



Portfolio Holder Decision
Making Session

Portfolio Holder for Finance,
Resources, Support and I.T.

17 December 2015

4.30 pm

LAND ADJACENT TO WOODSIDE SCHOOL, OSWESTRY

Responsible Officer Steph Jackson

Email: steph.jackson@shropshire.gov.uk

Tel: 01743 253861

Fax: n/a

1. Summary

- 1.1 As part of the Council's core objective to strengthen our local towns and villages, the Strategic Asset Management team are working with town and parish councils, as well as the voluntary sector, to enable the transfer of suitable land and buildings to community groups and organisations. The Community Asset Transfer (CAT) policy provides a framework and guidance to assess which transfers are viable and implement their transfer.
- 1.2 A report summarising the assessment of an application made by Woodside Primary School to take on an area of open space adjacent to the school site has been assessed in accordance with the Council's CAT policy and has subsequently been considered by the Area Commissioner and the recommendation is to progress to transfer by way of a 123 year lease. In accordance with the policy, this is subject to Portfolio Holder approval.
- 1.3 It is proposed the area of land will be taken on by the academy to be both managed and maintained for use by the school and the community.

2. Recommendations

- 2.1 That, in principle, Woodside Primary School is granted a 123 year lease of the adjacent land shown on the attached plan, co-terminus with the existing academy lease, with delegated authority to the Head of Commercial Services to agree final terms of the lease and to complete the transaction.
- 2.2 Delegated authority is given to the Head of Commercial Services to consider any objections received as a result of the statutory advertisement under the Local Government Act 1972 and to take the final decision as to disposal in light of those objections.
- 2.3 Reasons for decision:

2.3.1 The area of ground has been well used by local groups for over thirty years and has been the training ground for local football clubs. However, it has been

reported that the area has to be regularly cleared before it can be safely used for sporting activity. The organisation proposes to fence and maintain the area to keep dog mess and litter off the pitch, and keep the area to a good playing standard.

2.3.2 The school already maintains its grounds and can include the additional land into its maintenance regime. Bookings for the site will be made through the school administration team. Site management staff will be key-holders responsible for opening and securing the site. The school has an established management structure.

2.3.3 The organisation has a defined constitution and set of governing documents. It is governed by a board of trustees that hold termly minuted meetings. The organisation has a financial management policy. The accounts are independently audited and are available for Council inspection.

2.3.4 The organisation has satisfied the criteria set out in the CAT policy.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 The school have been assessed to be able to maintain the site. If the group fail to maintain the site the risk is that the site is returned to the Council and will be managed once again by Outdoor recreation. The school have committed to make it available for community use free of charge, unless the tenant is required to physically open and lock the facilities in which case there will be a charge of £10 per session regardless of the length of session, and it is intend to manage this through a booking system.

4. Financial Implications

- 4.1 The site is currently maintained by the Outdoor Recreation team within its countywide budget with responsibility for grounds maintenance. The recreation space is deemed public space but falls outside the recently registered area which falls under the QEII agreement. Regardless of an asset transfer the Council has an obligation to ensure the grounds meet the appropriate standard of open space whilst it's designated open space.
- 4.2 As it falls outside the QEII area, approval is not required from Fields in Trust for the grant of the lease in accordance with the Trust's requirements.
- 4.3 Rent is proposed below market value at a peppercorn, because the organisation will not be operating the facility on a commercial basis. The School will take responsibility for the grounds maintenance and insurance responsibilities.

5. Background

- 5.1 Local Clubs have made use of the Gatacre Playing Fields and specifically the area in question since the early 1970's.

- 5.2 The area was previously utilised regularly for sports activity and training. This has become more and more difficult as the cost of frequent cleaning of dog fouling and litter cannot be met in order for the area to have continued use.
- 5.3 The Council's financial position means that identifying funding beyond the basic grounds maintenance of the public open space is becoming increasingly difficult.
- 5.4 The proposed transfer complies with State Aid.

6. Additional Information

- 6.1 The Council is obliged to advertise an intention to dispose of land held as open space and take account of any objections received before determining whether to dispose of the land or not. The proposed disposal was advertised as stipulated in Section 123 Local Government Act 1972 in the Shropshire Star on the 27th November and 4th December. As at the date of writing this report no objections have been received. Given the short timescale involved between the closing date for objections and the preparation of this report it is proposed to delegate the decision to consider any objections received and progress the disposal to the Head of Commercial Services.
- 6.2 The proposed grant of the lease for a peppercorn is a sum that is less than market value for a lease of the playing fields. The disposal by way of the grant of the lease at a peppercorn rent is covered by the Circular 6/03 Local Government Act 1972 General Disposal Consent 2003. This consent allows for the disposal of a property at less than best consideration where the disposal contributes to the promotion or improvement of one or more of economic, social and environmental wellbeing in the Council's area and where the difference in value is less than £2 million.

7. Conclusion

- 7.1 As the Council are currently working with voluntary sector groups, to enable the transfer of suitable land and buildings to community groups and organisations in accordance with the Council's CAT Policy it is recommended that the Council enters into a lease with the school, co-terminus with existing Academy Lease (123 years remaining).

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information):
Key Decision: Yes
Included within Forward Plan: Yes
If a Key Decision and not included in the Forward Plan have the General Exception or Special Urgency Procedures been complied with: N/A
Name and Portfolio of Executive Member responsible for this area of responsibility:
Councillor David Turner, Resources and Support

Local Member:

Councillor Vince Hunt

Appendices:

Appendix A - Plan of site

Declaration of Interest

- I have no interest to declare in respect of this report

Signed Date

NAME:

PORTFOLIO HOLDER FOR:

- I have to declare an interest in respect of this report

Signed Date

NAME:

PORTFOLIO HOLDER FOR:

(Note: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter.)

For the reasons set out in the report, I agree the recommendation(s) in the report entitled

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Signed

Portfolio Holder for

Date

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and pro-forma is returned to Democratic Services for processing.

Additional comment:

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Note: If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, Head of Legal and Democratic Services, Chief Executive and the Head of Finance, Governance and Assurance (S151 Officer) and, if there are staffing implications the Head of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Portfolio Holder: Your decision will now be published and communicated to all Members of Council. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication.