

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**POLICY DEVELOPMENT GROUP – 19 MARCH 2013**

Title of report	<b>EFFECTIVE ASSET MANAGEMENT – ACCESS LICENCES</b>
Contacts	<p>Councillor Richard Blunt 01530 454510 <a href="mailto:richard.blunt@nwleicestershire.gov.uk">richard.blunt@nwleicestershire.gov.uk</a></p> <p>Councillor Nick Rushton 01530 412059 <a href="mailto:nicholas.rushton@nwleicestershire.gov.uk">nicholas.rushton@nwleicestershire.gov.uk</a></p> <p>Chief Executive 01530 454500 <a href="mailto:christine.fisher@nwleicestershire.gov.uk">christine.fisher@nwleicestershire.gov.uk</a></p> <p>Head of Finance 01530 454520 <a href="mailto:ray.bowmer@nwleicestershire.gov.uk">ray.bowmer@nwleicestershire.gov.uk</a></p>
Purpose of report	For Policy Development Group to receive information which will enable it to make recommendations to Cabinet regarding the implementation of the review of access licences.
Council Priorities	Value for Money
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Assessment</p> <p>Human Rights</p> <p>Transformational Government</p>	<p>The approved 2013/14 budget includes £8,000 income for existing licences and a further estimate of £17,000 from new licences. Should the Policy Development Group make recommendations which have financial implications these would need to be considered by Cabinet.</p> <p>Not applicable.</p> <p>A risk register was included in the Cabinet Report of 31 October 2012.</p> <p>Considered and noted in the report</p> <p>Considered and None identified.</p> <p>None identified.</p>

Comments of Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	As report author the report is satisfactory.
Comments of Monitoring Officer	The report is satisfactory
Consultees	As detailed in the report.
Background papers	Cabinet Report and Minutes 31 October 2012 – Attached at Appendix 2
Recommendations	<b>THAT POLICY DEVELOPMENT GROUP MAKES RECOMMENDATIONS TO CABINET IF IT CONSIDERS THAT ANY CHANGES ARE NEEDED TO THE CABINET DECISION OF 31 OCTOBER 2012.</b>

## 1.0 BACKGROUND

- 1.1 Going back many years concerns have been raised by service areas that a significant number of Council-owned plots have been subjected to unauthorised access. There are other sites however where residents have formalised access by way of an annual license or have paid for the access when they purchased properties under the Right to Buy Scheme. The Council has statutory best value duties to be consistent with other land-owning councils and to treat people fairly.
- 1.2 In September 2009, the Council's Asset Management Group considered these concerns and agreed that a License Working Group should be established, consisting of Officers from Property, Housing, Street Management, Leisure and Legal Services.

## 2.0 PROCESS FOLLOWED

- 2.1 Details of the review process are set out in Appendix 1.
- 2.2 The group initially focused on the impact of unregulated access across Council-owned land from a property perspective and came to the following conclusions:
- The vast majority of the sites were originally retained by the District to provide a specific function including Council-owned garage sites, recreational land, access to allotments, car parks and open space.
  - These sites were never intended to provide open access to the adjoining properties.
  - Although the sites are accessed via the adopted highway, they do not form part of the adopted highway and certain sites are private land.
  - A number of the sites have some form of development potential and therefore they should be protected, as far as was practicably possible from any potential land sterilisation issues, including prescriptive rights.

- In these circumstances could include development potential from the creation of additional recreation land, car parking, residential or commercial development and disposal for a capital receipt.
- The existing licence holders or residents that have paid for the access rights via the Right to Buy process were being treated differently and there were a number of instances where licence holders paying a fee lived adjacent to non-licence holders who were not paying a fee
- The fees paid by the existing licence holders have not been reviewed for a number of years.
- The licence fee should be at a level to compensate for any administrative costs incurred by the Council.
- That all licences should be consistent to the type of access required and the fees charged should be at an open market value and in line with any private landowner charges and in consideration of the Councils fair and equitable duty.

