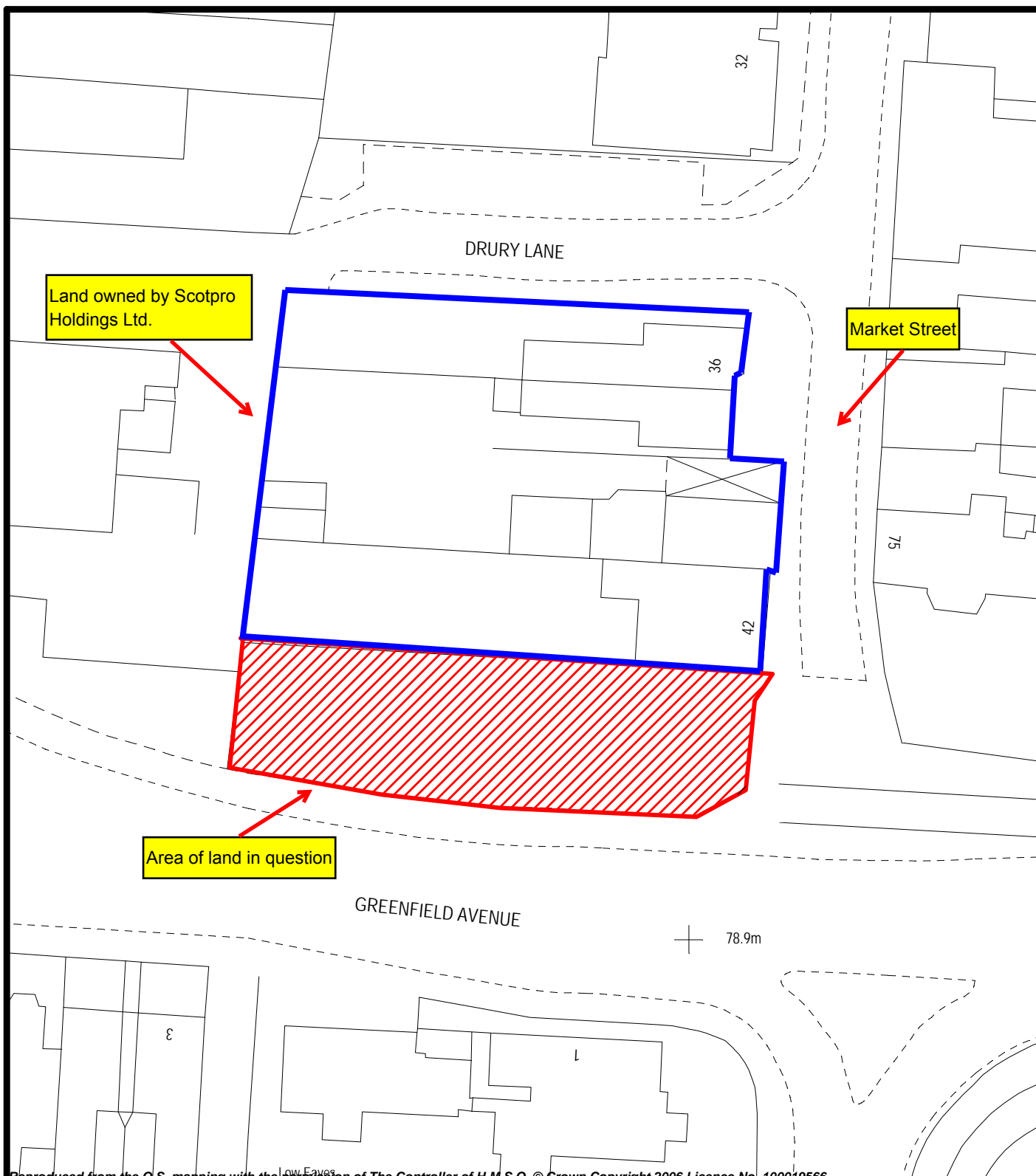
That the Area Committee advise the Cabinet Member for Leisure to refuse the application to purchase land adjoining 42 Market Street, Stourbridge, on the grounds that the land forms a valued amenity space enhancing future highway improvements or alterations.

**Background papers**

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

Contact Officer:

Sonia McLean, Property Manager, Ext. 5321



TITLE:

Land adjacent 42 Market Street

Stourbridge



SCALE:

1 : 500

DATE:

31-MAR-2006

Corporate Estate Services  
Directorate of Law and Property

3 St James's Road

DUDLEY

West Midlands

DY1 1HZ

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CREATED BY:

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**Dudley**  
Metropolitan Borough Council

**Stourbridge Area Committee**

**Date: 6<sup>th</sup> September 2006**

**Request to Purchase Freehold Title**

**Location: Unit 5 Bromley Street, Lye, Stourbridge**  
**(As shown on the plan attached)**

**Background**

An application has been received from Talbots Solicitors on behalf of their client, Mrs M F Baker (J E B Production & Design Engineers Limited), successor in title to the leasehold interest of Unit 5 Bromley Street, Lye to purchase the freehold of the Council owned property, as shown marked on the plan attached. Alternatively, a granting of an extension to the term of the lease which currently exists.

