
DREAMLAND – GENERAL VESTING DECLARATION

To: **Cabinet – 1ST August 2013**

Main Portfolio Area: **Community Services**

By: **Madeline Homer, Director of Community Services**

Classification: **Unrestricted**

Ward: **MARGATE CENTRAL**

Summary: **To approve the making of a General Vesting Declaration which will result in the transfer of the Dreamland site to the Council.**

For Decision

1.0 Introduction and Background

1.1 In May 2011 Thanet District Council made the decision to make a Compulsory Purchase Order (CPO) in respect of the Dreamland site. Members will be aware that since then there has been a Public Inquiry in February/March 2012 which supported the Council's CPO, this was further appealed by MTCRC and although this was dismissed in March 2013, MTCRC have since been given permission to appeal by the Court of Appeal. This has been expedited and will be heard in late September 2013.

2.0 Current Position

2.1 Following the issuing of the confirmation notice of the CPO in September 2012, the dismissal of the appeal in May 2013, and then the appropriate publication of the preliminary notice, the Council is now in a position to serve a General Vesting Declaration (GVD). The GVD is the formal documentation that allows the Council to take final ownership of the area subject to CPO. In light of the current pending appeal, the professional legal advice given to the Director of Community Services is that the Council should continue with the vesting process and not delay this in favour of the Court of Appeal hearing in September.

2.2 Should Members give approval to the making of the GVD at Cabinet 1 August 2013, the GVD will be made on 2 August 2013, with the land coming into Council ownership at the beginning of September 2013.

2.3 The making of the GVD commits the Council to pay the landowners any compensation, fees and associated losses due as a result of taking ownership. The cost of these will be determined either by mutual agreement with the current owners, negotiated directly, or in the event that this is not possible, it will be referred to a Lands Tribunal for decision. This process could take up to 2 years after the Council takes ownership.

2.4 In order that the decision to issue the GVD is based on the best information available, given this unavoidable delay, the Council have engaged a competent and experienced expert in CPO valuation to provide up to date advice enabling the Council to assess its potential exposure to these costs. The recommendation to issue the GVD takes into account this advice.

4.0 Options

4.1 To approve the making of the GVD which will result in the transfer of the Dreamland Site to Thanet District Council.

4.2 Not approve the making of the GVD.

5.0 Financial & VAT Implications

5.1 Having undertaken a financial appraisal of the estimated costs provided by the external expert any borrowing to cover any potential compensation claim can be off set by additional income sources from the CPO site and therefore are estimated to have a neutral budget impact.

6.0 Legal Implications

6.1 The making of a GVD is legally necessary if the Dreamland site is to vest in the Council and is the recommended course of action. If the owners' appeal against the confirmation of the CPO is ultimately successful, the GVD will be of no effect and the Council will then have to return the Dreamland site to them substantially in the same condition that it was in before vesting (and free of any new leases, charges etc) therefore once the site is vested in the Council it is not intended to issue any leases etc until the outcome of the appeal is known.

7.0 Corporate Implications

7.1 The making of the GVD is a significant stage in respect of fulfilling the Council's decision to make the CPO and deliver the Dreamland site as a major regeneration project for the district.

8.0 Equalities Implications

8.1 The decision in this report does not require any direct equality assessment.

9.0 Recommendation

9.1 Cabinet approve the making of the GVD which will result in the transfer of the Dreamland Site to Thanet District Council.

Contact Officer:	Madeline Homer, Director of Community Services
Reporting to:	Sue McGonigal, Chief Executive

Annex List

None	N/A
------	-----

Background Papers

Title	Details of where to access copy
None	None

Corporate Consultation Undertaken

Finance	Sarah Martin, Financial Services Manager
Legal	Peter Reilly, Litigation Solicitor & Interim Legal Services Manager