

WARRINGTON BOROUGH COUNCIL
RECORD OF DECISION TAKEN BY AN OFFICER

DECISION TITLE: Western Link: Statutory Blight Claims

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| Executive Board Decision No and/or Forward Plan No (Executive decisions only) | FP No: 004/17 EB 99 |
| Directorate Ref No (Non Executive decisions only) If applicable | N/A |
| Decision detail | <ul style="list-style-type: none"> • That the Council accepts the Statutory Blight Claims received from the owners of 7 and 8 Baronet Mews, Eastford Road, Warrington in accordance with the advice received from TLT Solicitors acting on behalf of the Council on this matter and that the Council proceeds to acquire the properties in question • That the Council accepts other Statutory Blight Claims received from the owners of other properties in Baronet Mews subject to proof and as recommended by TLT Solicitors and where appropriate that the Council proceeds to acquire the properties in question. • That the Council will seek to acquire the properties located at Baronet Mews from the owners with successful Statutory Blight Claims within the reasonable timescales as required by the said owners. • That the negotiation of the terms and conditions of acquisition of the said properties be delegated to the Service Manager (Property and Estates) • That the Monitoring Officer/Head of Legal and Democratic Services be authorised to enter into any transaction with the owners of the properties in Baronet Mews to give effect to all the above • That, following the acquisition of any of the properties in Baronet Mews, the Council approves the principle of the letting of such properties to the Council's proposed Housing Company for the purposes of private rented accommodation until such time that they can be re-sold |
| Reason for Decision | On the 13 th November 2017 Executive Board Members formally adopted the Preferred Route for the Western Link |

and as a part of that decision resolved the following course of action in relation to Statutory Blight:

(viii) Note that the Statutory Blight regime that requires the Council to respond to the service of Blight Notices pursuant to Part VI, Chapter II and Schedule 13 of the Town and Country Planning Act 1990 (as amended) is triggered as a consequence of the Council's resolution to formally adopt the preferred route.

(ix) Approve an allocation of up to £9.6m from the Council's capital programme in order to support any successful Statutory Blight claims

(x) Authorise officers to progress negotiations with affected 'on line' property and to respond to Statutory Blight claims and to delegate approval of individual property acquisitions related to the scheme to the Executive Director, Economic Regeneration, Growth and Environment, Head of Legal and Democratic Services and Monitoring Officer to the Council and Director of Corporate Services, following consultation with the Executive Board Member, Highways, Transportation and Public Realm.

The Council is now in receipt of Statutory Blight Claims from the owners of 7 Baronet Mews and 8 Baronet Mews.

TLT Solicitors as legal advisors to the Council on the Western Link have informed the Council that the Statutory Blight Claims submitted by the owners of 7 Baronet Mews and 8 Baronet Mews could not reasonably be resisted by the Council and TLT have recommended that these Claims be accepted.

It is anticipated that Claims will be received from owners of other Baronet Mews properties in due course and these are likely to follow the format of those Claims as detailed above which are recommended for acceptance.

In the event that the Council accepts a Statutory Blight Claim or that a Statutory Blight Claim is successful as determined by Lands Chamber of the Upper Tribunal, then the parties have up to three years to complete the acquisition of the properties in question.

The decision of the Executive Board to adopt the Western Link Preferred Route was taken in the knowledge that it would result in the receipt of Statutory Blight Claims which were likely to be capable of success. In acknowledging the effect of this decision it is thus considered appropriate that the Council should seek to acquire affected property in accordance with reasonable timescales as required by owners with successful Claims to avoid unnecessary distress and uncertainty for the owners.

Following acquisition of any of the properties in Baronet

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| | Mews, the recommended course of action is for these to be let to the Council's proposed Housing Company for the purposes of private rented accommodation until such time that they can be re-sold. |
| Decision Maker/Responsible Officer | Steve Park, Managing Director of Warrington & Co. |
| Directorate | Economic Regeneration, Growth and Environment |
| Lead Executive Board Member consulted (if applicable) | Not applicable |
| Decision Date | 21 June 2018 |
| Date Decision was published / notified (normally within 2 clear working days of decision being made) | |
| Summary of options considered | <p>Should the Council seek to ignore the advice of TLT Solicitors and reject the Claims then the Claimants may refer their Claims to the Lands Chamber of the Upper Tribunal for determination. On the basis of the advice received from TLT it is likely that the Tribunal will accept the Claimants position and likely that they would award costs against the Council.</p> <p>In the event that the Council accepts a Statutory Blight Claim or a Statutory Blight Claim is successful as determined by Lands Chamber of the Upper Tribunal then the parties have up to three years to complete the acquisition. The Council could seek to defer legal completion with the subsequent associated costs until the end of the said three year period.</p> |
| Interests declared | None |
| Background Papers (if applicable) <i>(period expires after 4 years from date of decision)</i> | None |
| Confidential / exempt information Category (if applicable) | Not applicable |

NB. This form expires after 6 years.

Explanatory Notes: