

Committee: King George's Field Charity Board	Date: 17 th June 2009	Classification: Unrestricted	Report No: (KGFCB/04/0 89)	Agenda Item:
Report of: Assistant Chief Executive (Legal Services) Originating officer(s) David Galpin, Head of Legal Services - Community		Title: Decision concerning land near the Palm Tree Wards Affected:		

1. SUMMARY

1.1 On 4 February 2009, the Adjudicator to HM Land Registry published a decision in the case of the London Borough of Tower Hamlets v A Barrett and V Barrett concerning land at Mile End Park, London.

1.2 This report provides an update consequent upon the Adjudicator's decision.

2. RECOMMENDATIONS

The Board is recommended to:-

2.1 Note the report.

3. BACKGROUND

3.1 On 22 April 2004, the Council applied to HM Land Registry to be registered as owner of former highway land near the Palm Tree public house and Mile End Park. The land, which was stopped up in 1983, constitutes part of a car park. A plan of the land the subject of the application is attached as Appendix 1.

3.2 Objection was taken to the Council being registered by A Barrett and V Barrett who hold the freehold title to the Palm Tree public house. The Barretts mounted the following arguments, which applied either cumulatively or in the alternative: (1) they had acquired all or part of the land by adverse possession; (2) the boundaries had been fixed by agreement; and (3) the Council is estopped from denying their title to the land.

4. BODY OF REPORT

4.1 The dispute was heard by the Adjudicator to HM Land Registry at a hearing on 14 and 15 January 2009. On 4 February 2009, the Adjudicator published a decision finding that the Council is entitled to be registered as the freehold proprietor of the land in accordance with its application. The Adjudicator rejected the claims made by the Barretts and ordered that they should pay the Council's costs.

4.2 The Barretts have sought to appeal the Adjudicator's decision and an update will be provided in relation to this in due course.

4.3 The land the subject of the dispute will likely need to be considered in the context of the preparation of plans contemplated in the report on governance of the King George's Fields Trusts presented to the meeting of the Board on 15 April 2009.

5. COMMENTS OF THE CHIEF FINANCIAL OFFICER

5.1 This report is principally for noting and as such there are no specific financial implications with the exception of any costs associated with the appeal which will be met from the Mile End Park Budget.

6. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

6.1 There are no additional comments beyond those set out in the report.

7. ONE TOWER HAMLETS CONSIDERATIONS

7.1 There are no specific One Tower Hamlets considerations arising.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no specific sustainable action considerations arising.

9. RISK MANAGEMENT IMPLICATIONS

9.1 The Council was successful before the Adjudicator and it is considered the Council has reasonable prospects in the proceedings.

10. EFFICIENCY STATEMENT

10.1 Securing title to the disputed land is consistent with the Council's best value duty.

Local Government Act, 1972 Section 100D (As amended) List of "Background Papers" used in the preparation of this report

Brief description of "back ground papers"	Name and telephone number of holder and address where open to inspection.
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11. APPENDICES

Appendix 1 – Notice Plan