

Report to	Chippenham Area Board
Date of Meeting	13th March 2017
Title of Report	Community Asset Transfer

Executive Summary

This report deals with an application for the transfer of the land in Chippenham near Chippenham Town Football Club (CTFC) in accordance with Wiltshire Council's Community Asset Transfer Policy.

Proposal

Chippenham Area Board is asked to consider an application submitted by Chippenham Town Football Club (CTFC) for the transfer of the land near to the club See map attached at Appendix 1. See application at Appendix 2, summary of Community Consultation at Appendix 3.

Reasons For Proposal

This proposal supports and implements Wiltshire Council's Community Asset Transfer (CAT) 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. Advertisement of the proposed disposal in accordance with Section 123 Local Government Act 1972 with any objections considered by the Council. CTFC to pay the costs of such notice.
2. Planning Consent being granted for the proposed change of use to a parking area.
3. Subject to the outcome of public advertisement and the planning application, to agree to the lease of the land for car parking uses for a period of 17 years (or such other period as runs co-terminus with CTFC new lease with their landlord) and upon such terms as Wiltshire Council Estates considers reasonable. These will include a lease outside the 1954 L&T Act and re-instatement of the land at the end of the term. The lease can be terminated by Wiltshire Council if the land ceases to be used for community purposes.
4. Each party bear their own costs other than as above for the Public Open Space Notice which CTFC is to pay.

Purpose of Report

1. Chippenham Area Board is asked to consider an application submitted by CTFC for the transfer of the land near the football club. See map attached at Appendix 1. See application at Appendix 2, summary of Community Consultation at Appendix 3.

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.
6. The land is currently overgrown with trees, nettles and brambles and is not used for any formal recreational uses other than forming part of the wider POS land.

The application before the Area Board

7. The application from CTFC is attached at Appendix 2 and relates to the transfer of the land at Bristol Road, Chippenham.
8. The application was submitted in accordance with Wiltshire Council's application process and meets the requirements for consideration by the Area Board.
9. The Community Engagement Manager has consulted with Strategic Assets & Facilities Management, which has undertaken appropriate consultation with service departments across the Council.
10. Local consultation has been undertaken by the applicant; see summary at Appendix 3.

The views of Council officers

On behalf of Wiltshire Council, Strategic Asset & Facilities Management (SAFM) which has overall responsibility for the Council's estates and property has provided the following observation to the Area Board.

11. The land in question forms part of the residue of the Hardenhuish Estate and is understood to have been transferred to the Council in 1938 to form an area of Public Open Space.
12. There are street lamps on the eastern side of the footpath which forms the western boundary of the CAT area. The lamps will need to be excluded from the CAT area and the plan forming Appendix 1 is therefore indicative as the precise position of the boundary will need to be agreed by the parties.
13. The area of the Council land required by CTFC for CAT via a lease is approximately 0.1ha (0.27 acres). Whilst the land forms part of an area of Public Open Space it is relatively overgrown with nettles and scrub vegetation.
14. It is understood that the additional parking spaces proposed on the CAT land will allow the CTFC to function more effectively. CTFC, whilst a commercial enterprise is understood to be of limited means. The club forms an important part of the community and is understood to provide youth teams and training and fitness opportunities to the wider community. If the land was not leased via the CAT, parking issues would remain and the progression of the football club could be impeded which would be detrimental for community provisions
15. SAFM understands that the lease will enable the club to reduce the parking issues and local congestion that can occur on the private access road to the club and the public highway forming Bristol Road, during match and training days.
16. The area required for leasing by CTFC via the CAT is classified as Public Open Space and its disposal via a lease, must be advertised in accordance with Section 123 Local Government Act 1972, with any objections considered by the Council.
17. Given the requirement for a change of use of the land from POS to a car park and the potential impact on the local environment, the CAT will be conditional on planning consent being granted. This will require further community consultation as well as a consideration of the potential loss of green space during the planning process.

Main issues for consideration by the Area Board

18. 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.

19. 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".
20. As this is a third sector transfer and not a transfer to a town or parish council it will be effected by way of a circa 17 year lease of the land. If the property stops being used for the community purpose the lease may be terminated by Wiltshire Council.

Recommendation

21. 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) Advertisement of the proposed disposal in accordance with Section 123 Local Government Act 1972 with any objections considered by the Council. CTFC to pay the costs of such notice and consideration.
 - ii) Planning Consent being granted for the proposed change of use from POS to a parking area.
 - iii) Subject to the outcome of public advertisement and the planning application, to agree to the lease of the land for car parking uses for a period of 17 years (or such other period as runs co-terminus with CTFC new lease with their landlord) and upon such terms as Wiltshire Council Estates considers reasonable. These will include a lease outside the 1954 L&T Act and re-instatement of the land at the end of the term. The lease can be terminated by Wiltshire Council if the land ceases to be used for community purposes.
 - iv) Each party bear their own costs other than as above for the Public Open Space Notice which CTFC is to pay.

The transfer is affected by way of a circa 17 year lease to CTFC; which can be terminated by Wiltshire Council if the land ceases to be used for community purposes.

Appendices:	Appendix 1 – Map Appendix 2 – Community Asset Transfer application Appendix 3 – Summary of Community Consultation
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