

HAMBLETON DISTRICT COUNCIL

Report To: Cabinet
13 September 2011

Subject: TRANSFER OF PROPERTY TO DALTON PARISH COUNCIL

**Topcliffe Ward
Scrutiny Committees
Cabinet Member for Corporate Management: Councillor R Kirk**

1.0 PURPOSE AND BACKGROUND:

- 1.1 The purpose of the report is to consider transferring the freehold of Council owned land at Dalton to the Parish Council.
- 1.2 The District Council purchased the land, edged in a solid line on the plan at Annex A, in 1981 and entered into a 99 year lease with the Parish Council. In addition, the District Council entered into an agreement with the Parish Council to transfer the leasehold of the hatched area for a principal sum of £1,850, together with interest payable over a period not exceeding 30 years. The District Council also consented to the building of a village hall by the Parish Council on the hatched land.
- 1.3 A further agreement was entered into in 1985 as a caveat to the 1981 agreement. This sought to assign the hatched land to the Village Hall Trustees.
- 1.4 The 30 year term has been completed and the Clerk for Dalton Parish Council has recently contacted the District Council to determine the current status of the land. The freehold for the land is still held by the District Council, however, the Parish Clerk has suggested that the land should now be transferred. The Parish Council is seeking to access Section 106 funds to improve the provision of gym and play equipment to enhance the site. It is also seeking to improve the parking provision which is located in the hatched area on the plan and is therefore seeking to resolve ownership of the land.
- 1.5 It is recommended that the freehold for the hatched land on Annex A be transferred to Dalton Parish Council, on the condition that it is retained for community use.

2.0 DECISIONS SOUGHT:

- 2.1 Cabinet are requested to agree transferring the freehold for the land hatched on Annex A to Dalton Parish Council, on condition that it is retained for community use.

3.0 LINK TO CORPORATE PRIORITIES:

- 3.1 There are no specific links to corporate priorities, however, the transfer of the land would support the more general aspiration for the transfer of assets for community use.

4.0 RISK ASSESSMENT:

- 4.1 There are no significant risks associated with the recommendation.

5.0 SUSTAINABILITY IMPLICATIONS:

5.1 There are no sustainability implications.

6.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES:

6.1 The agreement entered into by the District Council and Dalton Parish Council required the repayment of a principal sum of £1,850 plus interest. The repayment was to be over a period not exceeding 30 years. Payment was to be by an annual invoice raised by the District Council. The last payment was made in 1995/96 at which point the Council had received payments of approximately £3,000.

7.0 LEGAL IMPLICATIONS:

7.1 The District Council acquired all the land within the solid line in 1981 and subsequently leased this land to Dalton Parish Council for 99 years with consent for a village hall to be built on the hatched land. The District Council also entered into a further agreement to sell the hatched land, subject to agreed repayments. This arrangement is documented in an Agreement dated 4 March 1981. The conveyance detailed that the freehold would transfer on repayment of the principal and all interest payments.

7.2 A supplementary agreement was entered into on 29 May 1985 to assign the hatched land to a Village Hall Trust after the freehold had been transferred to the Parish Council. The Agreement stipulates that this would be effected at the instruction of the Parish Council. The Clerk has confirmed in writing that the freehold should be transferred to the Parish Council and not the Village Hall Trust.

7.3 It is recommended that should Cabinet approve the transfer of the freehold, that the Parish Council be required to pay all legal costs. There are no legal implications in agreeing to transfer the land in question.

