

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 25 October 2021

Dear Councillor

Notice of Meeting

Meeting **Cabinet**

Date **Tuesday, 2 November 2021**

Time **9.30 am**

Venue **Council Chamber, Civic Centre, Stone Cross, Rotary Way,
Northallerton, DL6 2UU**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To:	Councillors	Councillors
	M S Robson (Chairman)	P R Thompson
	P R Wilkinson (Vice-Chairman)	S Watson
	Mrs I Sanderson	D A Webster
	M G Taylor	

Other Members of the Council for information

Press and public are welcome to attend meetings of Cabinet. Due to current social distancing restrictions, measures have been implemented which limit the number of attendees able to be physically present in the meeting at any one time. Temporary arrangements are in place for members of the press and public to register their attendance no later than 24 hours in advance of the meeting taking place. Spaces are allocated on a first come first served basis. If you arrive at the Civic Centre to attend the meeting and have not registered in advance a space cannot be guaranteed if there are no vacant seats available. Members of the press and public are also able to observe the meeting virtually via Teams. Please click on the link on the website or dial 020 3855 5195 followed by the Conference ID: 413 171 052# For further information please contact Democratic Services on telephone 01609 767015 or email committeeservices@hambleton.gov.uk

Agenda

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1. Minutes

To confirm the decisions of the meeting held on 5 October 2021 (CA.31 - CA.35), previously circulated.

2. Apologies for Absence

Resources Management

3. Asset Transfer Management

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This report seeks the establishment of a policy to guide future consideration by the Council to requests that it transfers certain community assets between now and the intended implementation date of Local Government Reorganisation (LGR) on 1 April 2023.

In accepting the recommendation, Cabinet will approve and recommend to Council the adoption of the interim community asset transfer policy as identified in paragraph 1.8 of the report, and that Cabinet authorisation is sought, where necessary, for the approval of any transfers not yet sanctioned within Appendix 1 of the report.

Relevant Ward(s): All Wards

4. Queen's Green Canopy - Tree Planting Initiative

7 - 10

This report seeks Cabinet approval for the planting of trees in each Ward as part of the Queen's Green Canopy initiative.

In accepting the recommendations, Cabinet will approve the participation in the Queen's Green Canopy initiative in Hambleton and that financial provision is made as set out in paragraph 4.1 of the report.

Relevant Ward(s): All Wards

Hambleton District Council

Report To: Cabinet

Date: 2 November 2021

Subject: **Community Asset Transfer Management**

Portfolio Holder: Economic Development and Finance
Councillor P R Wilkinson

Wards Affected: All Wards

1.0 Purpose and Background

- 1.1 The purpose of this report is to establish a policy to guide future consideration by the Council to requests that it transfers certain community assets between now and the intended implementation date of Local Government Reorganisation (LGR) on 1 April 2023.
- 1.2 The Council is experiencing an increasing number of requests from Town and Parish Councils, and other organisations that lease community assets from the Council, requiring consideration to be given to transferring the assets into their ownership. Whilst motivations may vary for this increasing number of requests, it would appear that the imminence of LGR has influenced some organisations.
- 1.3 The reference in this report to Community assets means any land or buildings owned by the Council, and which the Council holds for use as public open space, recreation and leisure, and allotments with ancillary parking.
- 1.4 Community asset transfers are disposals of Council owned land or buildings, either by transfer of ownership or the granting of a relevant lease (over 7 years) that provide proper purpose and best value, and that secure the promotion or improvement of the economic, social or environmental well-being of the local authority's area.
- 1.5 With regards to LGR any lease arrangements for existing community assets that organisations have in place with Hambleton District Council will be transferred on the same terms across to the new authority. Within the LGR bid submission document "A Unitary Council for North Yorkshire: The Case for Change", the County Council included a section on local empowerment setting out future opportunities for town and parish councils and community groups to work with the new authority regarding services and assets that could be devolved to local communities, should there be an appetite to do so. Part of the stated philosophy of the bid was to work more closely with local communities.

