

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	25 November 2015
Subject:	Transfer of Public Open Space Land off Starling Road to Wheatpieces Parish Council
Report of:	Simon Dix, Finance and Asset Management Group Manager
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Lead Member for Finance and Asset Management, Councillor Dave Waters
Number of Appendices:	One

Executive Summary:

The purpose of this report is to ask Members to agree to the transfer of the Public Open Space, adjacent to the Multi Use Games Area, to Wheatpieces Parish Council. The purpose of the transfer will be for the Parish to engage with the local community to provide football pitches and to increase community sporting and recreational use.

Recommendation:

The Committee RESOLVES that:

- 1. The Public Open Space off Starling Road, as outlined in red on the appended plan, is transferred to Wheatpieces Parish Council at nil consideration, but together with the commuted sum of £74,037.**
- 2. The Borough Solicitor be authorised to complete the disposal according to the terms set out in this report and additionally negotiated by the Finance and Asset Management Group Manager and such other terms as she considers necessary or advisable, in consultation with the Finance and Asset Management Group Manager.**

Reasons for Recommendation:

Wheatpieces Parish Council has shown an active commitment to maintaining land within its ownership and has long expressed an interest in adopting this land to increase sporting opportunities. The intended transfer would help to facilitate greater recreational and sporting use by the local community and would result in a more enhanced maintenance of the land by the Parish Council.

Resource Implications:

As landowner the Council has the financial responsibility for maintaining this area of land and

any possible liability in the event of any incidents occurring on the land. If the ownership of the land is transferred to the Parish Council then ongoing maintenance and liability will be taken on by the Parish. The Parish Council has met the advertising and valuation costs incurred in order for the Council to comply with the statutory requirements of the Local Government Act 1972, Section 123 (2A). A Section 106 amount of £74,037 will be transferred to the Parish for the ongoing maintenance and management of the land.

Legal Implications:

The Council has a statutory obligation under s123 of the Local Government Act 1972 to secure the best consideration that can reasonably be obtained when disposing of land. The Council can dispose of land at less than best consideration where the consent of the Secretary of State has been obtained: the Secretary of State has issued a general consent to such a disposal where the Council considers it to be for the social, economic or environmental benefit of the inhabitants of the Borough or any of them. The valuation of the site is set out in the report and, if minded to proceed with the disposal, Members must consider whether the purpose of the disposal meets the criteria set out by the Secretary of State.

The Council as landowner can take steps to protect the future of the land as public open space, including imposing restrictive covenants and the possibility of requiring that the land be offered back to the Council (at nil consideration) in the event of a proposed disposal or change of use.

Under s123(2A) of the 1972 Act, the Council has an obligation to advertise proposed disposal of public open space (even though the disposal is to another public body, and its future use is still intended to be public open space) in a local paper for a period of 2 consecutive weeks, and to consider any objections to the disposal. It is understood that in this instance there have been no objections.

Risk Management Implications:

The ongoing liability of the land will be transferred to the Parish therefore reducing the ongoing risk to the authority.

Performance Management Follow-up:

Should the report actions be approved then Asset Management will act as client on behalf of the Council by instructing One Legal to draft the transfer documents.

Environmental Implications:

None.

1.0 PUBLIC OPEN SPACE

1.1 Land off Starling Road, Wheatpieces, comprises 2.5 hectares of Public Open Space, and adjoins the Wheatpieces Multi Use Games Area, as shown outlined in red on the attached Plan. The land is currently used as a sports field and for outdoor recreational pursuits by the local community.

1.2 The Council is responsible for the maintenance of the field space and regular grass cutting.

- 1.3** The Council has recently marked out two football pitches on the field and will install goalposts should the transfer be approved funded by an existing S106 agreement.
- 1.4** The Parish Council has long expressed an interest in taking on the ownership of the field to support community sport and recreational activities. The area has already been successfully utilised by the community for fun runs, summer fetes, dog walking and general community activities.
- 1.5** The Parish Council has strong links with Tewkesbury Town Colts football club which has expressed an interest in using the site. The club has 21 registered teams, including 3 all girl teams and a Saturday morning coaching centre for 5-8 year olds. They are growing out of their current site at Tewkesbury School and the site would provide an opportunity for the development of youth football in the area.

2.0 OTHER OPTIONS CONSIDERED

- 2.1** The land is designated as public open space and therefore could not be considered as being suitable for future development.

3.0 CONSULTATION

- 3.1** The land that is the subject of this disposal is categorised as public open space. In this respect the Council has complied with its statutory duty (under the Local Government Act 1972) by advertising its intention to dispose of land consisting of a public open space in the local press on two occasions for two consecutive weeks. The two local Members have also been consulted.
- 3.2** No objections to the disposal have been received following this period of advertising and consultation.

4.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 4.1** None.

5.0 RELEVANT GOVERNMENT POLICIES

- 5.1** None.

6.0 RESOURCE IMPLICATIONS (Human/Property)

- 6.1** The disposal of this land parcel to the Parish Council will eliminate the need for Council resources to be spent on the future management and maintenance of the land.

7.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

- 7.1** The transfer of the land to the Parish Council will help to provide for an improved environment and facilitate more sustainable outdoor sports pitch facilities. The land will be used to increase youth playing opportunities, for example for the Tewkesbury Colts, while promoting social interaction and outdoor activity generally for the local community and for Tewkesbury.

8.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

8.1 The Council has a statutory obligation under s123 of the Local Government Act 1972 to ensure that it obtains best value for any land it sells. A valuation has been carried out which, taking into account the current and future restrictions on the land, has determined a value of £19,000.

9.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

9.1 None.

Background Papers: None.

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Appendices: 1. Public Open Space adjacent to the Multi-Use Games Area, Starling Road, Wheatpieces.