

REPORT TO CABINET

REPORT OF: Cllr Mike Taylor – Assets and Resources
Cllr John Smith – Healthy Environment

REPORT NO: AFM0123

DATE: 04th January 2010

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|---|---|----------------------------------|
| TITLE: | The Transfer of Stamford Recreation Ground to Stamford Town Council | |
| KEY DECISION OR POLICY FRAMEWORK PROPOSAL: | YES | |
| PORTFOLIO HOLDER: NAME AND DESIGNATION: | CLLR MIKE TAYLOR – ASSETS AND RESOURCES CLLR JOHN SMITH – HEALTHY ENVIRONMENT | |
| CONTACT OFFICER: | L.Banner – Service Manager Asset and Facilities l.banner@southkesteven.gov.uk | |
| INITIAL IMPACT ASSESSMENT: | Carried out and Referred to in paragraph (7) below: | Full impact assessment Required: |
| Equality and Diversity | | |
| 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 | Non-key report Reference AFM0110. | |

1. RECOMMENDATIONS

- 1.1 To authorise the transfer the freehold ownership of Stamford Recreation Ground shown edged red on the attached plan at Stamford to Stamford Town Council at a nominal purchase price to be used for recreational purposes only subject to the Town Council paying the cost of transfer incurred by the District Council.*

2. PURPOSE OF THE REPORT/DECISION REQUIRED

- 2.1 Stamford Town Council have confirmed its wish to take on and maintain this site for community use as a recreation ground. The provision of recreational facilities is a function of town and parish council as well as that of district councils.*

3. DETAILS OF REPORT (SUMMARY – USE APPENDICES FOR DETAILED INFORMATION)

- 3.1 *Stamford Recreation Ground is currently in the ownership of South Kesteven District Council and is maintained by the authority with various other community organisations involved.*
- 3.2 *The site covers approximately 4.39 acres and is situated close to the residential centre of Stamford. The site which is principally unfenced, includes three tennis courts, basketball court, bowling green, children's play area and a bandstand.*
- 3.3 *Stamford Town Council has expressed an interest in both obtaining the site through transfer and maintaining the site as an area of recreation for use by the public.*
- 3.4 *It is possible, subject to contract and appropriate authority, to transfer the site to the Stamford Town Council as a public authority with responsibility for provision of recreational facilities for use by the public. Any transfer of the site must be done in accordance with the provisions of Section 123 of the Local Government Act 1972. The proposal is to transfer the land at a nominal consideration subject to payment of the District Council costs associated with the proposed transfer.*
- 3.5 *In accordance with statutory procedure under Section 123(2A) of the Local Government Act 1972, a period of consultation is required through the placing of adverts in the local newspaper. In order to comply with this statute, details of the proposed transfer were advertised for two consecutive weeks in the Stamford Mercury in order to obtain any objections. Two have been received from residents of Stamford, who have notified previous objection also on the grounds that they are uncertain of the Town Council's ability to maintain the Recreation Ground to the same standard as the District Council on an ongoing basis. Furthermore, letters have also been sent out to those who previously complained about the transfer.*
- It is a requirement of the proposed transfer that the Town Council pay all associated costs of the District Council, whether or not the matter proceeds to completion.*
- 3.6 *The site will be transferred subject to all matters affecting the District Council's title to the site including existing leases, licences, covenants, restrictions and easements. It is the District Council's intention to transfer the land to be used as a recreational ground only.*
- 3.7 *The District Council, currently contracts with a grounds maintenance contractor for the maintenance of the site. Any proposed transfer will be made subject to the provisions of that service unless the District Council can negotiate a variation to that contract without any penalty. The Town Council have agreed to take on the existing grounds maintenance contract, if the District Council is unable to seek a variation without penalty.*

4. OTHER OPTIONS CONSIDERED

4.1 Other options considered were:

- a) Not to proceed with the transfer, therefore all current maintenance costs would continue;
- b) To sell this land on the open market with the restrictive covenant, which would bring about costs of advertising etc.

5. RESOURCE IMPLICATIONS

- 5.1 In the event that the freehold transfer of the site proceeds then the Town Council will be financially responsible for the maintenance and upkeep of the site and the District Council will no longer be responsible for such costs and future budgets will be removed.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

Risk

The greatest risk to the Council is the failure of Stamford Town Council to take over the ownership of this land and not to pay the costs already incurred in preparing for this transfer.

Health and Safety

There are no major health and safety concerns as a result of this implementation. By virtue of a transfer of the freehold ownership, the Council will transfer all liability for health and safety issues relating to the Recreation Ground to the Town Council from the date of completion of the transfer.

Data Quality

Every effort is undertaken to ensure rigid data quality checks are carried out.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

As referred to on page 1 of this report.

8. CRIME AND DISORDER IMPLICATIONS

There are no crime and disorder implications to the authority, if the land is to be transferred to the Town Council.

9. COMMENTS OF SECTION 151 OFFICER

The District Council currently owns the freehold of the asset and annually sets a budget for the maintenance and improvement works. The Recreation Ground is within the Stamford Special Expense Area and the costs are charged to the Stamford residents accordingly. In the event that the transfer proceeds the Council will no longer incur the on-going responsibility and therefore no budgets should be set. This will have the effect of reducing the Stamford Special Expense Area charge. The asset will also be removed from the Council's asset register at the time of transfer. In order to facilitate a smooth transition from a financial responsibility position the transfer should occur by 1 April 2010 as the Council budgets have been agreed until that date. After this date, Stamford Town Council will need to ensure sufficient budget provision has been included within their annual precept from 1 April 2010.

10. COMMENTS OF MONITORING OFFICER

The District Council may dispose of land at less than the market value provided the disposal is carried out in accordance with the General Disposal Consent (England) 2003. This means that specific consent of the Secretary of State is not required for the disposal which the Council considers will help secure the promotion or improvement of the economic, social or environmental well being of the whole or any part of the district, or of all or any person resident or present in the district so long as the undervalue does not exceed £2,000,000. I understand valuations of the land have been obtained by Assets and Facilities Services from the District Valuer to confirm the undervalue does not exceed £2,000,000. The State Aid rules do not apply to disposals to public bodies which are not involved in economic activities.

