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13 December 2006

### **S U M M O N S**

**MEETING:** Emergency Sub Board  
**DATE:** 20 December 2006  
**TIME:** 10.00 am  
**PLACE:** Committee Room 2, Town Hall, Gosport  
**Democratic Services contact:** Geoff Rawling



**BOROUGH SOLICITOR**

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### **MEMBERS OF THE SUB BOARD**

The Mayor, Councillor Mrs Cully (ex-officio)

Councillor Burgess	Councillor Hook
Councillor Cully	Councillor Langdon
Councillor Gill	Councillor Smith

### **FIRE PRECAUTIONS**

(To be read from the Chair if members of the public are present)

**In the event of the fire alarm (continuous ringing) or bomb alert (intermittent ringing) sounding, please leave the room immediately.**

**Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.**

**IMPORTANT NOTICE:**

- **The Summons, Agenda and accompanying Reports can be provided in large print, on tape, in Braille or in other languages on request**
- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page)

Emergency Sub-Board  
20 December 2006

AGENDA

RECOMMENDED  
MINUTE  
FORMAT

**PART A ITEMS**

1. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR THE REMAINDER OF THE 2006/07 MUNICIPAL YEAR
2. APOLOGIES FOR NON-ATTENDANCE
3. DECLARATIONS OF INTEREST

*All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.*

4. MINUTES

*To confirm the Minutes of the Sub Board meeting held on 12 April 2006 (copy attached)*

5. DEPUTATIONS – STANDING ORDER 3.5

*(NOTE: The Sub Board is required to receive a deputation(s) on a matter which is before the meeting of the Sub Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Monday 18 December 2006. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*

6. PUBLIC QUESTIONS – STANDING ORDER 3.6

*(NOTE: The Sub Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Sub Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Monday 18 December 2006).*

7. BRUNE MEDICAL CENTRE

PART II

*To seek Sub-Board approval to the construction of a shared use cycle path over the Borough Council's land, to dedicate the land as public highway to be maintained at public expense, and to the grant of an easement across the Borough Council's land .*

Contact Officer:  
Mark Pam  
Ext 5563

8. ANY OTHER ITEMS

*-which by reason of special circumstances the Chairman considers should be considered as a matter of urgency*

Emergency Sub-Board  
20 December 2006

12 April 2006

## **A MEETING OF THE EMERGENCY SUB-BOARD**

**WAS HELD ON 12 APRIL 2006**

The Mayor (ex-officio); Chairman of the Policy and Organisation Board (Councillor Hook) (P); Councillors Cully (P), Davis, Hayward (P), Langdon (P) and Smith.

It was reported that in accordance with Standing Orders, Councillor Wright had been nominated to attend this meeting in place of Councillors Davis.

### **12. APOLOGIES**

Apologies for inability to attend the meeting were submitted on behalf of Councillors Davis and Smith.

### **13. MINUTES**

RESOLVED: That the Minutes of the meeting of the Emergency Sub-Board held on 10 October 2005 be approved and signed by the Chairman as a true and correct record.

## **PART II**

### **14. SALE OF LAND ADJACENT TO POWDER PIER**

The Sub-Board considered a report of the Development Services Manager (a copy of which is affixed in the Minute Book as Appendix "A") concerning the above.

It was reported that the Policy and Organisation Board at its meeting on 15 March 2006 had decided that a decision on the sale of land adjacent to Powder Pier be deferred pending a site visit by members of the Board. This site visit had taken place prior to the Sub-Board meeting. It had been decided to convene this Sub-Board in order to make a decision on this issue as it could not wait until the next scheduled Board meeting in June 2006.

The report referred to a previous Policy and Organisation Board decision on 10 March 2004 concerning the granting of an easement to enable the Developer to "oversail" the Council's land with balconies to be constructed on the north eastern elevation for which the Council would receive a capital payment of £50,000.

The report now before members advised that the consideration of £50,000 remained unchanged. Instead of granting an easement it was now proposed that the Freehold interest would be conveyed to the purchaser for the sum of £20,000. This was recommended as English Heritage no longer required the retention of public access to this land, which had now been laid out as a patio area.

In conclusion it was reported that the sale of the Freehold interest in the land for a capital payment of £70,000 represented Best Consideration under the provisions of the Local Government Act 1972. The future maintenance of the land would pass to

12 April 2006

the purchasers and the use of the land would be restricted to an amenity area.

