



DECISION RECORD

Decision Record Number 95

This document records a decision taken by the Police, Fire and Crime Commissioner, together with details of the advice he received prior to taking the decision.

Decision taken

The Police, Fire and Crime Commissioner has taken the decisions to:

Agree Heads of Terms for the right of way across the Rothwell Fire Station for the purposes of the loading and unloading for Rothwell Library.

Details of advice taken

Advice has been taken from the statutory officers of the PFCC, the Chief Fire Officer, the legal department and the Estates and Facilities department.

Stephen Mold
Police, Fire and Crime Commissioner
08/01/2019

END



Northamptonshire Police, Fire and Crime Commission

Supporting Report to the Police, Fire and Crime Commissioner

Date of Report	2 nd January 2019
Subject	Heads of Terms for the right of way between the PFCC to Northamptonshire County Council at Rothwell Fire Station for loading and unloading at Rothwell Library
Report Author	Paul Bullen, Director for Delivery

1. Purpose of Report

- 1.1 To outline the terms of the agreement with Northamptonshire County Council to allow the continued use of the easement across Rothwell Fire Station to Rothwell Library.

2. Decision(s) Recommended:

- 2.1 To formally agree the Heads of Terms with Northamptonshire County Council for the right of way at Rothwell Fire Station, and therefore proceed to full legal agreement for the property.

3. Relevant background / Chronology of Key Events:

- 3.1 The PFCC became the Fire and Rescue Authority for Northamptonshire on 1st January 2019.
- 3.2 As part of the transition arrangements for the fire and rescue service from Northamptonshire County Council to the PFCC, arrangements needed to be negotiated between the parties for existing shared properties between fire and other County Council services. Access to Rothwell Library across Rothwell Fire Station land is one such issue.
- 3.3 Library staff currently use a right of way across the Fire Station yard for access to the rear of the library for loading and unloading purposes.

3.4 The Heads of Terms have been agreed based on a continuation of the right of way for local authority or public library purposes only. The PFCC can remove the right of way for the cost of £38,700 should the PFCC wish to do so, enabling redevelopment. The amount of money reflects the difference in value between the library with and without the benefit of the access.

4. Consultation:

4.1 Prior to the transfer date, negotiations have taken place between the PFCC and Northamptonshire County Council. The PFCC has consulted with legal and estates colleagues to inform the Heads of Terms.

4.2 The transfer of Rothwell Fire Station was included in the business case that the PFCC submitted to government to take on governance of the fire and rescue service. This was consulted on with the public in the summer 2017.

5. Compliance Issues:

5.1 Is this a decision of 'significant public interest?'

5.1.1 No

5.2 Is the recommended decision consistent with the priorities set out in the Northamptonshire Police and Crime Plan 2017/21?

5.2.1 The Fire and Rescue Plan has yet to be developed. However the decision is consistent with the desire for the governance of fire and rescue to transfer that is included in the Police and Crime Plan.

5.3 What are the financial and procurement implications of this decision?

5.3.1 The implications of the decision are that if the PFCC wishes to remove the right of way to develop the site then they will be required to compensate the County Council (or their successors) for the loss of the access. The financial cost of this is £38,700. This cost is calculated based on the loss of value that the access has to the library site for the County Council.

5.4 Will further decisions be required?

5.4.1 A further decision will be required on the final agreement that builds on the Heads of Terms.

5.5 Legal Implications

5.5.1 The PFCC is legally obliged to agree the right of way with the County Council following the statutory Property Transfer scheme being laid in parliament in late 2018.

5.5.2 Legal have been involved in the drafting of the Heads of Terms for the site and will draft the final agreement.

5.6 Risk Management

5.6.1 The risks in relation to this relate to not agreeing the Heads of Terms as this would mean the PFCC was not complying with the statutory transfer scheme.

5.7 Has an Equality Impact Assessment been undertaken?

5.7.1 No specific assessment has been undertaken.

6. Evaluation of alternative option(s):

6.1 The proposed Heads of Terms are the best negotiated position between the County Council and PFCC that had least impact on all parties and ultimately the public that both parties serves.

7. List of background reports used to compile this report:

Fire Governance Transfer Business Case (August 2017)

8. List of appendices accompanying this report (if any):

Heads of Terms for the property.

9. Approvals

Date

Has this report been approved by the author's line manager?

Has this report been approved by the Chief Executive?

Has this report been approved by the Chief Fire Officer?

--	--	--