

REPORT TO CABINET

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

REPORT NO: AFM0142

DATE: 12th April 2010

TITLE:	The Transfer of Stamford Recreation Ground to Stamford Town Council	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:		
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 . Tel: 01476 406 411	
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	Report references AFM0110 - approval to advertise proposed transfer and AFM0123 – authority to transfer	

1. RECOMMENDATIONS

- 1.1 To consider the comments received on further advertisement of the proposed transfer of the freehold ownership of Stamford Recreation Ground shown edged red on the attached plan at Stamford (“the Property”) to Stamford Town Council and
- 1.2 To confirm authority to transfer the freehold of the Property 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 following final consultation as detailed within this report.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

- 2.1 The purpose of the report is to inform Cabinet of the position relating to the proposed transfer of the Property since report AFM123 made to Cabinet on the 4th January 2010, consider all comments received following advertisement of the proposed transfer in accordance with s.123 of the local Government Act

1972 and obtain confirmation of authority to proceed with the transfer of the Property to Stamford Town Council to maintain the Property 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

- 3.1 Stamford Town Council has expressed an interest in both obtaining the Property through transfer and maintaining the site as an area of recreation for use by the public.
- 3.2 It is possible, subject to contract, 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.

Section 123(2A) of the Local Government Act 1972 requires the proposed transfer to be advertised in a local newspaper for a period of two consecutive weeks. Previous adverts did not run for two consecutive weeks and the proposed transfer has been re-advertised in the Stamford Mercury. As a result of the re-advertisement, further comments were received. These comments must be considered by Cabinet and in light of the comments received, Cabinet must consider whether or not the proposed transfer should proceed. All comments received are attached to this report as Appendix A.

- 3.3 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.
- 3.4 The Property will be transferred subject to all matters affecting the District Council's title to the Property 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.
- 3.5 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 relating to the Property are:
 - a) To retain the Property in District Council ownership. All current maintenance would continue as a cost on the general fund ;

b) To sell this land on the open market. Part of the Property is bound by a restriction to use the land for recreational purposes. This use can be best achieved by the transfer to another public authority which has the power to own land for that purpose.

5. RESOURCE IMPLICATIONS

5.1 In the event that the freehold transfer of the Property proceeds then the Town Council will be financially responsible for the maintenance and upkeep of the Property 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

There is a risk that the Property will not be used for recreational purposes. It is proposed the land be transferred subject to a covenant to use the Property for recreational purposes only with a right of pre-emption in favour of the District Council in the event that the Property is not used for that purpose.

Health and Safety

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

The data contained in the appendix to this report has been redacted to protect the personal data of those who have commented on the proposed transfer.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

As referred to on page 1 of this report.

8. CRIME AND DISORDER IMPLICATIONS

The proposed transfer of the Property to the Town Council should not affect the District Council's duty in accordance with s.17 of the Crime and Disorder Act 1998.

9. COMMENTS OF SECTION 151 OFFICER

In accordance with the approved Council budget for 2010/11 no revenue budget provision is available for the Stamford Recreation Ground running costs. The costs incurred after the 1st April 2010 will be charged to the Stamford Special Expense Area (SEA) and met from the revenue reserve for that particular SEA. However it must be noted that there is a limited reserve resource available for this purpose and therefore the transfer, if agreed to proceed, must be undertaken at the earliest opportunity.

10. COMMENTS OF MONITORING OFFICER

It is appropriate the Cabinet reconsider the proposed transfer of the Property following the re-advertisement in accordance with s.123 of the Local Government Act 1972 and take into account all the comments received.

The transfer to the Town Council is proposed at nominal consideration. This is permitted in accordance with the General Disposal Consent 2003 where the difference in value between the consideration received and the value of the Property does not exceed £2million and there is a community benefit arising from the transfer. The more local management and control of the Property by the Town Council will benefit the local provision and will remove the cost of maintenance from a district level to a more local level.