

**NORTH SOMERSET COUNCIL
DECISION**

DECISION OF THE EXECUTIVE MEMBER FOR HR, ASSET MANAGEMENT,
CAPITAL PROGRAMME AND TRANSFORMATION WITH ADVICE FROM
THE SECTION 151 OFFICER OF THE COUNCIL, CORPORATE SERVICES
DIRECTORATE

**DECISION NO: CSD105****SUBJECT: LAND ADJACENT 15 CABSTAND PORTISHEAD****BACKGROUND:**

The Council owns an area of land adjacent to the boundary of the above property which is in the ownership of Ms Reyna Knight, a North Somerset councillor. The land is located between the footpath and the boundary wall of the property as shown in red outline on the attached plan and is currently planted with shrubs. Cllr Knight has planted and maintained the land for a number of years at her own expense and would now like to formalise her occupation.

The land is held by the D&E Directorate and was originally purchased for highway purposes. The holding directorate has been consulted and officers have confirmed that the land is not required for highway purposes and has not been maintained by the Council for a number of years.

It has been provisionally agreed that the Council will grant Cllr Knight a licence of the subject land. Besides formalising Cllr Knight's occupation, the granting of the licence will protect the council against any potential future ownership claim based on adverse possession. The licence will be personal to Cllr Knight and will terminate if and when the ownership of 15 Cabstand changes.

The provisionally agreed terms of licence are:

1. The licence can be terminated by either party on giving 3 months written notice or on re-entry by the Council as provided for below.
2. The licensee shall pay an annual licence fee of £10 payable by one annual payment in advance every year and be responsible for all other outgoings relating to the subject land.

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3. The subject land is to be used for private garden purposes for the cultivation of crops only and no temporary or permanent building or structure is to be erected on the land.
4. The licensee will not use the subject land as a market garden and will not cultivate crops for sale.
5. The licensee will keep the land in a clean and tidy condition at all times and upon termination of the licence by whatever means leave it in such condition.
6. The licensee will not allow any other party to occupy all or part of the subject land during the period of the licence.
7. The licensee will permit the licensor's representatives and workmen at all reasonable times to enter upon and inspect the subject land.
8. If the licence fee is in arrears for 28 days or more or other terms and conditions of the licence are not complied with, the licensor can re-enter the land and the licence shall terminate.

DECISION:

A licence to be granted to Cllr Knight in accordance with the terms set out in this report.

Reasons:

The granting of the licence will formalise an existing occupation of the subject land and ensure that the Council will be able to re-take possession if the need arises at a future date.

Other Alternatives Considered:

A sale of the land could be considered with Cllr Knight, being the owner of 15 Cabstand, the only realistic prospective purchaser. At this stage Cllr Knight does not wish to incur the cost involved in purchasing the freehold interest.

Financial Implications:

None. The Council will not have to maintain the land whilst the licence is in place but there is no direct financial saving as the transfer of the maintenance responsibility on this small area of land is marginal in relation to the Council open spaces maintenance contract.

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Implications for Future Years:

None.

Signed:

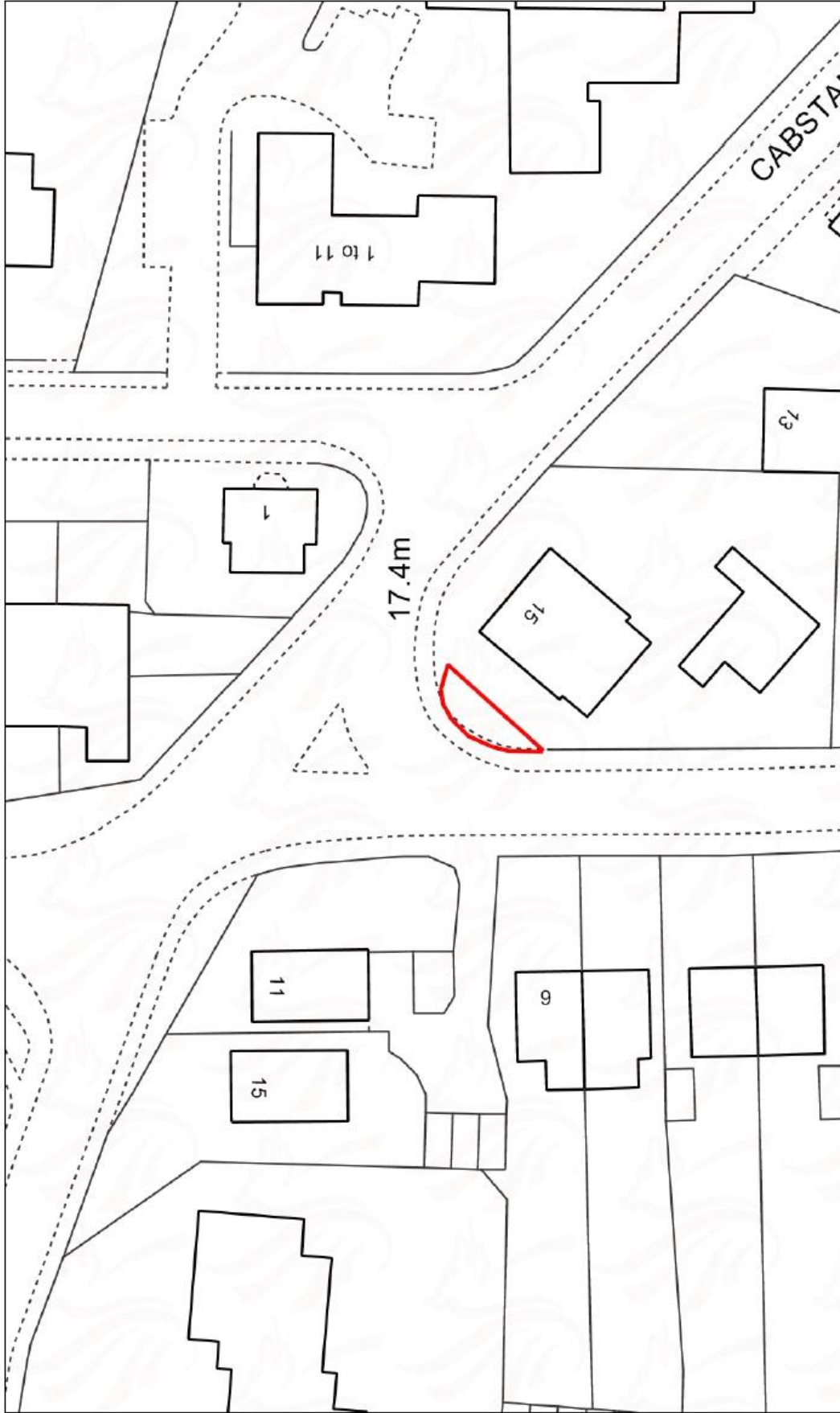
Councillor David Pasley
(Executive Member for HR, Asset Management, Capital Programme and
Transformation)

Dated:

Signed:

Section 151 Officer, North Somerset Council

Dated:



Property and Asset Management
Castlewood, Tickenham
Road, Clevedon, BS21
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Land Adjacent 15 Cabstand Portishead



Scale: 1:500
Drawn by: Stuart Bates
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