2.3 A report from the Licence Working Group was presented to Corporate Leadership Team (CLT) in October 2011. The report recommended that the Council regularised the existing licences, formalised access arrangements where unauthorised access was being gained over Council-owned land and the appropriate level of fees be determined by an independent valuer. The recommendations were agreed subject to the Working Group providing detailed information of the residents affected, the process, timescales and the associated risks. A further report was presented to CLT in August 2012 detailing the process. It was agreed that a report should be presented to Strategy Group with the recommendation that consent be given progress the review. A report was presented to the Strategy Group on 14 August 2012 where it was agreed that a report should be presented to Cabinet for consideration.

2.4 Cabinet considered the matter and approved the implementation of the recommendations of the review at its meeting on 31 October 2012. The report and the minutes are attached at Appendix 2.

### **3.0 PREPARATIONS FOR IMPLEMENTING THE REVIEW**

3.1 Following Cabinet approval, a letter was sent to all 38 Ward Members and all Town and Parish Councils on 12 November 2012 detailing the reasons for the review and how it was going to be implemented, attached at Appendix 3. There was very little response to this letter apart from a request for further information regarding residents affected from Cllr Legrys. Following this request lists of all wards and sites affected were sent out to all Ward Members.

3.2 Letters were sent out to residents affected by the review in the week commencing 21 January 2013, attached at Appendix 4. A total of 196 letters were sent out, however 27 letters were retained in light of the complaints being received.

3.3 The following responses were received from residents:

#### **Enquiries by telephone or e-mail**

A total of 46 were received. Around a half were from people seeking further information before they filled in the response slips and the remainder explained that they did not require a licence. Further information was provided as necessary and people were asked to return the response slips to say whether they required a licence or not.

## **Response slips**

A total of 55 were received: 29 people stating that they did not require a licence and 26 stating that they did require a licence.

## **Enquiries through Ward Councillors**

These were primarily requesting more information about the review and how their residents were affected. In many cases the letter and ward by ward information provided in November 2012 was provided again.

## **An enquiry through the local MP requesting more information regarding a resident in Ibstock.**

- 3.4 There were also several media enquiries and the Council issued statements as appropriate including its intention to review with residents the access licences required.

## **4.0 MOTION AT COUNCIL 26 FEBRUARY 2013**

- 4.1 A motion was passed at Council meeting on the 26<sup>th</sup> February 2013 as follows: -.

*“Many residents who access their properties through Council owned land have been sent letters requesting payment for a license. Our understanding is that the license charges that are being requested are £20 for walking over and £90 for driving over Council land. The vast majority of these residents have been accessing their property for many years, in some cases decades, over Council land with no charges.*

*We would therefore propose:-*

*The issue is referred to Policy Development Group as soon as possible for reconsideration including the following areas;*

*1 – That the Council remove the new proposed charges of £90 to residents for accessing their properties by car and the new proposed charges of £20 for accessing their properties by foot and notify them accordingly;*

*And:*

*2 – That in areas where residents have been accessing their properties for many years without charge the Council re-examine whether licenses are really necessary;*

*And:*

*3 – That where the Council can reasonably demonstrate that assets need to be protected by obtaining licenses we would suggest that these should be offered to residents at a nominal charge for rights of way”.*

## **5.0 PROPOSED DISCUSSION POINTS FOR POLICY DEVELOPMENT GROUP**

- 5.1 Do people require a licence to have access to Council-owned land?

The Council has a duty to protect land which belongs to the whole community and ensure that individuals do not have unauthorised access. This can be particularly important

should the Council wish to develop areas of land in the future. As explained in paragraph 2.2. Exceptions might be where arrangements have already been put in place through contracts such as Right to Buy purchases or where residents have successfully established existing prescriptive rights however the overall position of the Council should be that a licence is required by everyone to access Council-owned land.

## 5.2 Should people pay to have a licence?

There is no need for a fee in order for licences to be valid. There are a number of charging options:

Option 1 Charge for the licences as set out in the Cabinet report of 31 October 2013. (set out in Column 3 of Appendix A of the Cabinet Report attached at Appendix 1)

The Council took advice from the District Valuer to determine market rates for licences and set fees accordingly as part of the review. In many cases residents will benefit from enhanced property values by having a formal access licence in place. For properties where licences are required, members are asked to consider whether these charges are fair and reasonable or whether they consider that lower charges would be more appropriate.

