

Record of officer decision

Decision title:	South Wye Transport Package - Southern Link Road (SLR) Payment of Fees Incurred
Date of decision:	20 September 2019
Decision maker:	Director for economy and place
Authority for delegated decision:	<p>Decision taken by cabinet on 20 October 2016</p> <p>http://hc-modgov:9070/ieDecisionDetails.aspx?ID=4430</p> <p>to acquire by negotiation the land required for the construction of the southern link road authority was delegated to Director for Economy, Communities and Corporate as follows:</p> <p>THAT the director for economy, communities and corporate, be delegated authority to take all operational steps necessary to acquire all the necessary land interests required for the delivery of the southern link road through negotiation with possible affected landowners</p>
Ward:	Stoney Street Wormside
Consultation:	No external consultation in relation to this decision. Both legal and finance have been consulted and commented on the report
Decision made:	To pay the reasonable professional fees of £52,500 incurred by the Landowners in respect of the negotiation of the option agreements on land affected by the SLR.
Reasons for decision:	<p>Following negotiations with the landowner, terms are agreed for an option agreement enabling the council to acquire the land on confirmation of the Compulsory Purchase Order (CPO) and signing of the General Vesting Declaration or earlier if required.</p> <p>There are four landowners who have incurred professional agents and solicitors fees upfront in negotiations with the council relating to these option agreements. As a result there is a legitimate expectation that the council will pay the costs incurred, irrespective of the decision of the 9th August 2019 to pause and review the scheme.</p> <p>The costs amount to £52,500 plus VAT and includes disbursements.</p>
Highlight any associated	The CPO order for the SLR was made on the 5 th March 2018 and confirmed by the Secretary of State on the 22 January 2019.

<p>risks/finance/legal /equality considerations:</p>	<p>The Councils legal advisors have prepared and agreed the option agreements managed by legal services.</p> <p>Although the Southern Link Road scheme is under review and there is a risk it may not proceed these costs were incurred with reasonable expectation they would be paid. The costs should be paid irrespective of the risk the scheme may not proceed and the option agreements not actually exercised</p> <p>These fees costs will be funded from the Councils annual plan Local Transport Plan grant as follows:</p> <p>£52,500 from LTP surfacing budget underspend, at no change to the existing programme. This value will be vired from the LTP surfacing budget to the South Wye Transport Package budget. The virement of this value within a directorate is permitted under the councils financial procedure rules to be made by the budget holder.</p>
<p>Details of any alternative options considered and rejected:</p>	<p>Not to pay the fees. The fees would normally be payable on completion of the options agreements by Herefordshire Council, however given the risk that the scheme may not proceed landowners have a legitimate expectation that these will be paid now and not paying them leaves the council open to litigation.</p>
<p>Details of any declarations of interest made:</p>	<p>None</p>

Signed Richard Ball
Director for Economy & Place

Date 20 September 2019