

Colney Heath Parish Council



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26 NOV 2007

MINUTES OF THE COLNEY HEATH SPECIAL FINANCE COMMITTEE **MEETING HELD at the VILLAGE HALL on MONDAY-** **26TH NOVEMBER 2007-7.30.pm**

Present; - Cllr P Reeves Chair.-Cllr Brazier Vice Chair-Cllr Horner -Cllr Day
Cllr D Crump(& 1 Vacancy)

Clerk; Mr J E Dean

Public Attendance- As listed on separate sheet

1. APOLOGIES & ANNOUNCEMENTS & DECLARATIONS

Apologies received from Cllr Henchley in Hospital Cllr Cloke on family business.
There were no declarations on the matters contained in the agenda.

AGENDA

One subject only to debate, the sale of Gloucester Park by ATISREAL under the instructions of the Secretary of State for Health. There is a part II item in the agenda.

2 SALE OF OPEN SPACE-BACKGROUND

The Chair Cllr Reeves summed up the situation that CHPC were facing in that the public open space above was under a tenancy to the parish council since a lease dated 25th February 1980. Also we had on file various letters showing our attempt to make contact with the owners or agents to pay our rent since 1998.

3 LEGAL ADVICE

At this present time we are according to the supplementary legal documents with MacFarlane's under some protection with the Landlord and Tenant Act 1954 as sitting tenants, with legal rights to continue to keep that tenancy under any new owner. This council has also maintained the play area since the concept of the lease at some considerable cost to the council annual budget of public money. If we were served with an eviction notice then compensation and legal issues would ensue. The Clerk had been in touch with the council Solicitors Ottaways and they had more or less confirmed a similar opinion. In order that members can resolve the issue this evening for the Clerk to act within their remit, a valuation had been carried out on the 19th November by the District Valuer. The papers from the selling agent, the legal opinion by Macfarlanes to the Secretary of State plus the valuation were already circulated. This situation places the council with a number of options set out on the agenda by the Clerk in item 4 & 5.

Handwritten signature
6 Dec 2007

The Clerk had also previously had delivered a letter into 56 resident's homes on the parameter of the field to advise this meeting, some 20 residents and interested parties turned up. The selling agents were also made aware of the meeting beforehand.

Cllr Brazier and Cllr Day had become supportive to the residents suggestion that it be kept as a public open space. Although there were some isolated issues of nuisance reported and underage drinking the loss of the visual amenity was outweighed to an issue that could be worked through. One of the residents associations had organised a survey asking residents what use the area should be, all wanted the open space. Cllr Brazier said that he had certain knowledge that developers were interested, as a site it did not appear in the District Council building structure plans at the moment. However never building on the site was not guaranteed. A developer could purchase sit on the land continue to lease to CHPC and look again in ten years time to develop. He did warn that any building if it were allowed would mean considerable disruption and works going on for about two years. A new owner could also use the land for other uses after we are dismissed if they wish to or offer a new tenancy to CHPC.

Opinions and comments from the public were invited by the Chair; Cllr Brazier felt that it was a poor deal that we may have to offer reserves to pay for what in effect was public land. Having originated as an open space for health workers living nearby and working at the institution then under various health authorities. The Clerk added that he had informed the MP's office about the sale but so far no response had been made which he suggested may be for legal reasons. Cllr Day said Local media should be informed to get the public aware this could be lost as open space forever.

PART II -ISSUES OF ITEM 4 & 5

The Chair declared the District Valuer had placed an opinion that the land was worth about £30,000.00 as public open space although it was possibly worth much more to a developer. Planning was not guaranteed nor was there any plans made to develop the site in being. He opened the part two so members could consider an offer or none and leave the situation to resolve. He favoured making an offer to support the residents

It was resolved after various options were considered that the council offer by the date of noon on Friday 29th November 2007 a bid for £30,000.00 attached to a supplement to any future development of a 55% share of developer values after building via the owners agents. It was also agreed that the letter should be sent via Ottaways to ensure that no other legal issues of tenancy are disturbed should our offer fail. The Clerk said that we could fund the sale in cash from reserves, or seek a loan via the public works loan board and pay off over say 15 years. Interest was very favourable at a low single figure to councils but we do have to qualify such a loan via HATPC guidance.

Proposed by Cllr Rump

Seconded by Cllr Brazier

Unanimously supported by all members present.

The meeting closed at 9.25pm

John Dean

Clerk to the Council

Jed/chpc/© 4/12/07-extraordinary finance meeting