Option 2 Charge fees which cover the administrative costs of issuing and administering licences (new and existing).

There is a cost to the Council in terms of administrative time and resources in producing these licences. There is an argument that Council Tax payers in general should not foot the bill for providing a small number of people with formal access rights which in many cases will enhance the value of their properties and that it should therefore be recharged to the individuals concerned. In practice costs would vary depending on payment methods. If this option were to be chosen, it is likely that the fees would be around the same level of those for existing licences. This would also mean retaining charges which are different from those recommended by an independent valuer. In addition the future year increases to existing licences proposed in the previous Cabinet report would not be implemented as the Council would only seek to recover the administrative costs of producing the licences.

Option 3 Charge a nominal fee for licences.

There would be administrative costs involved which would exceed the nominal fees charged and a loss of income from existing licences of £8,000 a year.

Option 4 Issue free licences

As mentioned above there would be administrative costs which Council Tax payers in general would have to pay for. It would also be unfair to ask existing licence payers to continue to pay so there would be the loss of the £8,000 budgeted income from existing licences. Members may consider, however, that in some cases licences could be granted for free, perhaps for the length of the occupation of the current residents.



## DETAILS OF REVIEW PROCESS

<b>Milestone</b>	<b>Objective</b>	<b>Date</b>
<b>Working Group established</b>	To undertake site reviews	September 2009
<b>Report to CLT</b>	CLT approval to progress to next stage plan	October 2011
<b>Next stage plan completed</b>	Details of all license requirements, fee proposals and site evaluations	June 2012
<b>Report to CLT</b>	CLT approval to implement review	August 2012
<b>Report to Strategy Group</b>	SG approval to implement review	14 <sup>th</sup> August 2012
<b>Report to Cabinet</b>	Cabinet approval to implement review	31 <sup>st</sup> October 2012
<b>Implementation plan agreed including updated Communication Strategy</b>	Letters, communication strategy agreed and in place	2 <sup>nd</sup> November 2012
<b>Letters sent out to Ward Members &amp; Parishes</b>	To alert Ward members	12 November 2012
<b>Letters sent out to residents affected</b>	Implementation of the review	21 <sup>st</sup> January 2013
<b>Council meeting</b>	To hear motion	26 <sup>th</sup> February 2013
<b>Policy Development Group Report completed</b>	To compile a comprehensive report with options.	7 <sup>th</sup> March 2013
<b>Policy Development Group</b>	For Policy Development Group to receive information which will enable it to make recommendations to Cabinet regarding the implementation of the review of access licences	19 <sup>th</sup> March 2013





MINUTES of a meeting of the CABINET held in the Board Room, Council Offices, Coalville on WEDNESDAY, 31 OCTOBER 2012

Present: Councillor R Blunt (Chairman) (In the Chair)

Councillors R D Bayliss, T J Pendleton, N J Rushton and A V Smith.

In attendance: Councillors R Johnson and J Legrys.

Officers: Mr S Bambrick, Mr R Bowmer, Ms C Fisher, Mrs C Hammond and Miss E Warhurst.

**49. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**50. DECLARATION OF INTERESTS**

There were no declarations of interest.

**51. PUBLIC QUESTION AND ANSWER SESSION**

There were no questions received.

**52. MINUTES**

Consideration was given to the minutes of the meeting held on 25 September 2012.

RESOLVED THAT:

The minutes of the meeting held on 25 September 2012 be approved and signed by the Chairman as a correct record.

**Reason for decision:** To comply with the Constitution.

**53. PROPOSAL FOR THE POOLING OF BUSINESS RATES**

The Corporate Portfolio Holder presented the report to members. He highlighted to members that the authority would benefit from the extra resources that would be retained by the pool.

RESOLVED THAT:

1) Cabinet agrees to enter into the pooling agreement subject to the Head of Legal Services being satisfied as to the governance arrangements.

2(i)) Cabinet delegates authority to the Chief Executive and Section 151 Officer in conjunction with the Corporate Portfolio Holder to negotiate the terms of the agreement and

2(ii)) Cabinet delegates authority to the Chief Executive and Section 151 Officer in

Chairman's signature

Conjunction with the Corporate Portfolio Holder to enter into a legal agreement to participate in a Business Rates Pooling Submission to Central Government.

**Reason for decision:** Cabinet approval is required to enter into business rate pooling arrangements.

#### **54. CORPORATE CHARGING POLICY**

The Corporate Portfolio Holder presented the report to members. He highlighted that the Council at present does not have a charging policy and the policy is part of the Council's response to the ongoing financial challenge that it faces.

RESOLVED THAT:

- 1) Cabinet approves the draft Corporate Charging Policy.
- 2) Cabinet delegates authority to the Head of Finance in consultation with the Portfolio Holder to make amendments to the Charging Policy as a result of legislative changes.

**Reason for decision:** To provide a policy framework for the reviewing of fees and charges.

#### **55. EFFECTIVE ASSET MANAGEMENT - REVIEW OF LEASES AND LICENCES**

The Corporate Portfolio Holder presented the report to members. He highlighted that it was prudent for any business to review its leases and licences, and currently the licence fees had not been reviewed for a number of years.

RESLOVED THAT:

Cabinet approves the recommendations of the review and authority be delegated to the S151 Officer in consultation with the Corporate Portfolio Holder to implement them.

**Reason for decision:**

If the recommendations in the review are approved it will give the District Council the opportunity to control the use of its assets and formalise any access rights granted. It will also give the District Council the opportunity to prevent issues of land sterilisation and ensure that residents using the council's land who have the benefit of a licence are treated equitably in terms of the fee.

The meeting closed at 5.05pm.

Chairman's signature

## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

### CABINET - 31 OCTOBER 2012

Title of report	<b>EFFECTIVE ASSET MANAGEMENT - REVIEW OF LEASES AND LICENSES</b>
Key Decision	a) Financial No b) Community Yes
Contacts	Councillor Nick Rushton 01530 412059 <a href="mailto:nicholas.rushton@nwleicestershire.gov.uk">nicholas.rushton@nwleicestershire.gov.uk</a>  Chief Executive 01530 4545500 <a href="mailto:christine.fisher@nwleicestershire.gov.uk">christine.fisher@nwleicestershire.gov.uk</a>  Head of Finance 01530 454520 <a href="mailto:ray.bowmer@nwleicestershire.gov.uk">ray.bowmer@nwleicestershire.gov.uk</a>
Purpose of report	To seek cabinet approval to progress the recommendations identified in a review that has been undertaken on the leases and licences.
Reason for Decision	If the recommendations in the review are approved it will give the District Council the opportunity to control the use of its assets and formalise any access rights granted. It will also give the District Council the opportunity to prevent issues of land sterilisation and ensure that residents using the council's land who have the benefit of a licence are treated equitably in terms of the fee.
Council Priorities	Value for Money
Financial/Staff	There is significant additional revenue to be realised from licences granted at open market rates. The council is currently generating £8,436 per annum from its existing licences. This could increase to up to £33,000 within four years if the recommendations of this review are implemented.

Link to relevant CAT	Not applicable
Risk Management	A risk register is available in Appendix B
Equalities Impact Assessment	This review will ensure that any licence fees that are applied by the District are fair and consistent to the general public.
Human Rights	None discernable from the report
Transformational Government	Not applicable
Comments of Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	As author of the report, the report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	Asset Management Group Licences Working Group Corporate Leadership Team
Background papers	There are no background papers
Recommendations	<b>THAT CABINET APPROVES THE RECOMMENDATIONS OF THE REVIEW, AUTHORITY BE DELEGATED TO S151 OFFICER IN CONSULTATION WITH CORPORATE PORTFOLIO HOLDER TO IMPLEMENT THEM.</b>

## 1.0 BACKGROUND

- 1.1 The District Council owns numerous sites around the district over which public, local residents or organisations gain vehicular or pedestrian access for which an access licence is required from the Council. The Council also provides licences for the use of land for recreational and grazing purposes which are dealt with upon request. The council currently has an inconsistent approach to these arrangements in terms of requiring a formal agreement and reviewing the licences. The council proposes to regularise this to ensure that the fees charged are consistent with the type of access licence being granted. Furthermore, it will give the council the opportunity to control the

use of its assets by formalising any access rights being made and to guard against the risk of land sterilisation. Regular reviews of the use of its assets is something that a prudent landowner would do.

