

REPORT TO CABINET

REPORT OF: PORTFOLIO HOLDER FOR ASSETS AND RESOURCES

REPORT NO: LEG 029

DATE: 3RD November 2008

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| TITLE: | QUEEN'S WALK ALLOTMENTS, STAMFORD | |
| FORWARD PLAN ITEM: | n/a | |
| DATE WHEN FIRST APPEARED IN FORWARD PLAN: | n/a | |
| KEY DECISION OR POLICY FRAMEWORK PROPOSAL: | n/a | |
| COUNCIL AIMS/ PORTFOLIO HOLDER NAME AND DESIGNATION: | Councillor Mrs. Maureen Spencer-Gregson O.B.E. | |
| CORPORATE PRIORITY: | Quality Organisation | |
| INITIAL IMPACT ASSESSMENT: | Carried out and appended to the report: | Full impact assessment required: |
| Equality and Diversity | n/a | n/a |
| Crime and Disorder | n/a | |
| Risk | n/a | |
| Climate Change | n/a | |
| Health and Safety | n/a | |
| Data Quality | Yes – see para 5 | |
| FREEDOM OF INFORMATION ACT: | This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk | |
| BACKGROUND PAPERS: | None | |

1. INTRODUCTION

This report relates to land at Queen's Walk, Stamford. The land is shown edged red on the attached plan (the Property). The Property is currently used as allotments which are managed by Stamford Town Council. It is registered at H.M. Land Registry as belonging to South Kesteven District Council. The Town Council requires the freehold of the Property to be transferred to it in accordance with the provisions of the Local Authorities (England, Property etc.) Order 1973 No. 1861 (the Order)



2. RECOMMENDATION

It is recommended Cabinet approve the transfer of the Property at Queen's Walk, Stamford as shown edged red on the plan attached to this report for use as allotment land only to the Stamford Town Council at no consideration in accordance with the provisions of the Local Authorities (England, Property etc.) Order 1973 no.1861

3. DETAILS OF REPORT

- 3.1 The Property forms part of the Stamford Enclosure Awards 1871 granted to the Mayor Aldermen and Burgesses of the Borough of Stamford. The District Council held this land as the successor in title to the Mayor Aldermen etc. when local government reorganization took place in 1974. At the time of reorganization, land holdings in Stamford

were split between the District Council and the Town Council. Many of the deeds relating to the Town Council's ownership were retained by the District Council for safe keeping. Such deeds were clearly marked as Town Council ownership and have over the years been passed to the Town Council at their request. No part of the Enclosure Award was marked as belonging to the Town Council.

The District Council applied for and was granted registration of this land by the Land Registry without objection at the time of the Council's wholesale application for registration of its landholdings in 1999.

Over the years since 1974, the District Council has dealt with the land by dealing with small sales off, grants of easement and the development and management of the St. Clements GOPD scheme at the northern end of the site.

- 3.2 The Town council has provided evidence of use of the Property as allotments since 1908, during the period of reorganization of local authorities in 1974 and continuing to this day. The allotments are currently managed by the Town Council.
- 3.3 Under the provisions of the Local Authorities (England, Property etc.) Order 1973, the Town Council inherited, as of right, all property held by the then Stamford Corporation for functions which were the sole responsibility of parishes after 1st April 1974. These functions included allotments. A letter was written to that effect by the newly formed South Kesteven District Council to the Town Council in October 1973. It is not known why the Property was not physically transferred. This may be explained by the inclusion of the land in the Stamford Enclosure Award.
- 3.4 It would be possible for the District Council to provide a transfer of the land in accordance with the Order for no payment of consideration to the District Council. Any transfer can be made subject to the provisions of s. 33 of the Local Government (Miscellaneous Provisions) Act 1982 to impose and enforce a covenant that the Property be used for the purpose of allotments only and for no other purpose.

4. OTHER OPTIONS CONSIDERED AND ASSESSED

The District Council is bound by the Order

5. IMPACT ASSESSMENT

Data quality: The data included in this report has been checked by the report writer.

6. COMMENTS OF SECTION 151 OFFICER

The District Council has never received any income or profit from the Property. The transfer would be required in accordance with a statutory order for which no payment is required. The District Valuer will be required to provide a valuation of the land referred to in the report in order that the Council's balance sheet can be reduced accordingly

7. COMMENTS OF MONITORING OFFICER

Contained with in the report

8. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

None

9. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

On the basis of the details of this report which clearly sets out the legal position I concur that the transfer is required in accordance with a statutory order and no payment can be demanded.

10. CONTACT OFFICERS

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