



**Philip Secombe
Police and Crime
Commissioner
for Warwickshire**

Decision Application WPC20032

RELEASE OF RESTRICTIVE COVENANTS

Application Date:	10.1.18	Name of Applicant:	N Hewison
Application Decision Reference: WPC20032			
1. Summary of the application			
Release of Restrictive Covenants – Tanworth in Arden Police House			
2. Background information:			
This decision notice applies to the release of an option to repurchase (and associated covenants) under the original conveyance that can no longer be enforced in respect of Tanworth in Arden Police House, Bates Lane, Tanworth in Arden, Solihull, B94 5AR			
The reason and rationale is clearly set out in the attached report from Place Partnership Ltd (PPL)			
3. Whether additional information/report is attached to support this decision application			
YES			
List of additional information/report			
a) Report from Place Partnership Ltd (PPL)			
b) Covenants – Tanworth in Arden – Police House			
4. Expected benefits (non financial)			
NIL			
5. Impact of not approving the application			
The current owner of the property would not be able to sell the property unencumbered which is unreasonable seeing as rights for the PCC to repurchase			

the property lapsed during 2008 and the original covenants are now redundant. The OPCC has no legal interest in the property or land abutting the site.

6. Costs

NIL

Revenue:

The current owner of the property have agreed to pay the OPCC for Warwickshire Legal costs whether the sale is completed or not.

Capital:

7. Savings:

N/A

8. Equality and Diversity Implications:

N/A

9. Treasurer's comments

N/A There are no financial implications for the PCC.

10. Legal/Monitoring Officer comments

As per the PPL report attached which has been approved by the OPCC lawyer

Decision of the Police and Crime Commissioner

Agreed



PCC Signature:

Date of Decision: 10.1.2018



To: Richard Elkin – Director of Enabling Services, Warwickshire Police & West Mercia Police
Heather Costello – Director of Finance, Warwickshire Police & West Mercia Police
Office of Police and Crime Commissioner for Warwickshire Police

From: David Squires-Clark – Associate Director, Place Partnership Ltd

Tel: (07710) 716665

Date: 10 October 2017

Subject: RELEASE OF RESTRICTIVE COVENANTS – Tanworth in Arden Police House, Bates Lane, Tanworth in Arden, SOLIHULL, B94 5AR

Summary

This memorandum sets out details of the proposed release of the option to repurchase (and associated covenants) under the original conveyance that can no longer be enforced in respect of the above property on terms and conditions considered acceptable to the Office of Police and Crime Commissioner for Warwickshire Police (OPCC for Warwickshire).

Introduction

Tanworth in Arden Police House is a former Police house purchased under the Country Beat Housing Discount Scheme in December 1987. The terms of the sale included an option in favour of the Vendor (at that time Warwickshire County Council) that on the triggering of certain events Warwickshire County Council could repurchase the property.

The option no longer applies and the current owners have requested it be removed in order to allow the property to be sold unencumbered.

Background

The option to repurchase the property could only be exercised within a period of 21 years.

The right for the Police Authority to exercise the option lapsed in 2008. Other covenants included under the original conveyance are also redundant, having been included in anticipation that the property may be repurchased and used for Police purposes.

The beneficiaries of the option transferred by virtue of the following statutory instruments:-

- 1) The County Council to The Warwickshire Police Authority on 1st April 1995 by virtue of Article 9 of the Police and Magistrates' Courts Act 1994 (Commencement No. 5 and Transitional Provisions) Order 1994 and an agreement for the transfer of assets and



liabilities dated 25th April 1995 made between The Warwickshire County Council (1) and The Warwickshire Police Authority (2).

- 2) The Warwickshire Police Authority to The Police and Crime Commissioner for Warwickshire on 22nd November 2012 by virtue of Paragraph 5 of Part 2 of Schedule 15 to the Police Reform and Social Responsibility Act 2011.

Police property records indicate that OPCC for Warwickshire has no legal interest in this property or the land immediately abutting the site.

The current owners are considering selling the property and have requested OPCC for Warwickshire enter into a Deed of Release which the current owners will register at Land Registry, providing any purchaser with the comfort that the option and the covenants no longer apply.

The current owners will pay the Police OPCC for Warwickshire Legal costs whether or not this matter proceeds to completion.

Present Position

The opportunity to repurchase the property has passed. The Deed of Release removes the historic obligations resulting in clear title for any purchaser and its successors to enjoy the benefits of the property, unfettered.

Recommendation

That subject to contract, the Deed of Release take place on terms and conditions acceptable to the Office of Police and Crime Commissioner.

This memorandum has been approved by Annette Thomas of Warwickshire Legal Services on behalf of the blended Legal Service for and on behalf of Warwickshire Police and West Mercia Police.

Authorisation

Place Partnership Ltd recommend entering the proposed Deed of Release as outlined above and would be grateful if you could please indicate your authorisation to this transaction by signing and returning a copy of this report.

Kind regards,

A handwritten signature in black ink, appearing to read 'David Squires-Clark'.

David Squires-Clark
Associate Director, Property Management, Place Partnership Ltd



A handwritten signature in black ink, appearing to be 'Richard Elkin'.

16/10/17

Signed - Richard Elkin, Director of Enabling Services,
Warwickshire Police & West Mercia Police

Dated

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..... 18/10/2017

Signed - Heather Costello, Director of Finance,
Warwickshire Police & West Mercia Police

Dated

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Signed - Office of Police and Crime Commissioner for Warwickshire Police Dated

A handwritten signature in black ink, appearing to be 'Philip Jones'.
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..... 10th January 2018