- 1.2 The findings from this review have suggested that current licence fees have not been reviewed for several years and therefore the existing licences are being charged below the market value. The administration costs in producing some of these licences are outweighing the licence fee that is being generated from them.
- 1.3 Furthermore, survey work undertaken has also identified that there are many people gaining unauthorised access over District Council owned land without a licence and this review is to ensure residents using the council's land have the benefit of a licence and treated equitably in terms of the fee and also to prevent issues of land sterilisation. In the majority of cases of unauthorised use the District Council will be happy to grant an access licence subject to a payment of a licence fee.
- 1.4 The District Council proposes to review existing licences by having them valued by an independent Valuer at open market rate. In order to make it more cost efficient for the council and to ensure that licence fees applied are fair and consistent with the type of access being granted; the licence group reviewed all the different type of access required and established six beacon groupings for the different type of licences that had been identified. Each group has been allocated a fee as detailed in Appendix A .The District Valuer has recommended that Group 4 is broken down into further sub groups to reflect the rateable values that should be applied to determine licence fees for non domestic properties accessing council land. This beacon approach will be applied for existing licences but the fees will be charged incrementally over three years. For licences and leases which are for rent of land rather than access, it will be necessary to value them separately as the size, and type of land will determine the licence fee. In isolated number of cases where licence requirements are not in alignment with the description of one of the six groups it will be managed on a site by site basis.
- 1.5 An Officer has been appointed from each service area who will be responsible for establishing where unauthorised access is being gained and advising Property Services of any new licence requirements. Property Services will administer existing and new licences and provide the Project Management and technical support for the project. Property Services will inform the appropriate Officer of any rejected licence offers and the Officer will be responsible for ensuring that there is no further access across council land with support from Legal and Property Services.

## **2.0 SUMMARY OF PROPOSED SCHEME**

2.1 To summarise the Licences and Leases review includes:

- Officers from each service area will identify licence requirements and inform property services.
- The Parish/District Councillors will be informed of the review.

- A Communications Strategy will be developed to respond to any queries or concerns and Customer Services will be involved with the review and therefore able to deal with any enquiries
- The District Valuer will value the beacons to determine Licence Fees. Any new leases/licences requests for rent of land will be determined by the Asset Management Group.
- New access Licences will be implemented in year 1, Residents will be informed about the review and invited to apply for one. Should they decide not to apply for a licence and continue to use the access steps will be taken to bring the use to an end.
- Property services will prepare Heads of Terms for the licences for approval by the Licences Working Group. Legal Services will prepare the Licence agreement templates which will be used to issue new and existing Licences.
- Officers from each service area will be informed of implemented Licences and those who do not wish to apply for one.
- Existing Licence holders will be informed of the review in year 2 and licence fees will be introduced incrementally.

### 3.0 TIMESCALES

- 3.1 It is proposed that new licences will be implemented in year 1 and existing licences will be reviewed in year 2. This is to reduce the impact and to ensure that the council are able to protect and control the use of its assets by formalising any access rights granted immediately.

### 4.0 FINANCIAL IMPLICATIONS

- 4.1 The table below compares the income that can be generated if this review is progressed and if all potential licences are implemented using the beacon approach (please refer to appendix A) with the income that would be generated if we decided not to progress this review allowing a small increase to the existing licences.

	No. of Current Licenses	Existing income	No. of new Proposed Licenses	Proposed Income	Additional Income
2013/2014	45	£8436	214	£25,651	£17,215
2014/2015	45	£8608	214	£27,557	£18,949
2015/2016	45	£8783	214	£30,323	£21,360
2016/2017	45	£8963	214	£32,899	£23,936

