

PFCC Decision Report

Report reference number: PFCC/144/22
Classification: OFFICIAL
Title of report: Deed of Modification to vary the original Release of Restrictive Covenant – 2/2A La Plata Grove
Area of county / stakeholders affected: District of Brentwood
Report by: Patrick Duffy – Head of Estates Chief Officer: Mark Gilmartin (Director of Support Services) Date of report: 09 September 2022 Enquiries to: Patrick.Duffy@essex.pnn.police.uk

1. Executive Summary

This Decision Report seeks approval to a Deed of Modification to vary the original Deed of Release of Restrictive Covenant on a former police house at 2La Plata Grove, Brentwood.

2. Recommendations

The recommendation to the PFCC is to engross the attached Deed of Modification to vary the existing Deed of Release of the Restrictive Covenant, to enable the owners of 2A La Plata Grove to sell their property, providing they provide an undertaking to pay Essex Police legal costs of £750 plus VAT (at no cost to Essex Police).

3. Background to the Proposal

The former police house at 2 La Plata Grove was disposed of on 25th September 2009, and at that time of disposing of the former police house there was a covenant placed on the property/land stating it could only be used as a single private dwelling house with the occupation of one family amongst other conditions. The purpose was to protect the interests of Essex Police, in particular Brentwood Police Station which directly adjoins the property. The former Brentwood Police Station has been disposed of recently and therefore future development of this land could impact on the property in question.

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The owner of 2 La Plata Grove subsequently received planning consent to build an additional dwelling on part of the land, after making an approach to Essex Police for release of the restrictive covenant for which the PFCC received £25,000 of Capital Receipt. Approval to release the restrictive covenant was given by the PFCC on 24th September 2019 under Decision Sheet PFCC.079.19 and the Deed of Release of Restrictive Covenant was completed on 11th December 2019.

However, it has since been established that the Release of Restrictive Covenant did not allow for the property at 2A La Plata Grove to be used as an additional single private dwelling and the owner requires this modification to enable them to sell the property.

The proposal is to engross the Deed of Modification to vary the existing Deed of Release of the Restrictive Covenant.

4. Proposal and Associated Benefits

The proposal is to engross the Deed of Modification to vary the existing Deed of Release of the Restrictive Covenant. To protect the PFCC from any possible legal claim as the previous Deed of Release of the Restrictive Covenant on 2 La Plata Grove, for which the PFCC received £25,000. The intention was to fully release the restriction.

5. Options Analysis

Not to permit the Deed of Modification - Rejected - The owner of 2A La Plata may take legal action against the PFCC and the delay may affect the sale of the property and give rise to seeking compensation for loss.

6. Consultation and Engagement

There has been no consultation or engagement on this decision report.

7. Strategic Links

There are no strategic links associated to this decision report.

8. Police operational implications

There are no operational implications associated with this decision report.

9. Financial implications

There are no financial implications associated to this decision report if approved.

10. Legal implications

There are no negative legal implications arising from the Deed of Modification, the Deed will be utilised in ensuring the covenant removal is documented with Land Registry.

11. Staffing implications

There are no staffing or resource implications associated with this decision report.

12. Equality and Diversity implications

It is not considered that an Equality Impact Assessment is required for this decision report.

13. Risks and Mitigations

There are no operational risks arising from entering into the Deed of Modification. If the Deed is not agreed and issued, the owner could take legal action against the PFCC and the delay may affect the sale of the property and give rise to seeking compensation for loss.

14. Governance Boards

The following decision has not been through any governance boards.

15. Links to Future Plans

There are no links to future plans associated with this decision report.

14. Background Papers and Appendices

Decision Sheet PFCC.079.10 (Published)



PFCC.079.19
Release of Restrictiv

Deed of Modifications (Not to be Published)



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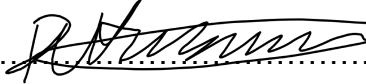
Estate Strategy 2018 – 2023

<http://www.essex.pfcc.police.uk/finance-reporting/publications/police-estates-strategy/>

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Report Approval

The report will be signed off by the OPFCC Chief Executive and Treasurer prior to review and sign off by the PFCC / DPFCC.

Chief Executive / M.O. Sign: 

Print: ...Darren Horsman - Deputy Monitoring Officer

Date: ..29/9/2022.....

Chief Finance Officer / Treasurer Sign: 

Print: ..Janet Perry.....

Date: ..29 September 2022.....

Publication

Is the report for publication? YES

NO

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'None' if applicable)

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If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

Redaction

If the report is for publication, is redaction required:

1. Of Decision Sheet? YES NO

2. Of Appendix? YES NO

If 'YES', please provide details of required redaction:

The Deed of Rectification contains personal information protected under the Data Protection Act

Date redaction carried out: ..5 October 2022.....

Treasurer / Chief Executive Sign Off – for Redactions only

If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.


Sign:

Print:

Chief Executive/Treasurer

Decision and Final Sign Off

I agree the recommendations to this report:

Sign: 

Print: Roger Hirst

PFCC

Date signed: 30 September 2022

I do not agree the recommendations to this report because:

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Sign:

Print:

PFCC/Deputy PFCC

Date signed: