

Name of decision maker:	Councillor A Fairburn
Portfolio:	Resources
Date of Portfolio Holder Decision:	14 January 2008

Title of Decision: Transfer of English Partnership Residual Land Assets
Decision made and reasons: That the Council acquire the land from English Partnership on the terms proposed.
Reports considered: (here reference can be made to specific documents) As attached
Officers/Councillors/Ward Councillors/Stakeholders Consulted: 1. Brian Scott, Head of Street Care 2. Steve Baker, Head of Legal Services 3. Claire Covington, Parks & Open Spaces Manager 4. Philip Page, Interim Head of Corporate Property
Monitoring Officer/Chief Financial Officer Comments: Monitoring Officer - comments included in report S151 Officer - comments included in report
Risk Implications 1. Not acquiring this land may have implications for access rights to our existing properties where there are no protected rights of way.
Options Considered and reasons for rejection: The option to reject the offer by English Partnership would be detrimental to the Council's property interests both in practical and financial terms.

Portfolio Holders Signature: Date:

Details of any interests declared and any dispensations given by the Standards Committee:

For Member Support Officer use only
Date Decision Record Sheet received from portfolio holder: 8 January 2008
Date Decision Published: 14 January 2008 Decision No: PH/003/08
Date of Expiry of Call-In Period: 21 January 2008
Date any Call-In received or decision implemented:

COMMUNITY RELATED ASSETS – ENGLISH PARTNERSHIP**BACKGROUND**

- 1.0 English Partnership have proposed to transfer the majority of their remaining land assets to the Council. (CRA TRANSFER).
- 2.0 The land that they wish to retain is located partially in the Hemel Hempstead town centre and the industrial/residential site in the Maylands area.
- 3.0 The majority of the land which they wish to transfer is the sub-soils to the adopted public highways. Included in these are the road systems in the Maylands Industrial Estate.
- 4.0 The practical affects of ownership of the sub-soil is virtually nil, as responsibility for maintenance is that of Hertfordshire County Council as Highway Authority. There may be benefits at a later date if parcels of land were to be developed, which necessitated the use of highway land. This could be especially relevant at the moment in light of the development initiatives in the Maylands Estate.
- 5.0 There are other parcels of land that do not form part of the adopted highway which includes land adjoining sites within the Council's ownership such as in Redbourn Road and Chaulden Lane. These areas of land are highly beneficial as they include the access to both Cupid Green Depot and the Redbourn Road commercial yards.
- 6.0 Negotiations have taken place with English Partnership on the basis that they will incur the cost of any immediate maintenance work together with a capitalised maintenance sum. English Partnership will in addition incur the Council's legal costs for the transfer.

There are 3 main areas for which payment has been agreed, namely;

- a. Amenity area off Maxted Road
- b. Tree belt adjacent to Redbourn Road.
- c. Roadway – Roughdown Road.

In total the Council will receive a commuted sum payment of £32,000 which will be received at the completion of the transfer. £5,000 of this will be spent on immediate works involving the woodland and open space area, with the remainder being put aside for future maintenance liabilities. In all probability it is unlikely that there will be any call on this sum for a considerable period.

- 7.0 The agreement provides that if any of the land is subsequently sold, English Partnership are entitled to a claw back provision, in the first year of the transfer it will be 100%, but this will be reduced by 2% per year thereafter.

- 8.0 A plan identifying all the parcels of land will be available for inspection. The majority of the parcels of land are small and cover a large part of Hemel Hempstead, the plans could not be reproduced to a scale suitable for incorporation into this report.

RECOMMENDATION

- 9.0 That the Council acquire the residue land assets of English Partnership subject to the following terms.

Tenure	Freehold
Consideration	Nominal eg £1
Capital & Maintenance	A sum of £32,000
Legal Costs	English Partnership to incur the Council's legal costs