## Appendix A

Group No	Type of Access	License Fee	No. of Existing Licenses	No. of New Licences	Year 1 2013/14	Year 2 2014/15	Year 3 2015/16	Year 4 2016/17
1	Pedestrian access to dwelling over private land	Current Annual Fee: 35 (year1)  New Annual Fee: £20	2	64	<b>£1350</b>  $(64 * 20 = 1280$ $2 * 35 = 70)$	<b>£1320</b>  (66*20)	<b>£1320</b>  (66*20)	<b>£1320</b>  (66*20)
2	Pedestrian access to dwelling over public land	New Annual Fee: £20	0	45	<b>£900</b>  $(45*20)$	<b>£900</b>  $(45*20)$	<b>£900</b>  $(45*20)$	<b>£900</b>  $(45*20)$
3	Vehicular Access over private land to dwelling	Current Annual Fee £35 (year1)  New Annual Fee: £90  Year 2: £35 Year 3: £70 Year 4: £90	17	70	<b>£6895</b>  $70 * 90 = 6,300 + 17 * 35 = 595$	<b>£6895</b>  $70 * 90 = 6,300 + 17 * 35 = 595$	<b>£7490</b>  $70 * 90 = 6,300 + 17 * 70 =$	<b>£7,830</b>  $70 * 90 = £6,300 + 17 * 90 = £1530$
4	Vehicular Access Over council land to non domestic property	See below for sub groups within Beacon 4  Current £35	2	20	<b>£7055</b>  $(6985 + 70)$	<b>£7,215</b>  (6985 + 230)	<b>£7435</b>  (6985 +450)	<b>£7685</b>  (6985 +700)
5	Vehicular Access over Public land to Hardstanding	Current Fee:£35 (year1)  Annual Fee: £90	1	5	<b>£485</b>  $(5*90 = 450 + 35)$	<b>£485</b>  $(5*90 = 450 + 35)$	<b>£520</b>  $(5*90 + 70)$	<b>£540</b>  $(5*90 +90)$

		Year 2: £35 Year 3: £70 Year 4: £90						
6	Vehicular Access over public land to garage	Current Fee: £35 (year1)  Annual Fee: £130 Year 2: £40 Year 3: £80 Year 4: £130	4	10	<b>£1,440</b>  <b>(10*130 = 1300+35*4 = 140)</b>	<b>£1,460</b>  (10*130 = 1300 +4*40)	<b>£1620</b>  (10*130 = 1300 +4*80)	<b>£1820</b>  (10*130 = 1300 +4*130 = )
	Rent of Council land  (Predicted rental income of land on a site by site basis which will be valued in year 2014/15)	Predicted income:  Current income: £7,526 (year1)  Year 2 - £9,282 Year 3 - £11,038 Year 4 - £12,794	19	0	<b>£7,526</b>	<b>£9282</b>	<b>£11,038</b>	<b>£12,794</b>
	<b>Total</b>		<b>45</b>	<b>214</b>	<b>£25651</b>	<b>£27,557</b>	<b>£30,323</b>	<b>£32,889</b>



#### Subgroups within Beacon 4

Group 4	Licence Type	Rateable Value Up to	Annual Licence Fee
	Access over council land to club/public Service	£5,000	£120 Year 1 - £40 Year 2 - £80 Year 3 - £120
	Access over council land to club/public Service	£7,500	£175 Year 1 - £60 Year 2 - £120 Year 3 - £175
	Access over council land to club/public Service	£10,000	£235 Year 1 - £80 Year 2 - £180 Year 3 - £235
	Access over council land to club/public Service	£12,500	£290 Year 1 - £100 Year 2 - £200 Year 3 - £290
	Access over council land to club/public Service	£15,000	£350 Year 1 - £120 Year 2 - £240 Year 3 - £350
	Access over council land to club/public Service	£17,500	£400 Year 1 - £140 Year 2 - £280 Year 3 - £400
	Access over council land to club/public Service	£20,000	£450 Year 1 - £150 Year 2 - £300 Year 3 - £450
	Access over council land to club/public Service	Over £20,000	£500 Year 1 - £170 Year 2 - £350 Year 3 - £500

Group 4	Licence Type	Rateable Value Up to	Group 4
	Access over council land to private commercial property	£5,000	£140 Year 1 - £40 Year 2 - £80 Year 3 - £140
	Access over council land to private commercial property	£7,500	£210 Year 1 - £70 Year 2 - £140 Year 3 - £210
	Access over council land to private commercial property	£10,000	£280 Year 1 - £90 Year 2 - £180 Year 3 - £210
	Access over council land to private commercial property	£12,500	£350 Year 1 - £120 Year 2 - £240 Year 3 - £350
	Access over council land to private commercial property	£15,000	£420 Year 1 - £140 Year 2 - £280 Year 3 - £420
	Access over council land to private commercial property	£17,500	£490 Year 1 - £160 Year 2 - £330 Year 3 - £490
	Access over council land to private commercial property	£20,000	£560 Year 1 - £190 Year 2 - £370 Year 3 - £560
	Access over council land to private commercial property	Over £20,000	£600 Year 1 - £200 Year 2 - £400 Year 3 - £600

