

**REPORT FROM:** Democratic and Legal Manager  
**TO:** Brierfield and Reedley Committee  
**DATE:** 1<sup>st</sup> March 2016

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**LAND AT RICHARD STREET, BRIERFIELD –  
LAND IN PRIVATE OWNERSHIP**

**PURPOSE OF REPORT**

To make Councillors aware of the current situation regarding this land and to suggest a way forward.

**RECOMMENDATIONS**

- (1) That Liberata Property Services be asked to provide their opinion of the open market value of the land marked “B” on the plan attached to this Report as soon as possible;
- (2) That the solicitors acting for the Duchy be asked whether they would consider granting a lease of the land and, if so, upon what terms;
- (3) That a further report containing the valuation referred to above be submitted to the next meeting of this Committee.

**REASON FOR RECOMMENDATIONS**

- (1) To enable Councillors to decide whether the land can be purchased from its current owners.

**Background**

1. The attached plan shows 2 areas of land at Richard Street in Brierfield. These are as follows:
  - a. An area hatched black on the plan and marked “A”.
  - b. A larger area edged black on the plan and marked “B”. This land is in the ownership of a company registered in the British Virgin Islands (see below). There are also some private garages on part of the land.

This Report is about the second piece of land.

## Issue

2. On 2<sup>nd</sup> September 2014, I submitted a Report to this Committee about this land. In that Report I said that the land was owned by a company registered in the British Virgin Islands, but which had been removed from the register of companies there. The position was that after a period of 12 months, the land would then vest in the Duchy of Lancaster.
3. This has now happened and a letter has been received from the solicitors acting for the Duchy. They say that the Duchy is prepared to sell the land on the attached plan on the following terms:
  - a. The sale price would be the open market value of the land;
  - b. The Duchy's valuer would decide what the open market value of the land is and the buyer would pay the Duchy's valuer's fees;
  - c. The buyer would pay the Duchy's solicitor's fees for dealing with the sale. These would be between £1,000 and £1,250 plus VAT.
4. Councillors now need to consider whether the Council or another body should buy the land. In order to make a decision on this, Councillors will need an indication of what the open market value of the land will be, without the need to pay the Duchy's valuer's fees, certainly at this stage. I would therefore propose that Liberata Property Services be asked to provide an indication of the open market value of the land, as soon as possible.
5. It is of course likely that, if Councillors were minded to recommend to Executive that the Council should buy the land, that it is probably unlikely that capital funding will be available for the purchase and that other options (for example asking the Town Council whether they might consider buying the land) might have to be explored. At this stage, I would suggest that we also go back to the solicitors for the Duchy asking whether they would be prepared to consider granting a lease of the land to the Council or another third party and, if so, on what terms. If we contact outside bodies and the solicitors for the Duchy in this way, it is suggested that a deadline is given for responses.
6. I will report back to the next meeting of this Committee with the valuation and the response from the Duchy's solicitors.

## IMPLICATIONS

<b>Policy:</b>	None arising directly from this Report
<b>Financial:</b>	None at this stage pending an assessment of the land value and feedback from the Duchy on the option of leasing the land.
<b>Legal:</b>	These are set out in the body of the Report
<b>Risk Management:</b>	None arising directly from this Report
<b>Health and Safety:</b>	None arising directly from this Report
<b>Sustainability:</b>	None arising directly from this Report
<b>Community Safety:</b>	

**Equality and Diversity:** None arising directly from this Report

## **APPENDICES**

None

## **LIST OF BACKGROUND PAPERS**

None