

TITLE OF REPORT: GARAGES AND ACCESS WAY, GARRISON COURT, HITCHIN

REPORT OF THE HEAD OF FINANCE, PERFORMANCE & ASSET MANAGEMENT

PORTFOLIO HOLDER: COUNCILLOR T.W. HONE

1. SUMMARY

- 1.1 To seek Cabinet's authority to dispose of a block of ten garages and access way owned by the District Council at Garrison Court, Hitchin.

2. RECOMMENDATIONS

- 2.1 That, subject to the Hitchin Committee raising no substantive objections to the proposal, Cabinet agrees to offer for sale on the open market the freehold property located near Garrison Court, Hitchin as shown coloured pink on the plan attached as Appendix A to this report.
- 2.2 That, after receipt of the offers, Cabinet delegates authority to the Strategic Director of Finance, Policy and Governance in consultation with the Portfolio Holder for Finance and IT authority to agree the terms of the sale contract subject to the offer being the best consideration.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To provide a financial receipt to help fund the 2015-2019 capital programme.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Retaining the property, repairing or replacing the garages and then attempt to relet them.
- 4.2 Demolish the garages and retaining the land.

5 FORWARD PLAN

- 5.1 This report contains a recommendation on a key decision that was first notified to the public on the Forward Plan on 19 December 2013.

6. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 6.1 Contact has been made with freeholders of the adjoining properties. Some of them have expressed interest in receiving further details about the Council's property.
- 6.2 Should Cabinet make a decision to offer its property for sale the adjoining leaseholders including those at Woodcote House and Garrison Court will be advised of the proposed marketing of the Council's land.

- 6.3 On the 23 February 2015 the Highbury Ward Councillors were contacted by email to advise them that a report on the garages and access way was due to be considered by Cabinet and to offer the opportunity to discuss this proposal should they wish.
- 6.4 It is intended to consult with Hitchin Committee at a future meeting should Cabinet agree to the disposal of the garages and access way.

7. BACKGROUND

- 7.1 The Council owns registered freeholds HD493545 and HD524527 that comprises the road "Mount Garrison" and an access way through the middle of Garrison Court with 10 prefabricated garages. This report only relates to the access way through Garrison Court and the garages as identified coloured pink on the plan Appendix A attached to this report. There are no proposals to sell the Mount Garrison roadway land.
- 7.2 The Council's garages and access way coloured pink on the plan are located in the middle of a number of blocks of buildings let to both commercial and residential occupiers, some by way of long leases.
- 7.3 It is understood that in the past the prefab garages were used by market stall holders and street cleaners and that these uses ended a few years ago.

8. ISSUES

- 8.1 The access way though Garrison Court is not made up in places. It does not form part of the public highway, it has no operational use for the Council and has not been managed or maintained for many years. Some of the access way is being used for parking. This is without agreement with the Council and in some cases is blocking vehicle access through part of the site.
- 8.2 The garages are in a poor state of repair. A condition survey was carried out in January 2015. It has identified the garages have asbestos roofs and the concrete panels are damaged and falling out.
- 8.3 These days less people are renting garages. There is no certainty that after spending money repairing or replacing the garages they could be relet. Rents may be less than £10 a week.
- 8.4 If the property is retained it is recommended that to reduce the District Council's third party liabilities the garages are demolished and the site made good.
- 8.5 The Council's property is in the middle of a number of blocks of buildings let to both commercial and residential occupiers, some by way of long leases. Initial contact with about 5 of the adjacent freeholders has been positive with most expressing interest in receiving further details about the possibility of acquiring the District Council's property.
- 8.6 Apart from the freeholders, there are at least 85 long leasehold flat owners in Garrison Court and Woodcote House.
- 8.7 Some of the adjoining property owners have established rights over the Council's land to gain access to their own properties.

9. LEGAL IMPLICATIONS

- 9.1 There are no legal implications preventing a sale. The land will be sold subject to the rights of way of adjoining owners over that section only of the land that provides access to adjoining properties.

10. FINANCIAL IMPLICATIONS

- 10.1 The sale of this site would remove a financial liability and generate a capital receipt for the Council.

11. RISK IMPLICATIONS

- 11.1 The sale of the garages and access road will reduce the risks to the Council arising from the Occupiers Liability Act 1957 and 1984. To ensure this risk and ongoing maintenance responsibilities are fully transferred, the optimum solution would be to sell both the garages and access road.
- 11.2 Demolition of the garages would reduce the occupiers liability risk but the Council would still retain ongoing maintenance responsibility for the access road.

12. EQUALITIES IMPLICATIONS

- 12.1 The Equality Act 2010 came into force on the 1 October 2010. The Act created a new Public Sector Equality Duty, which came into force on the 5 April 2011. There is a general duty, described in 8.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.
- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give **due regard** to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.3 The recommendation of the report does not have a direct equality impact. The report states that the garages are not being used and therefore no loss will be felt by the community. The disposal of the land may prove beneficial to the adjoining leaseholders and increase its useable value to the wider community.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations made in this report do not constitute a public sector contract, the measurement of "social value" as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at paragraphs

14. HUMAN RESOURCE IMPLICATIONS

- 14.3 There are no human resource implications arising from this report.

15. LOCATION PLAN

- 15.1 Appendix A – Location Plan - approximate and for identification purposes only.

16. CONTACT OFFICERS

- 16.1 David Charlton, Senior Estates Surveyor david.charlton@north-herts.gov.uk
Telephone: 01462 474320
- 16.2 John Fairhall, Property Solicitor, john.fairhall@north-herts.gov.uk
Telephone 01462 474364
- 16.3 Andrew Cavanagh, Head of Financial Services
andrew.cavanagh@north-herts.gov.uk Telephone 01462 474243
- 16.4 Fiona Timms, Performance & Risk Manager,
fiona.timms@north-herts.gov.uk, telephone 01462 474251
- 16.5 Reuben Ayavoo, Policy Officer, reuben.ayavoo@north-herts.gov.uk
Telephone 01462 474211

17. BACKGROUND PAPERS

- 17.1 Land Registry freehold Title Numbers HD493545 & HD524527.