J E B Production & Design Engineers Limited was granted a 99-year lease from 25<sup>th</sup> March 1969, expiring on 24<sup>th</sup> March 2068 at £3,500 per annum. The tenant constructed the factory building and wishes to continue using the land in its existing use.

The land is under the control of the Directorate of Law and Property.

**Comments**

All of the relevant Council Directorates have been consulted regarding the application to purchase the land and no objections have been received.

**Proposal**

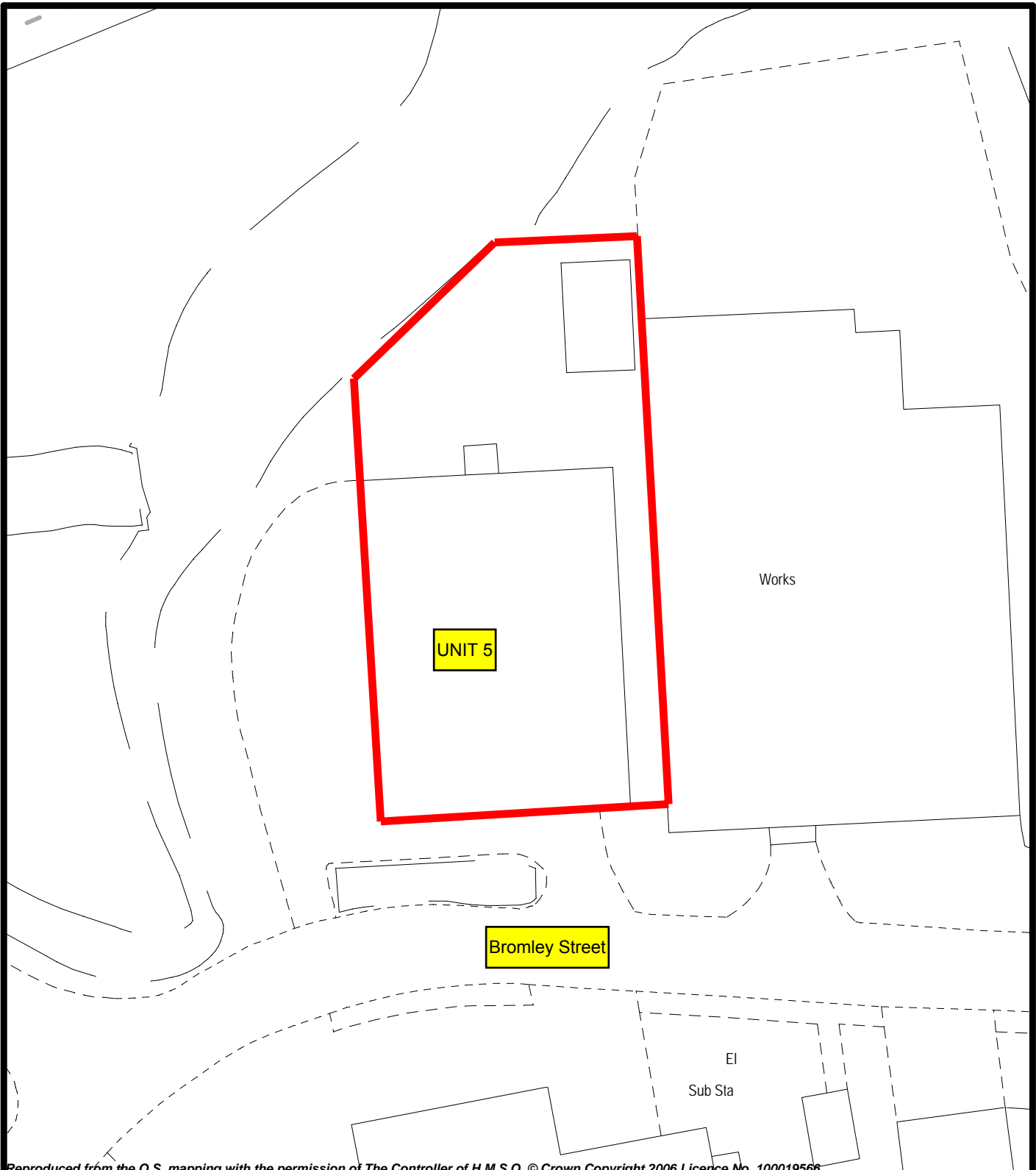
That the Area Committee advise the Cabinet Member for Personnel, Legal and Property approve the application to purchase the freehold title of Unit 5 Bromley Street, Lye, Stourbridge on the terms and conditions to be negotiated by the Director of Law and Property.

**Background papers**

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

Contact Officer:

Sonia McLean, Property Manager, Ext. 5321



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TITLE:

Unit 5 Bromley Street

Lye



SCALE:

1 : 500

DATE:

20-APR-2006

Corporate Estate Services  
Directorate of Law and Property  
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West Midlands  
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Metropolitan Borough Council