

Key Decision Required:	No	In the Forward Plan:	Yes
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REPORT TO THE PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE

10 MARCH 2020

A.1 GRANT OF RIGHT OF WAY AND SERVICES EASEMENT, OVER LAND OFF BARRACK LANE, HARWICH

(Report prepared by Jennie Wilkinson)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider the principle of granting a right of way and services easement over land off Barrack Lane, Harwich, shown on the Location Plan in Appendix A of the concurrent confidential report.

EXECUTIVE SUMMARY

The Council has been approached by the owner of a property adjacent to its land off Barrack Lane, Harwich, who would like a right of way for access and an easement in order to connect services.

RECOMMENDATION(S)

That the Portfolio Holder approves the principle of granting a right of way and easement over its land on the terms set out in the concurrent confidential report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council has priorities with regard to budgets and maximising assets and the granting of a right of way and easement supports these.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The granting of a right of way and easement will enable the owner to use their property as well as providing a financial gain to the Council

Risk

The property owner will be responsible for making good the Council's land and the terms of the Agreement negotiated as set out in the concurrent confidential report seek to protect the Council's position in the future.

LEGAL

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district.

Section 123(1) Local Government Act 1972 indicates that, a local authority may dispose of land held by it in any way it wishes so long as (section 123 (2)) the land is disposed for a consideration not less than the best that can reasonably be obtained.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

The local Ward Member has been made aware of this report and its recommendations.

Ward

Harwich and Kingsway

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Council has been approached by the owner of a property adjacent to its land off Barrack Lane in Harwich. In order to convert their currently unused property and connect services, they require a right of way and services easement. The only access to their property is over the Council's land and the nearest electricity supply is also within the same land.

CURRENT POSITION

Negotiations have been conducted and full details are contained in the concurrent confidential report.

FURTHER HEADINGS RELEVANT TO THE REPORT

None

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

None