

Report to	Chippenham Area Board
Date of Meeting	7th November 2016
Title of Report	Community Asset Transfer

Executive Summary

This report deals with an application for the transfer of land at Gardners Drive, Hullavington in accordance with Wiltshire Council's Community Asset Transfer Policy.

Proposal

Chippenham Area Board is asked to consider an application submitted by Hullavington Parish Council for the transfer of land at Gardners Drive Hullavington See map attached at Appendix 1. See application is at Appendix 2.

Reasons For Proposal

This proposal supports and implements Wiltshire Council's Community Asset Transfer Policy.

Recommendation

The Area Board is recommended to authorise the Solicitor of the Council to execute all documentation needed to implement the transfer subject to the following conditions:

1. The land is maintained for the benefit of the community and residents will be encouraged to enjoy the amenity
2. A standard 'reverter' clause is included in the title, which will ensure that if the land stops being used for the benefit of the community, Wiltshire Council will have the option to repurchase the land for the sum of £1.

Purpose of Report

1. Chippenham Area Board is asked to consider an application submitted by Hullavington Parish Council for the transfer of land at Gardeners Drive, Hullavington. See map attached at Appendix 1 and the application at Appendix 2

Background

2. Wiltshire Council is supporting the principle of the transfer of community assets in order to empower and strengthen local communities. Wiltshire Council believes that transferring appropriate public assets to communities leads to more responsive services that better meet local people's priorities.
3. Transfer of an asset can also provide the opportunity to lever more resources into a community and provide a more accessible and responsive base from which to deliver local services.
4. A community group or organisation can benefit from greater financial stability and build confidence through having ownership (or long term security through a lease) of a physical asset. This financial sustainability can help the organisation become less dependent on grants, provide security for further borrowing and opportunities for further growth.
5. Typically, organisations that would be considered appropriate are Voluntary and Community Groups/Associations, Town or Parish Councils, Trusts or Charities, or Social Enterprise Groups.

The application before the Area Board

6. The application from Hullavington Parish Council is attached at Appendix 2 and relates to the transfer of land at Gardner's Drive, Hullavington.
7. The application was submitted in accordance with Wiltshire Council's application process and meets the requirements for consideration by the Area Board.
8. The Community Engagement Manager has consulted with the Rural Estates Surveyor, who has undertaken appropriate consultation with service departments across the Council.
9. Local consultation has been undertaken by the applicant as there is no intention to make any changes.

The views of Council officers

10. On behalf of Wiltshire Council, Strategic Asset & Facilities Management (who have overall responsibility for the Council's estates and property) has provided the following observation to the Area Board.
11. The land was acquired in pursuance of a S106 agreement and contains a covenant restricting the use to public open space and amenity land.

12. A small area of the land shown in the application plan is public highway and cannot be transferred. The plan attached at Appendix 1 shows the land which can be transferred.
13. As the land is open space a notice will have to be published in the local paper for two consecutive weeks. The applicant will be required to bear the cost of this.
14. There are no other financial implications as the land is currently looked after by Hullavington Parish Council.

Main issues for consideration by the Area Board

15. It is a requirement under Wiltshire Council’s Asset Transfer Policy that there must be a clear link between the asset transfer request and local community priorities.
16. This proposed asset transfer demonstrates a link to Wiltshire Council’s priorities in the Local Agreement for Wiltshire “Help local communities develop their own priorities and improvements “and “We help communities help themselves”.
17. It is a requirement that a ‘reverter’ clause is included in asset transfer arrangements. This means that, if the site stops being used for Community Public Open Space purposes, Wiltshire Council will have the option to repurchase the land for the sum of £1.00.

Recommendation

18. Having carefully considered the application and the views of Council officers, the Area Board is invited to approve the transfer subject to the following conditions:
 - i) The land is maintained for the benefit of the community and residents will be encouraged to enjoy the amenity.
 - ii) A standard ‘reverter’ clause is included in the title, which will ensure that if the land stops being used for the benefit of the community, Wiltshire Council will have the option to repurchase the land for the sum of £1.

Appendices:	Appendix 1 - Map Appendix 2 – Community Asset Transfer application
--------------------	---

Report Author	John Price, Estates Officer, john.price@wiltshire.gov.uk
----------------------	---