

Hambleton District Council

Report To: Cabinet

Date: 11 January 2022

Subject: **Community Asset Transfer**

Portfolio Holder: Economic Development and Finance
Councillor P R Wilkinson

Wards Affected: Sowerby and Topcliffe

1.0 Purpose and Background

- 1.1 Further to Council approving the policy for managing community asset transfer requests between now and the intended implementation date of Local Government Reorganisation (LGR) on 1 April 2023, this report seeks approval for the transfer of Topcliffe Playing Field to Topcliffe Parish Council.
- 1.2 Topcliffe Parish Council has made a formal request for the Council to transfer Topcliffe Playing Field into their ownership. The land is currently leased to the Parish Council. The request has been made on the premise that an asset transfer will provide the Parish Council with a greater degree of control of this facility, whilst adhering to any planning permission caveats that would be included in the terms of the transfer.
- 1.3 The Localism Act 2011 sets out 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 the transfer of Topcliffe Playing Field will give the Parish Council (and the local community) greater control and responsibility over the day to day management of the playing field and will also alleviate any requirement for District Council involvement as landowner.
- 1.4 The land has been independently valued at £1,497 and on this basis the valuer has reported that it is appropriate for the Council to transfer its interest to Topcliffe Parish Council for nil consideration.

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 There are no significant risks in approving the recommendation of this report.

4.0 Financial Implications

- 4.1 There are no significant financial implications with this report, with resources for the transfer already allocated.

5.0 Legal Implications

- 5.1 When disposing of land local authorities are required to obtain best consideration (section 123 of the Local Government Act 1972). However, it is recognised that there may be situations where a local authority considers it desirable to dispose of land at 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.
- 5.2 Government Circular 06/03 (the Local Government Act 1972 General Disposal Consent (England) 2003) permits disposals in such circumstances, provided the value of the disposal is less than £2million and other considerations are taken into account, including that there is a robust and consistent decision making process. In this case the value of the land is £1,497. The Parish Council states that obtaining the freehold will give it greater control over the management of the playing field for the benefit of the local community. This aligns with the District Council's desire to promote the improvement of the social and environmental well-being of the area.
- 5.3 The Council is required to advertise its intention to dispose of the land in accordance with Section 123 (2A) of the Local Government Act 1972. This is because the land is classed as open space and the Council may not dispose of such land unless (before disposal) it advertises its intention to do so and considers any objections to the disposal. It should be noted that the continued use of the land as open space would be secured by using appropriately worded restrictive covenants.
- 5.4 Prior to transfer the Council will also need to ensure that the disposal at less than market value is compliant with the new UK Subsidy Control regime.

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 Cabinet approves and recommends to Council that:
- (1) Subject to recommendation 3 below, Topcliffe Playing Field is transferred into the ownership of Topcliffe Parish Council as set out in paragraph 1.2 and 1.3 of the report for nil consideration with appropriate restrictions on future use including any restrictions and covenants imposed by the Council's predecessors;

- (2) the intention to dispose of the land is advertised as described in 5.3 of the report; and
- (3) subject to the Director of Leisure and Communities satisfactorily resolving any issues arising from the advertisement and satisfying himself that the disposal is subsidy control compliant, that the Director has delegated authority to transfer the land identified within the report.

Steven Lister
Director of Leisure and Communities

Background papers: None
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