

Hambleton District Council

Report To: Cabinet

Date: 7 September 2021

Subject: **Asset Transfers, Northallerton**

Portfolio Holder: Economic Development and Finance
Councillor P R Wilkinson

Wards Affected: Northallerton South Ward

1.0 Purpose and Background

- 1.1 The purpose of this report is to seek approval to asset transfer land at Knotto Bottom Way and land on Bankhead Road including the recreational area as requested by Northallerton Town Council.
- 1.2 Hambleton District Council currently leases these areas of land to Northallerton Town Council. The land at Knotto Bottom Way is used for allotments and the land at Bankhead Road is used for informal recreation and play, plus other smaller pockets of public realm land.
- 1.3 The Knotto Bottom Way lease runs from 2005-2025 and the Bankhead Road lease runs from 1985 to 2084.
- 1.4 Northallerton Town Council has formally requested the transfer of these areas of land to further develop allotment provision in the town.
- 1.5 It is proposed that the Council agrees to the land transfers as requested on the following basis:
 - The Localism Act 2011 is the Government's aspiration to make it easier for communities and individuals to get things done and achieve their ambitions for the place where they live. Approving these asset transfers gives greater control and responsibility to the local community.
 - The transfer of these assets will give Northallerton Town Council the responsibility for the day-to-day management of the assets alleviating any requirement for Council intervention.

2.0 Link to Council Priorities

- 2.1 Giving greater control of these assets to Northallerton Town Council will allow these areas of open space to be developed to provide opportunities for informal recreation which will enhance the health and well-being of the local community. The provision of allotments enables people to grow their own produce which links into the Council's caring for the environment priority. The provision of open space and allotments also contributes to providing a special place to live for Northallerton residents.

3.0 Risk Assessment

3.1 There are no significant risks associated with this report.

4.0 Financial Implications

4.1 Overall the revenue effects of approving the asset transfers will be as follows:-

Revenue Effects	2021/22 £
Cost of: Advertising both disposals	<u>1,500.00</u>
Financed by: Revenue budget	<u>1,500.00</u>
	<u>1,500.00</u>

5.0 Legal Implications

5.1 Northallerton Town Council has indicated a desire to create allotments on part of the Bankhead Road site that is presently designated for recreation. An asset transfer of this nature would usually restrict the use to what it is currently leased for, namely recreational/open space use. If the Council approves the asset transfer, the land would be transferred with a restriction on the use for recreational/open space or allotments subject to the appropriate approvals/consents, as the title has restrictions imposed by the Council's predecessors regarding its use, being obtained. The Town Council would need to take the appropriate legal advice on the title for the area as to whether or not allotment use would be permitted and the position regarding planning permission for change of use.

5.2 In accordance with Section 2 of the Local Government Act 2000 the Council has the power (subject to certain exceptions which do not apply here) 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. In disposing of these assets at a peppercorn each, the Council will in effect be disposing of an asset at less than its market value. Local authorities are generally 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 robust and consistent decision-making process. In this case the land value of Knotto Bottom Lane is £7,500 and that at Bankhead Road £350.

5.3 Should the Council approve the disposal of these assets, the intention to dispose will need advertising in line with The Local Government Act 1972, section 123 disposal of land by principal councils 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".

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 that:

- (1) the intention to dispose of the assets is advertised as described in 5.3 of the report, and
- (2) subject to satisfactorily resolving any issues arising from the advertisement, that the responsibility for transferring the assets identified within the report to Northallerton Town Council is delegated to the Director of Leisure & Communities.

Steven Lister
Director of Leisure and Communities

Background papers: None

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