- 1.6 Whilst the detail of each case varies, transferring community assets can be intensive in terms of the staffing and financial resources needed. Community asset transfers require input from a range of Council services, most prominently from Legal, Leisure and Communities and Design and Maintenance, with external specialist advice required at times. Approvals are required from the Council to progress an asset transfer, which is then advertised in the local press to inform the general public of the disposal. This is followed by the legal processes required to complete the transfer that includes detailed, and at times, complex legal and administrative support and liaison between the organisations involved. This unseen part of the process, undertaken after Council approval to proceed, is often the most demanding in terms of time and resource allocation.
- 1.7 Based upon the definition set out in 1.3, the Council presently has six assets that are in process of consideration for transfer (see Appendix 1); of these, three have been approved to be transferred by Council, with reports for the other three being developed. In addition, a number of tentative enquiries have also been logged for potential future consideration.
- 1.8 In light of LGR and the number of community assets that the Council has already committed to transfer or is considering, it is proposed that an interim policy regarding community asset transfer requests is established. This policy would aim to complete, where possible, the transfer of those assets included within Appendix 1 once the necessary considerations have been given by Cabinet and Council. In addition, a list of other asset management enquiries will be maintained, highlighting the key details of the requests so that these can be given consideration by the new authority in accordance with their stated philosophy highlighted in 1.5 and relevant authority policies at the appropriate time

2.0 Link to Council Priorities

- 2.1 Community asset transfers link to the Council's Providing a Special Place to Live priority.

3.0 Risk Assessment

- 3.1 The key risk in not approving the recommendations is shown below:

Risk	Implication	Gross Prob	Gross Imp	Gross Total	Preventative action	Net Prob	Net Imp	Net Total
Continuous and increasing demands are placed upon internal services to allocate time and resource to new asset transfer requests.	Focus is not able to be given to other HDC priorities	4	3	12	Implement interim policy as stated	2	3	6

4.0 Financial Implications

- 4.1 There are no significant financial implications with this report, with resources for existing pipeline transfers already allocated. Any future financial requirements will be considered at the time should they arise.

5.0 Legal Implications

- 5.1 In accordance with Section 2 of the Local Government Act 2000 the Council has the power (subject to certain exceptions) to do anything which it considers is likely to achieve the promotion or improvement of the economic, social or environmental well-being of its area. Local authorities are required to obtain best consideration (section 123 of the Local Government Act 1972) in such situations. However, it is recognised that there may be situations where a local authority considers it desirable to dispose of land for less than best consideration, for example, to secure the promotion or improvement of the economic, social or environmental well-being of the local authority's area. Circular 06/03 of the Local Government Act 1972 – General Disposal Consent (England) 2003 permits disposals in such circumstances, provided the value of the disposal is less than £2 million and other considerations are taken into account, for example, there is a proper purpose and robust and consistent decision-making processes.
- 5.2 Any proposal to dispose of land consisting of or forming part of an open space must be advertised in accordance with the Local Government Act 1972, section 123 - (2A), which states: "A principal council may not dispose under subsection (1) above of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them".
- 5.3 If the Council approves such asset transfers, the land should be transferred with appropriate restrictions on future use and be subject to the appropriate approvals/consents, including any restrictions imposed by the Council's predecessors regarding its use, being obtained.
- 5.4 Prior to any disposal the requirements of the UK subsidy control regime are also to be considered.

6.0 Equality/Diversity Issues

- 6.1 Equality and diversity issues have been considered, however there are no issues associated with this report.

7.0 Recommendations

- 7.1 That Cabinet approves and recommends to Council:
- (1) the adoption of the interim community asset transfer policy as identified in paragraph 1.8, and

- (2) that Cabinet authorisation is sought, where necessary, for the approval of any transfers not yet sanctioned within Appendix 1.

Steven Lister
Director of Leisure and Communities

Background papers: None

Author ref: LW

Contact: Lisa Wilson
Service Manager (Communities)
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Ref	Asset Disposal Category	Land Details	Formal Approval Position
1	Long term lease to World of James Herriot	World of James Herriot	Cabinet December 2020
2	Transfer of ownership to Northallerton Town Council	Bankhead Road public open space	Cabinet September 2021
3	Transfer of ownership to Northallerton Town Council	Knotto Bottom Way allotments	Cabinet September 2021
4	Transfer of ownership to Topcliffe Parish Council	Topcliffe Playing Field	For consideration
5	Long term lease to Bedale Hall Charitable Incorporated Organisation	Bedale Hall	For consideration
6	Thirsk TIC	Thirsk TIC Market Place	For consideration

