

PAPER NO.

REPORT TO THE EXECUTIVE MEETING OF 30 NOVEMBER 2015

Meeting: Executive

Date: 30 November 2015

Subject: Request from Fleckney Parish Council for HDC to acquire Open Space

Report of: Mark Perris

Portfolio Holder: Councillor Phillip King; Financial & Commercialisation

Status: Decision

Relevant Ward(s): Fleckney

1. Purpose of the Report

1.1. To consider the request from Fleckney Parish Council for the District Council to pursue the acquisition of open space at Priest Meadow Estate, Fleckney.

2. Recommendations:

2.1. That the Executive agrees not to pursue the land acquisition as requested by Fleckney Parish Council.

2.2. That the Executive delegates authority to the Corporate Director Resources, in consultation with the Portfolio Holder, Financial and Commercialisation to consider any similar future requests including those relating to s. 106 agreements.

3. Summary of Reasons for the Recommendations

3.1. To avoid further burden to the Council's budget.

3.2. To ensure any further requests are dealt with in a timely fashion, whilst having regard to the priorities of the Council.

4. Key Facts

4.1. Fleckney Parish Council have requested that Harborough District Council approach the developers, Wheatcroft Properties Ltd., of Priest Meadow Estate, Fleckney with a view to acquiring the open space associated with the development.

- 4.2. There would appear to be no s. 106 obligations relating to the land, and as such, there was no obligation either at the completion of the development or now to “acquire” the land.
- 4.3. The land would appear to have been maintained by Leicestershire County Council until recently, but this has ceased. Therefore, the land is now poorly maintained. The condition of the site has precipitated the request from the Parish Council.
- 4.4. In the event that the District Council approaches Wheatcroft Properties Ltd. regarding a transfer of the land, there are a number of factors to consider;
 - a. The developer may not wish to co-operate;
 - b. The developer may pursue a consideration for the land in the event of a transfer; and
 - c. The developer may resist the provision of a commuted sum for the ongoing maintenance of the land, given the negotiating position and that there would be no obligation to provide the same. Notwithstanding the provision of a commuted sum, this would only be for a specific number of years and therefore, at some future date the Council would need to fund the works from their own resources.

As such, there could be a cost to the District Council both in terms of Capital and ongoing Revenue.

- 4.5. Options
 - a. To accede to the request from the Parish Council, and seek to negotiate a transfer of the land from Wheatcroft Properties Ltd.. This would require a budget to be created for the ongoing maintenance, and in the current financial climate this would have implications
 - b. To advise the Parish Council that the District Council does not wish to pursue an acquisition due to the potential cost implications, which could include a suggestion that the Parish Council seek to adopt the land. This has already been suggested as an option.

5 Legal Issues

- 5.1 The Council would lay itself open to legal challenge if it failed to comply with EU procurement directives, UK law and its own constitution. These obligations require a degree of confidentiality whilst the tender process is current.

6 Resource Issues

- 6.1 There are potential financial implications for the Council if they pursued an acquisition.

7 Equality Analysis Implications/Outcomes

- 7.1 No specific implications arising as a result of this report.

8 Risk Management Implications

8.1 The main risk is associated with the financial implications of pursuing an acquisition.

9 Consultation

9.1 The ward members are aware, having received a copy of the request from the Parish Council.

10 Options

10.1 The options are outlined in 4.5 above.

11 Background Papers

11.1 None.

Previous report(s): None

Information Issued Under Sensitive Issue Procedure: No

Ward Members Notified: Yes

Appendices:

None