

WIRRAL COUNCIL

DELEGATED DECISION

SUBJECT:	4 ROCK PARK, ROCK FERRY
WARD AFFECTED:	ROCK FERRY
REPORT OF:	HEAD OF UNIVERSAL AND INFRASTRUCTURE SERVICES
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR ADRIAN JONES
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 This report aims to provide Members with an update in respect of 4 Rock Park, Rock Ferry, and also seeks instructions on the way forward.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 Members were informed in a report on 22 November 2013 of the background to the Council's involvement in 4 Rock Park, Rock Ferry and approved a recommendation to dispose of the property by auction in order to resolve this long standing matter. The report also set out the circumstances by which the Council originally came to own this (then) dilapidated property and how it intended to transfer the ownership to the owner of the adjoining attached property (3 Rock Park) in order that it could be brought back to habitable condition.
- 2.2 The agreement provided for 4 Rock Park to be renovated in two stages, with the freehold being transferred on completion of the first stage. The matter however became protracted for a number of reasons, the main one being a prolonged litigation between the owner of No 3 and a third party regarding an aspect of the renovation works. The result was that, at the time of the previous report, the owner of the adjoining property seemed unable to complete the works or come forward with a proposal as to how he intended to complete the refurbishment. Consequently the agreement was brought to an end and it was approved that the Council would dispose of the property on the open market.
- 2.3 Recently, however, the adjoining owner has made it clear that he believes that an agreement is still in place that requires the Council to transfer the freehold to him. He has sought legal advice and intends to oppose any action which the Council may take to regain possession of the property. He has, however, submitted a proposal to enter in to a new agreement which sets out his intention to complete the refurbishment of 4 Rock Park.
- 2.4 The intention behind the Council's involvement has always been to bring the property back to habitable condition. In the circumstances therefore, rather than entering into potentially protracted legal negotiations around the repossession of 4 Rock Park with the associated costs, it is proposed that a new definitive agreement be entered into which requires an agreed schedule of work, specifying the works required to the property be adhered to, following which the Council will transfer the freehold, as

originally intended. The new agreement would also clarify the consequences to the owner of 3 Rock Park should the timeframes not be met, and will mitigate the potential for legal dispute. The agreement would also define responsibility for the property which will require the owner of 3 Rock Park to keep it secure and maintain suitable site hoardings.

3.0 RELEVANT RISKS

3.1 There is a risk that the refurbishment works will not be completed in the timescales, although a new legal agreement will bring more certainty to this issue. Should the agreement have to be brought to an end again, the option to sell at Auction still remains.

4.0 OTHER OPTIONS CONSIDERED

4.1 The other option is to pursue possession of the property and dispose of it at auction now. This would however most likely lead to protracted legal discussions which would delay a sale and the refurbishment of this property.

5.0 CONSULTATION

5.1 Officers have had discussions with the owner of 3 Rock Park. No other consultation has been undertaken at this stage.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

6.1 There are no implications arising from this report in respect of Voluntary, Community and Faith Groups.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

7.1 The agreement would be to transfer the freehold at nil consideration, but would also negate the need to incur costs incurred in taking possession and securing the property, along with any other costs associated with legal action, which have the potential to exceed any price likely to be achieved at auction.

8.0 LEGAL IMPLICATIONS

8.1 A new agreement for disposal will require the preparation of appropriate legal documentation which will clarify the current position and will reduce the potential for legal dispute.

9.0 EQUALITIES IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

10.0 CARBON REDUCTION IMPLICATIONS

10.1 The Council has not had responsibility for this property and accordingly its disposal will not impact on the Council's Carbon Emissions.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 The property is a Grade II listed building, which is designated as a Primarily Residential Area and a Conservation Area Where necessary, refurbishment will need to be carried

out in accordance with appropriate consents in place. Any future application would be assessed for compliance with UDP Policies CH1 'Development Affecting Listed Buildings & Structures'; CH2 'Development Affecting Conservation Areas' and CH8 'Rock Park Conservation Area'. The Rock Park Conservation Area Appraisal and Management Plan will also be a significant material consideration.

12.0 RECOMMENDATION

12.1 That a new agreement be entered in to with the owner of 3 Rock Park which sets out appropriate timescales for refurbishment and transfer of ownership.

13.0 REASON FOR RECOMMENDATION

13.1 To bring about the disposal and renovation of this property.

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APPENDICES

None

REFERENCE MATERIAL

No reference material has been used in the preparation of this report.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Policy and Resources General Panel - 4 Rock Park	25/11/1999
Delegated Decision - 4 Rock Park, Rock Ferry	22/11/2013