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Hambleton District Council

Report To: Cabinet

Date: 2 November 2021

Subject: **Queen's Green Canopy – Tree Planting Initiative**

Portfolio Holder: Environmental Health, Waste and Recycling
Councillor S Watson

Wards Affected: All Wards

1.0 Purpose and Background

- 1.1 This report seeks Cabinet approval for the planting of trees in each Ward as part of the Queen's Green Canopy initiative.
- 1.2 The Queen's Green Canopy is a unique tree planting initiative created to mark Her Majesty's Platinum Jubilee in 2022 which invites people from across the United Kingdom to "Plant a tree for the Jubilee". It is intended that the Queen's Green Canopy will create a legacy in honour of The Queen's leadership which will benefit future generations.
- 1.3 It is proposed that all ward members have the opportunity to identify an area of land suitable for planting a tree in their ward. Members are being asked to take a lead on this with their community and they may wish to link to any existing schemes taking place within their wards.
- 1.4 Ideally the land will be owned by HDC or leased to the Parish Council from HDC although any suitable land could be considered. Once members have identified a suitable area for tree planting, a contractor working on behalf of the council will be contacted. This contractor would then advise on the type and size of tree that is suitable. The work will need to be completed during the planting season which runs roughly between November and March. It is anticipated that the trees could range in size up to about 4 metres tall, but this would depend on the sites chosen. A guide is shown below for members on approximate tree sizes that could be considered.

Table 1: Tree sizing guide

Tree Size	Girth 1 metre above the ground	Approx. Height	Clear Trunk
Feathered Tree	less than 6cm	1.75-2.50m	
Light Standard	6-8cm	2.50-3.00m	1.50-1.75m
Regular Standard	8-10cm	2.50-3.00m	1.75-2.00m
Selected Standard	10-12cm	3.00-3.50m	2.00m
Heavy Standard	12-14cm	3.00-3.50m	2.00m
Extra Heavy Standard	14-16cm	4.25-4.50m	2.00m

- 1.5 The Queen's Green Canopy is offering a physical, as well as a virtual commemorative plaque option, in keeping with an environmental initiative. The details of all Jubilee trees planted will be uploaded to Queen's Green Canopy Map and become part of the digital legacy of green canopy projects.
- 1.6 As part of the landscaping scheme at Maple Park, which will accommodate the new Hambleton Crematorium, a location for an oak tree has already been identified. The opening of Maple Park will also include the unveiling of a plaque for the Queen's Platinum Jubilee.
- 1.7 Planting, outside of the Maple Park development, will be carried out by a contractor appointed on behalf of the Council. This would need to take account of available dates and weather conditions.

2.0 Link to Council Priorities

- 2.1 The proposal relates to the priority on 'Caring for the Environment' because tree planting helps to offset our CO² emissions, thereby supporting our Climate Change Strategy and helping to evidence our commitment to environmental change.
- 2.2 The proposal also links to the priority on 'Enhancing Health and Wellbeing' because trees contribute to our feeling of wellbeing, enhancing our natural environment and providing recreational space.

3.0 Risk Assessment

- 3.1 There are no significant risks in approving the recommendation.
- 3.2 The key risk in not approving the recommendation is as shown below:

Risk	Implication	Gross Prob	Gross Imp	Gross Total		Net Prob	Net Imp	Net Total
Negative public image of the Council not being involved in a national initiative to commemorate the Platinum Jubilee.	Damage to the reputation of the Council caused by failing to be seen to be acting on our Climate Change Strategy	4	3	12	Approve the Strategy and Policy	2	2	4

Prob = Probability, Imp = Impact, Score range is Low = 1, High = 5

- 3.3 The overall risk of supporting the Queen's Green Canopy – tree planting initiative outweighs the risk of not supporting it.

4.0 Financial Implications

- 4.1 Final costs will depend on the take up of the scheme and exact prices will vary according to availability, tree size and variety chosen and other considerations such as access. A proposed budget figure is set out below and it is proposed this is taken from the One-Off Fund.

Purchase of trees up to 4 metres tall	£30,000
Delivery and Planting and plaques	£20,000
Total estimated cost.	£50,000

5.0 Legal Implications

- 5.1 Ideally trees will be planted on HDC land, but if that is not the case then permission will need to be sought from landowners. Public liability issues will need to be addressed through agreements with the landowners.

6.0 Equality/Diversity Issues

- 6.1 Equality and Diversity Issues have been considered, however there are no issues associated with this report.

7.0 Recommendation

- 7.1 That Cabinet approves the participation in the Queen's Green Canopy initiative in Hambleton and financial provision is made as set out in paragraph 4.1 of the report.

Paul Staines
Director of Environment

Background papers: None

Author ref: TF

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