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Report to: Transport Committee

Date: 8 September 2017

Subject: Proposed disposal of two parcels of land located within 3/5 Alma Road, Leeds

Is this a key decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, state paragraph number of Schedule 12a, Local Government Act 1972, Part 1	

1 Purpose

- 1.1 To seek formal approval to the disposal of two separate parcels of land (the "Properties") located within 3/5 Alma Road, Leeds LS6 2AH.

2 Information

- 2.1 West Yorkshire Combined Authority owns a portfolio of property which it acquired for the purposes of the former Leeds Supertram scheme.
- 2.2 As part of this, in September 2003 WYCA (then WYPTE) compulsorily purchased two separate parcels of land (Plot 41 and Plot 41A, together described in this report as the "Properties"), located within 3/5 Alma Road, in connection with the Supertram scheme, from the couple that owned the Properties (the "Original Owners").
- 2.3 Plot 41 comprises part of a surfaced car park which gives access to an office building. Plot 41 is outlined in blue on the plan attached at **Appendix 1**, labelled with title number WYK751671. The attached photos (numbered (9) and (10)) are of Plot 41.
- 2.4 Plot 41A forms part of a garden located to the rear of the office building. Plot 41A is outlined in blue on the attached plan and is labelled with the title number WYK751671. The attached photos (numbered (1) and (2)) are of Plot 41A.
- 2.5 WYPTE made an advance payment of compensation to the Original Owners in relation to the Properties. WYPTE's estimate of compensation payable was nominal (£1). This was based on the assumption that at no stage would the Original Owners lose the benefit of the nine car parking spaces, that are located at 3/5 Alma Road or access to it, as a result of the Supertram scheme.

- 2.6 The plan was for WYPTE to procure, as part of the NGT scheme, a replacement car park and access at WYPTE's or at the project's costs.
- 2.7 In January 2011 WYPTE entered into an agreement (the "Agreement"), with the Original Owners, in relation to 3/5 Alma Road. This Agreement dealt with various issues including replacement of car parking spaces which would be lost at 3/5 Alma Road due to the NGT scheme and the return of the parts of the Properties, to the Original Owners, that were not required for the purposes of the NGT scheme.
- 2.8 The Agreement also sets out that, if approval for the NGT scheme (as set out in a Transport and Works Act Order) is not received by 31 December 2016, then the Properties shall be transferred back to the Original Owners for the sum of £1 unless both parties agree otherwise.
- 2.9 In relation to the wording "unless both parties agree otherwise" Legal advice is that, particularly taking into account the level of compensation paid by WYCA for the Properties (£1), the Original Owners would not agree to pay more than that for the Properties to be transferred back to them. In addition, it would not be reasonable to ask for more than £1 in the circumstances.
- 2.10 In further relation to the "unless both parties agree otherwise" wording:
- Even if it was legally possible to extend the arrangement so that WYCA could retain the Properties for a future transport scheme, the Original Owners would need to agree to any such extension. The Solicitor acting for the Original Owners has made it very clear that the Original Owners want the Properties to be returned to them.
- 2.11 WYCA's Director of Transport has confirmed that there are no current plans that affect the Properties and, on that basis, WYCA should discharge its obligations under the Agreement.

3 Financial Implications

- 3.1 Please refer to paragraph 2.5 in relation to the compensation paid in relation to the Properties when WYPTE acquired them (£1) and paragraph 2.8 for the amount that WYCA is contractually obliged to charge for transferring the ownership of the Properties back to the Original Owners (£1).
- 3.2 WYCA is contractually obliged to pay the Original Owners legal fees (£1,262 exclusive of VAT) incurred in connection with the transfer of the Properties back to the Original Owners. WYCA is of the view that the level of these fees is proportionate to the legal work that is to be done.

4 Legal Implications

4.1 Under section 10(1)(xxiii) of the Transport Act 1968 WYCA has the power to dispose of any property which in WYCA's opinion is not required to be retained by WYCA for the purposes of WYCA's business.

5 Staffing Implications

5.1 No HR implications have been identified from this Report.

6 External Consultees

6.1 None

7 Recommendations

7.1 To approve the disposal of two separate parcels of land (both located within 3/5 Alma Road, Leeds LS6 2AH), to the original owners, as required under the terms of an Agreement dated 27 January 2011.

7.2 To delegate authority to the Head of Legal and Governance Services to progress the matter to completion.

8 Background Documents

8.1 None.