

EXECUTIVE SUB-COMMITTEE FOR PROPERTY

A meeting of the Executive Sub-Committee for Property was held on 22 September 2015.

PRESENT: Councillors C M Rooney (Chair), J Brunton, M Carr, T Harvey, J Rostron and M Thompson and N J Walker.

PRESENT AS OBSERVERS: Councillor J Goodchild, Councillor C Hobson, Councillor J Hobson and Councillor T Lawton.

ALSO IN ATTENDANCE: Mr. K Blackburn and Mr. C Snowden representatives of Marton Manor residents.

OFFICIALS: Martin Shepherd, David Velemir, Tony Parkinson, Andrew Pain, Luke Henman and Sharron Brown.

APOLOGIES FOR ABSENCE: Councillor L Young

15/9 **MINUTES OF THE EXECUTIVE SUB COMMITTEE FOR PROPERTY HELD ON THE 12 AUGUST 2015.**

That the minutes of the Executive Sub Committee for Property held on 12 August 2015 were taken as read and signed off by the Chair as a true record.

15/10 **UNREGISTERED LAND, 80 COOKGATE, NUNTHORPE**

The Executive Director of Commercial and Corporate Services submitted a report that provided an update on the future principals in respect of challenging claims of ownership of unregistered land.

The land in question formed part of a substantial grassed verge to the Gypsy Lane dual carriageway, shown as Appendix 1 in the report, which the Council had cut and maintained for a number of years.

The local ward Councillors had asked that the Council considered a legal challenge to the Land Registry and claimed ownership due to the fact that it had maintained this land for a number of years. Any challenge would go to the Land Registry and may or may not be successful and could ultimately be decided at Lands Tribunal.

ORDERED

1. **that the Council does not seek to challenge the claim of the unregistered land adjacent to 80 Cookgate, Nunthorpe; and**
2. **that in future the Council only sought to challenge other claims in respect of unregistered land as set out in the report.**

REASONS

The decision was supported by the following reasons:

1. **that the report sets future guidelines/criteria to be followed in respect of future challenges to claims for unregistered land;**
2. **that the report allows officers to target their resources more effectively in challenging claims relating to unregistered land; and**
3. **that an open and transparent framework such as this enables officers to adopt a fair and consistent approach when dealing with future occurrences of this nature.**

15/11 **TO CONSIDER PASSING A RESOLUTION EXCLUDING THE PRESS AND PUBLIC FROM**

THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEMS OF BUSINESS ON THE GROUNDS THAT IF PRESENT THERE WOULD BE DISCLOSURE OF EXEMPT INFORMATION FALLING WITHIN PARAGRAPHS 1 AND 3 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT.

The decision to exclude the press and public was agreed.

15/12 **LAND AT LUCERNE COURT, MIDDLESBROUGH, TS7 8ST - PROPOSED FREEHOLD DISPOSAL.**

The Executive Director of Commercial and Corporate Services submitted a report that provided an update on the outcome of the public consultation exercise on the Purchaser's draft development proposals, and sought approval to either withdraw from, or to proceed with, the sale of the site in accordance with the report's recommendations.

The subject parcel of land was situated in Marton Manor within the Ladgate Ward, shown edged on the plan attached as Appendix 1 of the report.

On 26 January 2015 the Executive Sub Committee for Property approved a confidential report which proposed the sale of the subject parcel of land, subject to the outcome of a proposed public consultation exercise on the Purchaser's draft development proposals being reported back to the Sub Committee for consideration.

The formal consultation exercise ran from 25 June 2015 through to 24 July 2015. The report provided the statistical details of the exercise that had been undertaken. Whilst the outcome of the exercise showed a margin in favour of the development proposed, the level of objection to the proposal was significant in number.

The report provided details of the monitoring survey carried out with residents of Marton Manor which engaged and assessed the opinions of the local community. Whilst the Council's monitoring survey showed that the local community had actually been engaged in the exercise, the summary opinion generated did not accord with the outcome presented by the Purchaser's Planning Consultant - being strongly against the proposed development.

Mr K Blackburn handed a petition to the Chair on behalf of residents of Marton Manor who were against the Development at Lucerne Court.

Councillor June Goodchild handed to the Chair a petition signed by residents of Marton who were against the Development at Lucerne Court.

Mr C Snowden spoke on behalf of the residents who signed a petition in favour of the Development at Lucerne Court.

Following discussions Councillor Mike Carr requested that the Land at Lucerne Court be removed from the Non-Strategic Asset Review (NSAR) Programme, which was supported by all members of the Panel.

ORDERED

1. **That the proposed sale due to the significant level of objection to the Purchaser's draft development proposals be withdrawn; and**
2. **That the Land at Lucerne Court be removed from the NSAR Programme.**

REASON

The decision was supported by the following reasons:

1. **That this would protect the Council from entering into a transaction to dispose of land for the purpose of delivering a retail development that is not publicly supported.**

15/13 **ACKLAM REST GARDEN - REINSTATEMENT OF CHARITABLE TRUST LAND.**

This report was pulled from the agenda on the 15th September 2015.

The decisions will come into force after five working days following the day the decisions were published unless the decision becomes subject to the call in procedures.