



Information bulletin from the Legal and Property Services Department

July 2005

There follows some items from the Department's workload which may be of interest to Members:-

Staffing Issues

New members to the Department are:-

Peter Marsh – Corporate Property Manager
Shamim Munshi – Solicitor (Child Care)
Alison Henderson - Solicitor

Conveyancing

The sale of land at Bridge Street Wigan has been completed.
Contracts have been exchanged at a large development site at Plane Avenue Worsley Hall
A Release and Variation has been completed at Gas Street/Taberner Street Platt Bridge in order to facilitate a residential development.

Leases of the following have also been completed:-
Caxton Close Wheatlea Industrial Estate to Redbridge Holdings Ltd.
101-103 and 105 Kitt Green Road.

During June 38 Right to Buy properties have been sold.

Common Law

Prosecutions

A local businessman was fined £450 for failing to return a completed Planning Contravention Notice. Despite repeated attempts to secure details of persons with a legal interest in the premises where the breach of planning control was taking place the information had not been provided. The Defendant had contested the allegation up to the day of trial but once the case was called he changed his plea to guilty. The relevant form has now been completed and it is anticipated that a retrospective planning application will be submitted shortly. The outcome has been enormously

encouraging to the dedicated team of planning enforcement officers who now hope that in future others will not treat similar statutory notices with such indifference.

There have been a number of successful prosecutions brought against parents who have failed to ensure their child's attendance at School. One parent recently received a suspended prison sentence.

There have also been a number of successful benefit fraud prosecutions.

A taxi driver was successfully prosecuted for driving without a licence.

Travellers

There have been a number of unauthorised encampments throughout the Borough. Court action was required to remove the travellers in all cases. There have also been unauthorised encampments on private land and help and advice has been given where necessary.

Traffic Orders

A number of temporary orders to enable sewer works, carriageway resurfacing works and works in connection with the Grand Arcade Scheme have been made.

Work is progressing on a number of permanent traffic orders throughout the Borough.

Trees

Orders protecting trees at various sites throughout the Borough are progressing, including:-

Orrell Road, Orrell
Railway Street, Wigan
Bedford Hall Farm, Leigh
Cale Lane, Aspull
Delfhaven Court and Greenoaks, Standish
Woodlands Hall, Whelley

Contracts

Work is progressing on a number of Schemes including:-

Highlea Secondary School
Hindley Community School

Work is also progressing on a number of Grant Agreements with various bodies.

Ombudsman

14 complaints are currently being investigated by the Ombudsman. 6 matters are being dealt with under the Council's own Complaints Procedure. The Ombudsman has notified us of 6 complaints which she does not intend to pursue, 1 which falls outside her jurisdiction and 5 in which either a local settlement has been reached or the Ombudsman is satisfied with the Council's response and decided that no further investigation is necessary.

ASSET MANAGEMENT SERVICES

CABINET

- **Leigh Sports Village**

I was pleased to advise Cabinet that Heads of Terms have been agreed with the principle occupiers of sporting facilities within the Leigh Sports Village and that subject to a favourable outcome to the application to the High Court for Judicial Review the Council anticipated a start on site within one month thereafter.

- **JJB Stadium - Second Access Road**

Cabinet have been advised of the satisfactory outcome to the arbitration proceedings in respect of the compensation payable to one of the key claimants in the CPO, part of whose land was included in the second access road to the JJB Stadium.

- **Old Town Hall, Wigan**

Cabinet have now agreed to release restrictive covenants affecting the development potential of the Old Town Hall, Wigan, which it is anticipated will lead to its acquisition by a Development Fund who have the resources and will to progress with a planning application and to commence development on site including refurbishment of the listed portion of the Old Town Hall within an agreed timescale.

- **Land Disposal Decisions**

The following disposals have been agreed by Cabinet.

- a) The sale of land at Makerfield Way, Ince to facilitate the construction of small industrial units which are intended to be an employment generator.
- b) Agreement to the disposal of non-active open space required to bring about a comprehensive re-development of the former Pennington Hotel site in Leigh for residential development purposes
- c) Approval was given by Cabinet to the release of a restrictive covenant on land used for car parking at Windermere Rd / Walmesley Road, Leigh, which has recently been the subject of an approved planning application for residential development.

- **Wigan Pier Regeneration Project**

I was able to report to Cabinet upon the determination of terms for the Development Agreement to be entered into with Nuttall Construction Ltd., which would bring about a

start on the exciting regeneration project for Wigan Pier, and in particular Trencherfield Mill.

It is hoped that following receipt of confirmation of award of grant that a start on site will be made at the beginning of August 2005.

- **Provision of Community Facilities at Winstanley**

Cabinet have supported a pro-active proposal to bring about the creation of modern community facilities at Winstanley in premises to be purchased from the PCT and the local Doctor, which will enable Winstanley Community Association and the Scouts to re-locate from the restricted site at Anthorn Road, Winstanley.

- **Provision of premises for Home from Home Project, Hag Fold, Atherton**

Cabinet have granted a concessionary rent to Genesis Action Ltd who are supported by Hesketh Fletcher CE High School for a tenancy of premises on the Hag Fold Estate, which will be used for a project aimed at providing education and social support to the young people on the estate.

Terracotta Repairs – Municipal Buildings, Wigan

Members will have seen the scaffolding put up around the Municipal Buildings. This was because pieces of terracotta fell onto the pavement at the corner of Library Street and Hewlett Street. The scaffolding was erected to make the building safe and to allow us to make more detailed investigations into the problem.

Since this time we have been investigating how to improve the situation, this has taken into account a pending PFI bid, which if successful, will involve extensive works to the building.

Nevertheless, we have now reached the view that following some minor repairs we can now remove the scaffolding from Millgate and the upper half of Hewlett Street. Unfortunately, scaffolding will need to be retained to offer protection from the more ornate elevations on Library Street and remaining parts of Hewlett Street. Further investigations are ongoing to hopefully enable the removal or at least reduction of this remaining scaffolding.

Further updates will be forwarded as required.

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