

Key Decision Required:	No	In the Forward Plan:	No
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**PORTFOLIO HOLDER FOR
CORPORATE, FINANCE AND GOVERNANCE**

29 JANUARY 2021

A.1 INITIATION OF THE PROPERTY DEALING PROCEDURE IN RELATION TO THE POTENTIAL ACQUISITION OF LAND TO THE REAR OF HARWICH TOWN RAILWAY STATION, STATION APPROACH, HARWICH
(Report prepared by Layla Davey)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
To consider whether to initiate the property dealing procedure in respect of the Station Yard, Harwich as shown edged red on the attached plan.

EXECUTIVE SUMMARY
<p>The site is located between George Street and the A120 with direct access from George Street.</p> <p>There are currently third party occupiers on the site, who are understood to be in negotiations for a potential property agreement.</p> <p>The future use of the site appears to be uncertain, it is in a key location for the Town.</p> <p>The Portfolio Holder is therefore requested to consider whether to begin the procedure for the acquisition of the site.</p>

RECOMMENDATION(S)
That the Portfolio Holder initiates the property dealing procedure, whereby Officers consider the potential transaction in accordance with the Council’s Constitution.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES
<p>The acquisition of the property offers potential to contribute to Council Priorities of:</p> <ul style="list-style-type: none"> • Public spaces to be proud of in urban and rural areas. • Vibrant Town Centres. • Building and managing our own homes. • Strong and focused Leadership. • Use assets to support priorities. • Promote Tendring’s tourism, cultural and heritage offers. • Local regeneration. • Maximise our coastal and seafront opportunities

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

Network Rail require a £1,500 +VAT clearance fee to identify if the site can be disposed and the approval of the site boundaries.

Further standard expenses will be incurred if the clearance is successful, these include an external Valuation, Network Rail Surveyor and Legal fees, all of which are to be confirmed by Network Rail.

Costs of these investigations and consultation can be met from the emerging property projects budget.

Risk

Network Rail have asked for an initial fee of £1,500.00 +VAT to consider the disposal of the site to TDC and will require further costs of which we are not currently aware of the full extent. None of the mentioned fees will be recoverable if either TDC or Network Rail decide not to proceed.

One of the reasons for considering the acquisition of the site is to provide a more attractive gateway from Harwich Town Station. If the site becomes vacant it could deteriorate rapidly.

The arrangements around the occupier of the site provide some uncertainty.

Restrictions/requirements associated with the railway may challenge future uses.

Proposals for use of the site may generate local controversy.

LEGAL

Section 120(1) of Local Government Act 1972 provides for the Council to acquire land either within or outside the District for any purpose within that or any other Act or for the benefit, improvement or development of the area.

Section 12 of the Local Government Act 2003 provides a general power to invest (a) for any purpose relevant to its functions under any Act or (b) for the purposes of the prudent management of its financial affairs.

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.

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/Consultation/Public Engagement

The local Ward Member has been advised of this report.

Ward

Harwich & Kingsway

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The site is comprised of land, demountable cabins, storage containers and a goods shed that has been adapted to uses associated with the Mayflower Project.

The present a third party occupation of the site is believed to be informally agreed.

Given the prominence of the site and its proximity to Harwich Town Station, initial discussions with Network Rail have been held, and it appears that they may be prepared to dispose of the site.

CURRENT POSITION

Network Rail are liaising with the line operator to gain their agreement prior to being in a position to proceed.

If it is agreed to initiate the Property Dealing Procedure, TDC will have to pay a fee of £1,500.00+VAT to Network Rail, in order to begin the process of identifying the site and approving the boundaries for disposal, which could take up to 12 weeks. Following this, the next steps will be for Network Rail to obtain a valuation, at the cost of TDC, before negotiations can begin.

The Portfolio Holder is therefore requested to consider whether to initiate the procedure for the acquisition of the site, pending clearance and approval of site boundaries.

APPENDICES

- Appendix A – Location Plan
- Appendix B – Assessment of Acquisition Feasibility