

Agenda Item No:

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Report of: Land and Property
Report to: Director of City Development
Date: 3 December 2014
Subject: Land at Gipton Fire Station, Gipton Approach, Leeds, LS9 6NL

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Gipton & Harehills	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:	10.4(3)	
Appendix number:	1	

Summary of main issues

1. The subject site comprises a hard surfaced forecourt to the front of Gipton Fire Station, which serves as access to the fire station and the surrounding twelve Fire Station Cottages.
2. The ownership of the forecourt and loop roads is uncertain, although both the West Yorkshire Fire & Rescue Authority (WYFRA) and the residents of the adjacent cottages have prescriptive rights of way over.
3. WYFRA are in the process of selling the fire station and forecourt to Leeds Community Foundation (LCF) and in order to facilitate the sale, the Council is proposing to dispose of any such right and interest that the Council may have or have had in the forecourt to WYFRA.

Recommendations

4. It is recommended that approval is given to dispose of any such right and interest that the Council may have or have had in the forecourt to WYFRA on the terms outlined in the confidential appendix of this report.

1 Purpose of this report

- 1.1 The purpose of this report is to seek approval to dispose of any such right and interest that the Council may have or have had in the forecourt to WYFRA on the terms outlined in the confidential appendix of this report.

2 Background information

- 2.1 The subject site, which measures approximately 0.15 hectares (0.37 acres), comprises a hard surfaced forecourt to the front of Gipton Fire Station, which serves as access to the fire station and the surrounding twelve Fire Station Cottages.
- 2.2 Both the forecourt and the loop roads in front of the cottages are not part of the adopted highway.
- 2.3 Each of the cottages has been sold by the Council under Right to Buy legislation, with the exception of no.12 which remains in Council ownership. No formal rights of way were granted on the sale of the cottages over the forecourt or loop roads, although the buyers and the last remaining Council tenant will have prescriptive rights over both areas of land. It is proposed to formalise these rights in the recommended disposal.
- 2.4 The ownership of the forecourt and loop roads is uncertain. All of the land on which the Fire Station, cottages, forecourt and loop roads stand was once in Council ownership. Following local government reorganisation in 1974, the Council is of the view that the fire station forecourt and loop road transferred to the former West Yorkshire Metropolitan County Council. It is understood that subsequently in 1985 the Fire Station vested in the West Yorkshire Fire and Civil Defence. Kirklees Council, which assumed ownership of deeds following the cessation of WYCC, has confirmed that deeds were transferred to WYFRA in the early 1990s. WYFRA claims, however, to have title only to the Fire Station and not to the forecourt or loop roads.

3 Main issues

- 3.1 The WYFRA is in the process of selling Gipton Fire Station. WYFRA has provisionally agreed a sale to LCF, which intends to convert the building into a community facility and use the forecourt for car parking.
- 3.2 In order to facilitate a sale of the Fire Station, the ownership of the forecourt needs to be resolved. This report seeks approval to dispose of any such right and interest that the Council may have or have had in the forecourt to WYFRA on the terms outlined in the confidential appendix of this report.
- 3.3 Whilst the Council believes it does not own the loop roads, the Director of Environment & Housing is currently considering whether to fund their repair to bring them up to adoptable standards.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Councillor Roger Harington has been involved in this matter since around 2012 following a complaint received from a local resident regarding the condition of the loop roads. Similarly, George Mudie MP has also been involved regarding the

ownership and repair of the loop roads since early 2014. Both are aware of the current proposal outlined in this report.

- 4.1.2 Further to the above consultation, Ward Members have been provided with an update by way of email on 3 December 2014 to advise of the proposal outlined in this report.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no equality, diversity, cohesion or integration implications arising from this proposal.

4.3 Council Policies and City Priorities

- 4.3.1 This proposal will contribute to a variety of best Council objectives by facilitating the sale of the Fire Station to LCF, which will deliver a variety of services and facilities to the local community.

4.4 Resources and Value for Money

- 4.4.1 This proposal will see the disposal of a site which is surplus to requirements and for which no operational reason has been identified to justify its retention. In these circumstances, disposing of the site represents prudent and economic asset management, obviating holding costs associated with managing the site and therefore supports the best value objectives of the Council.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Under Part 3 Section 3E Paragraph 2(a) of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of Executive Board in relation to the management of land (including valuation, acquisition, appropriation, disposal and any other dealings with land or any interest in land) and Asset Management.

- 4.5.2 The proposal constitutes a significant operational decision and is therefore not subject to call in.

- 4.5.3 The Head of Property Services confirms that in his opinion the terms offered to the Council represent the best consideration that can reasonably be obtained under Section 123 of the Local Government Act 1972 (or under the Housing Act 1985).

- 4.5.4 The information contained in the Appendix attached to this report relates to the financial or business affairs of a particular person, and of the Council. This information is not publicly available from the statutory registers of information kept in respect of certain companies and charities. It is considered that since this information was obtained through one to one negotiations for the disposal of the property/land then it is not in the public interest to disclose this information at this point in time. Also it is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to other similar transactions in that prospective purchasers of other similar properties would have access to information about the nature and level of consideration which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of this transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time. It is therefore considered that this element of the

report should be treated as exempt under Rule 10.4.3 of the Access to Information Procedure Rules.

4.6 Risk Management

4.6.1 The risks associated with the proposed disposal are considered below:

- a) If the Council does not dispose of any such right and interest that it may have or had in the forecourt, it could potentially be held to be responsible for its upkeep and jeopardise the proposed sale of the Fire Station to LCF which will bring community benefit.
- b) There is a risk that the proposed disposal may not complete. This is very unlikely as WYFRA is keen to resolve the ownership of the forecourt in order to facilitate the sale of its Fire Station.

5 Conclusions

5.1 This report seeks approval to dispose of any such right and interest that the Council may have or have had in the forecourt to WYFRA on the terms outlined in the confidential appendix of this report.

6 Recommendations

6.1 It is recommended that approval is given to dispose of any such right and interest that the Council may have or have had in the forecourt to WYFRA on the terms outlined in the confidential appendix of this report.

7 Background documents¹

7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.