RESOLVED: That the Head of Property Services be authorised to agree terms for the sale of the Freehold interest in the land shown hatched black on the plan attached to the Manager's report and the Borough Solicitor be authorised to enter into such legal documentation as is necessary to effect the above decision.

**CHAIRMAN**

## AGENDA ITEM NO. 7

<b>Board:</b>	Emergency Sub-Board
<b>Date of Meeting:</b>	20 December 2007
<b>Title:</b>	Brune Medical Centre
<b>Author:</b>	Development Services Manager
<b>Status:</b>	For decision

### **Purpose**

To seek the Sub-Board's approval for the dedication of the Borough Council's land as publicly maintainable highway to facilitate the construction of a shared use cycle path, and the grant of an easement for the laying of a drain across Borough Council land, as indicated on the attached plan. The Borough Council's land that is proposed to be dedicated for the shared use cycle path is shown shaded grey on the attached plan; the easement line is shown by a broken line and the existing foul sewer by solid black line.

### **Recommendation**

1. That the Sub-Board agrees to the construction of a shared use cycle path over the Borough Council's land, to dedicate the land as public highway to be maintained at public expense, and to the grant of an easement across the Borough Council's land.
2. That the Sub-Board authorises the Borough Solicitor to enter into such legal documentation as is necessary to effect the above decision.

#### **1.0 Background**

- 1.1 Planning Permission K17094 for the new Brune Medical Centre requires the construction of a shared use cycle path. The land is not all in the applicants ownership and it is therefore necessary for the Council to agree, as land owner, to the shared use cycle path being constructed on the its land.
- 1.2 A new drain is also required to be laid across the Council's land which shall connect into the existing 675mm foul water sewer in the highway. A legal easement as well as a licence is required for this purpose.

#### **2.0 Report**

- 2.1 Planning Permission (K.17094) was granted in June of this year by the Regulatory Board for the erection of a two storey health centre building (including a pharmacy) and associated car parking. This is a LIFT sponsored scheme on behalf of the Primary Health Care Trust.

- 2.2 Condition 6 of the Planning Permission prevents the occupation of the health centre until the proposed shared use cycle path has been provided in accordance with the approved scheme.
- 2.3 The proposed shared use cycle path is to be constructed partly on the applicants land, public highway and the Borough Council's land.
- 2.4 To facilitate the construction of the shared use cycle path and its subsequent adoption by the County Council, it is recommended that the Board approves the dedication of the land required for the works as publicly maintainable highway, for passage on foot and cycle, and agrees to grant a licence to the developer to temporarily enter upon such other Borough Council land as may be reasonably required to undertake the works. It is confirmed that there will be no expense to the Council under the proposal and an indemnity from the developer will be obtained so that there will be no unforeseen liability.
- 2.5 In addition to the shared use cycle path the developer will also require to connect the development to the foul sewer located in the adjacent highway.
- 2.6 The connection from the health centre to the highway crosses amenity land in the Borough Council's ownership and will require the Council to grant an easement.
- 2.7 Payment of a consideration is not appropriate for the dedication, but obtaining best consideration would usually be required for the grant of the proposed easement, under Section 123 of The Local Government Act 1972. However, the Local Government Act 2000 introduced the "wellbeing" power whereby a Local Authority can dispose of land or interests in land, such as an easement, for less than best consideration, if doing so will contribute to the economic, social or environmental well-being of its area. It is considered that social wellbeing will arise in this case due to the provision of health facilities. The development will also contribute to the Council's Strategic and other priorities.

### **3.0 Risk Assessment**

- 3.1 The risk of not approving the recommendation will prevent the construction of the shared use cycle path in accordance with the planning permission and the laying of the drain which could prejudice the delivery of the health centre scheme.

### **4.0 Conclusion**

- 4.1 As part of the Council's strategic priority of securing improved health facilities within the Borough, it is recommended that the Board agrees

to dedicate as public highway the necessary land to enable the construction of the cycle path, and also agrees to the granting of an easement, and any licence that may be required, to temporarily enter upon the Borough Council's land to carry out the works described.

<b>Financial Services comments:</b>	None
<b>Legal Services comments:</b>	As contained in the report
<b>Service Improvement Plan implications:</b>	None
<b>Corporate Plan:</b>	Achievement of improved health facilities
<b>Risk Assessment:</b>	As contained in the report
<b>Background papers:</b>	Regulatory Board 20 June 2006 and Regulatory Board 10 October 2006 (Agenda item 6)
<b>Appendices/Enclosures:</b>	
Appendix 'A'	Plan
<b>Report author/ Lead Officer:</b>	Head of Property Services