

Cabinet Member for Finance

Agenda

Date:	Monday, 2nd September, 2013
Time:	10.00 am
Venue:	Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relating to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

For requests for further information

Contact: Cherry Foreman

Tel: 01270 686463

E-Mail: cherry.foreman@cheshireeast.gov.uk with any apologies

4. **Seabank Car park, Middlewich - Ground Lease** (Pages 1 - 6)

To consider a proposed ground lease with the National Grid for an area of land adjacent to this car park.

5. **Exclusion of the Press and Public**

The reports relating to the remaining items on the agenda have been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

PART 2 – MATTERS TO BE CONSIDERED WITHOUT THE PUBLIC AND PRESS PRESENT

6. **South Macclesfield Development Area - Land Acquisition** (Pages 7 - 12)

To consider the attached report.

CHESHIRE EAST BOROUGH COUNCIL

Cabinet Member for Prosperity and Economic Regeneration

Date of Meeting: 2013
Report of: Property Services Manager
Subject/Title: Proposed ground lease at Land adjacent to Seabank Car Park, Middlewich
Portfolio Holder: Councillor Peter Raynes (Finance Portfolio Holder)

1.0 Report Summary

- 1.1 National Grid Gas PLC (National Grid) currently has a Gas Governor situated on land adjacent to Seabank Car Park, Middlewich.
- 1.2 National Grid has no legal agreement in place to allow the use of the Cheshire East Borough Council land.
- 1.3 To formalise the situation, safeguard the Council's position and in the interest of good estate management, it is recommended that the Council grants a lease to National Grid.

2.0 Recommendation

- 2.1 To enter into a 21 year ground lease with National Grid on terms and conditions agreed by the Property Services Manager and Borough Solicitor.

3.0 Reasons for Recommendation

- 3.1 National Grid has had a Gas Governor situated on land adjacent to Seabank Car Park for a number of years and therefore National Grid could technically claim prescriptive rights. By granting a lease to National Grid, Cheshire East Borough Council can negotiate terms and conditions without losing all rights if the lease wasn't granted.
- 3.2 The Gas Governor is situated to the East of Seabank car park (see attached plan) and not part of the Car Park so it doesn't require a change to the Car park Order.
- 3.3 To formalise the situation, safeguard the Council's position and in the interest of good estate management, it is recommended that the Council grants a lease to National Grid.

4.0 Wards Affected

4.1 Middlewich

5.0 Local Ward Members

5.1 Councillor Paul Edwards

Councillor Simon McGrory

Councillor Michael Parsons

6.0 Policy Implications (including carbon reduction and health)

6.1 N/a

7.0 Financial Implications (authorised by Chief Operating Officer)

7.1 The Council will receive a premium under the Lease of £600 with the rent being a peppercorn rent.

8.0 Legal Implications (authorised by Borough Solicitor)

8.1 The Council is obliged to dispose of property at the best possible price under Section 123 of the Local Government Act 1972. No other party except National Grid Gas PLC would wish to acquire this land which has a Gas Governor standing on it. Therefore the disposal is at best consideration.

8.2 There is no legal agreement in place in respect of the property and the lease will protect the interest of the Council in the property pursuant to good estate management.

9.0 Risk Management Implications

9.1 The Council will be granting a lease and as such National Grid will be fully responsible for the site. National Grid will also be responsible for removing the Gas Governor at the expiry of the lease (howsoever enacted) and at their own cost.

10.0 Background and Options

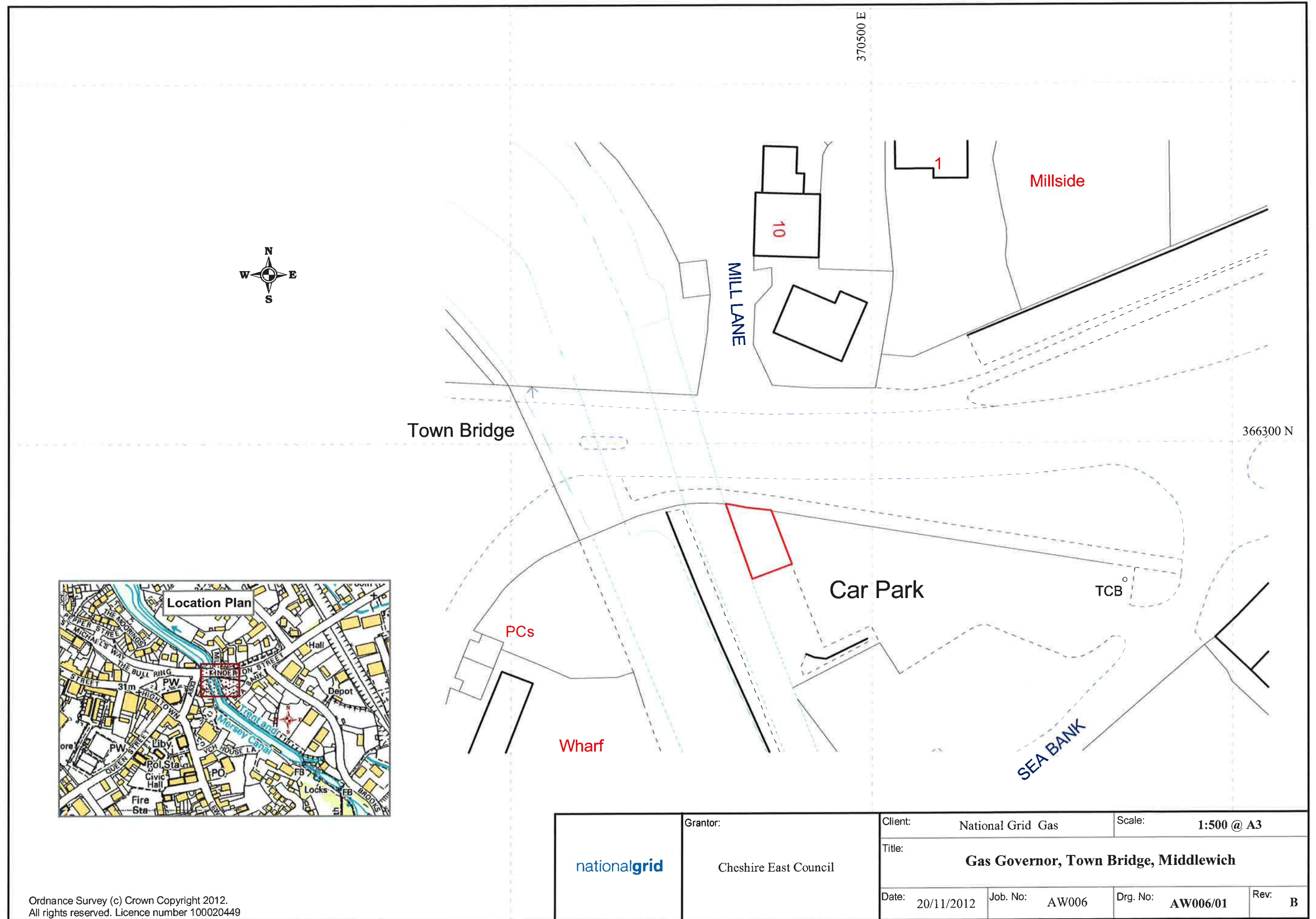
10.1 Please see 3.0 Reasons for Recommendations.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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of the Local Government Act 1972.

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