## Appendix B

### Risk Register

Risk	Impact	Probability	Control
Claims for prescriptive rights	High	Medium	Communicating the council's objection to unauthorised access as soon as possible
Sterilisation of council land	High	Medium	Communicating the council's objection to unauthorised access as soon as possible Ensuring defective title insurance is in place should we decide to develop the land. However this can be quite costly.
Costs incurred will outweigh the income generated	Medium	Medium	Ensuring the district Valuer is provided with as much information as possible in order to keep his fees to an absolute minimum
Negative PR	High	High	A communications plan is drawn up and potential licensees are consulted about the review.



Dear Councillor / Parish Clerk

## **LEASES AND LICENCES REVIEW FOR THE USE OF COUNCIL LAND**

The District Council owns numerous sites around the district where the public, local residents or organisations gain vehicular or pedestrian access for which an access licence is required from the Council. The Council also provides licences for the use of land for recreational and grazing purposes which are dealt with upon request. As part of its asset management programme the Council has looked at how it deals with these licences. The outcome of the review was to ensure that the Council was treating all licensees and lessees fairly and consistently in light of the current austere financial climate, and the principals of efficient asset management.

The review found that current licence fees had not been reviewed for several years and that there were people gaining unauthorised access over District Council owned land without a licence. This meant that some people were not paying for the use of the access when they should have been and other, existing licensees were not paying a reasonable market rate for the benefit of the access. Also, as a result the administrative costs in dealing with the licensees and unauthorised use outweighed the licence income, therefore representing a cost to the Council taxpayers at large. The review also identified that it was important to regularise the position with a formal legal agreement to prevent land sterilisation issues which could potentially limit the Council's ability to manage and use the land in future.

The Council intends to regularise the position in terms of residents with and without the benefit of a licence. We will be contacting those who do not have a licence and inviting them to apply for one. In the majority of cases the District Council will be happy to grant a licence subject to a formal agreement being in place. Should they decide not to apply for a licence and continue to use the access then steps will be taken to bring the use to an end.

To ensure transparency and independence, the Council has engaged the services of the District Valuer on this matter. We have asked the District Valuer to formally assess the current level of licence fee to ensure consistency. The District Valuer has completed his assessment and has provided up to date valuations for the licences, reflecting the current market position.

Where an increase in fees has been identified by the District Valuer, the Council will implement the change incrementally over 3 years to help manage the effect. The Council will notify residents of the potential increases to their licence fees before they are implemented giving them the opportunity to address any concerns.

This exercise will give the District Council the opportunity to control the use of its assets and formalise any access rights granted. One of the Council's priorities is to provide good value for money for everyone in the district. The review of access licences aims to ensure that residents requiring access to their properties can continue to have access rights at a fair rate without additional subsidy from the Council and to ensure that licence fees charged are consistent with the type of licence being granted.

I attach for information two letters that the Council will be sending out informing residents that may be affected by the review.

Appendix (a) a letter that will be sent to residents that may be gaining access over District owned land without a licence, this will be sent out early in January 2013

Appendix (b) a letter to be sent out to existing licence holders informing them of the review and identifying any potential increases or decreases to their current charges, this will be sent out in July 2013

Should you have any further queries please do not hesitate to contact me.

Yours sincerely

Ray Bowmer  
Head of Finance

E-mail: [ray.bowmer@nwleicestershire.gov.uk](mailto:ray.bowmer@nwleicestershire.gov.uk)

Appendix (a)  
Sent out early January 2013

Dear [The Occupier]

Subject to contract

**RIGHT OF ACCESS OVER COUNCIL OWNED LAND TO REAR OF [LOCATION]**

The Council has recently reviewed the use of its land and is writing to all residents who may be accessing Council owned land who currently do not appear to have a vehicular / pedestrian access licence from the Council permitting this access. From our records it is our understanding that you may be accessing Council land at [ ] without a licence.

The Council does allow a number of residents to have an access over its land. Those residents are required to have a license agreement with the council and are charged a fee at market rate.

In order to regulate our services and in line with the Council's priority to provide good value for money for everyone in the district, we are reviewing the licences to ensure that residents requiring access to their properties can have access rights at a fair rate with a formal legal agreement in place.

To ensure transparency and independence, the Council has asked the District Valuer to decide the amount of the licence fee. The District Valuer has set the licence fee for the above access at £..... for this year.

If you do require access over the Council land could you please complete the attached form by no later than [date]. Once I receive this signed form the licence will be prepared and sent to you.

If you do not require the access can you please complete the attached form confirming this.

Should you wish to discuss this matter further, please contact Simon Harvey, Property and Asset Manager, on 01530 454550.

Yours sincerely

Ray Bowmer  
Head of Finance

E-mail: ray.bowmer@nwleicestershire.gov.uk

ms2021jf

ANNUAL LICENCE FOR RIGHT OF ACCESS OVER COUNCIL OWNED LAND TO THE REAR OF [ ]

**Please complete and return at the above address**

I ..... Of .....

(Name)

(Address)

Do / Do not (delete as appropriate)

Require access to the rear of my property over Council owned land.

I acknowledge that I have no right to obtain access to the rear of my property without the express consent of the Council.

Signed ..... Date .....

ms1021jf

Appendix (b)  
Sent out July 2013  
Dear [The Occupier]

Subject to contract

**RIGHT OF ACCESS OVER COUNCIL OWNED LAND TO REAR OF [LOCATION]**

The Council has recently reviewed all of the licences issued for the use of Council land.

We are writing to you as, from our records, you currently hold a licence for right of access over Council owned land.

The aim of the review is to ensure that appropriate licences are in place and licensing charges are consistent and fair.

To ensure transparency and independence, the Council has asked the District Valuer to decide the amount of the licence fee. The District Valuer has set the licence fee at £..... The Council proposes to implement the change incrementally over 3 years as follows:

From 1 April 2014  
From 1 April 2015  
From 1 April 2016

In the event that the valuation is lower than the current fees, this reduced rate will take immediate effect.

I would be grateful if you could confirm whether or not you wish to continue using the access by completing and returning the attached form by [date]. If you do not return the form to us by [date] we will assume that you wish to continue using the access and a new licence will be arranged.

In the meantime, if you have any questions or would like any further information about this process, then please contact Simon Harvey, Property and Asset Manager, on 01530 454550.

Yours sincerely

Ray Bowmer  
Head of Finance

E-mail: ray.bowmer@nwleicestershire.gov.uk

ms1020jf



ANNUAL LICENCE FOR RIGHT OF ACCESS OVER COUNCIL OWNED LAND TO THE REAR OF [ ]

**Please complete and return at the above address**

I ..... Of .....

(Name)

(Address)

Do / Do not (delete as appropriate)

Require access to the rear of my property over Council owned land.

I acknowledge that I have no right to obtain access to the rear of my property without the express consent of the Council.

Signed ..... Date .....



Dear [The Occupier]

Subject to contract

**RIGHT OF ACCESS OVER COUNCIL OWNED LAND TO REAR OF [LOCATION]**

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If you do not require the access can you please complete the attached form confirming this.

Should you wish to discuss this matter further, please contact Simon Harvey, Property and Asset Manager, on 01530 454550.

Yours sincerely

Ray Bowmer  
Head of Finance

E-mail: ray.bowmer@nwleicestershire.gov.uk

ms2021jf

ANNUAL LICENCE FOR RIGHT OF ACCESS OVER COUNCIL OWNED LAND TO THE REAR OF [                    ]

**Please complete and return at the above address**

I ..... **Of** .....

(Name)

(Address)

Do / Do not (delete as appropriate)

Require access to the rear of my property over Council owned land.

I acknowledge that I have no right to obtain access to the rear of my property without the express consent of the Council.

Signed ..... Date .....

ms1021jf