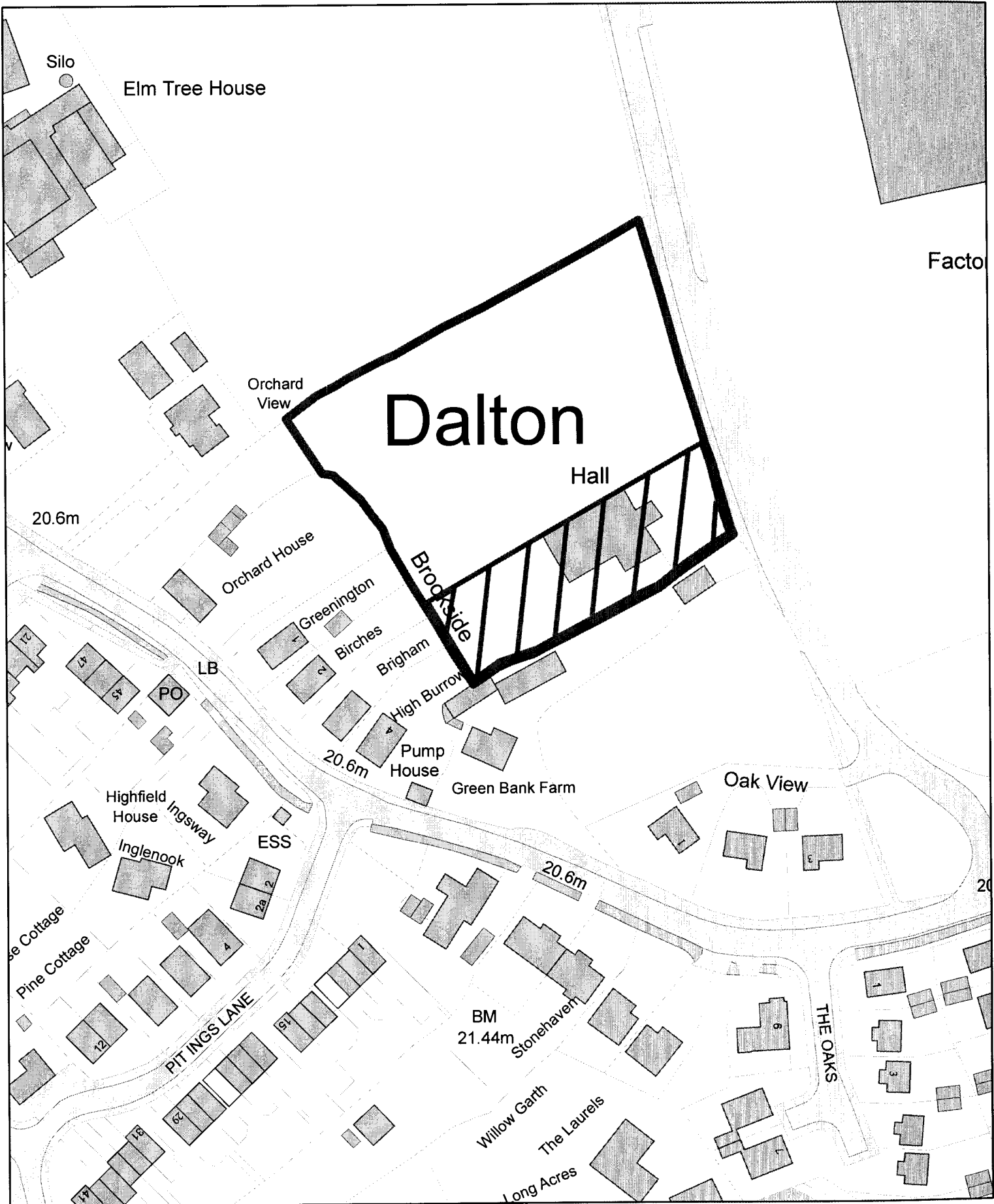
9.0 RECOMMENDATION:

9.1 It is recommended that the freehold for the land hatched on the plan at Annex A be transferred to Dalton Parish Council, subject to the reimbursement of the District Council's legal costs, and on condition that the land is retained for community use.

PHIL MORTON

Background papers: None
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Annex A
Land at Dalton, North Yorkshire



HAMBLETON
DISTRICT COUNCIL

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