

Report to	Westbury Area Board
Date of Meeting	9 April 2015
Title of Report	Community Asset Transfer

Executive Summary

This report deals with an application for the transfer the land known as Coulston Allotments in accordance with Wiltshire Council's Community Asset Transfer Policy.

Proposal

Westbury Area Board is asked to consider an application submitted by Coulston Parish Council for the transfer of land known as Coulston Allotments. See map attached at Appendix 1. The applicant's proposal is set out 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. Westbury Area Board is asked to consider an application submitted by Coulston Parish Council for the transfer of allotments. See map attached at Appendix 1 and the applicants' proposal is set out 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 Coulston Parish Council is attached at Appendix 2 and relates to the transfer of land known as Coulston Allotments.
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 Area Manager has consulted with the Estates Manager with responsibility for the Rural Estate, who has undertaken appropriate consultation with service departments across the Council.
9. Local consultation has been undertaken by the applicant in accordance with the application checklist. See Appendix 3

The views of Council officers

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

11. The land is currently leased by Wiltshire Council to Coulston Parish Council for a term of 5 years commencing 11th July 1934 which is continuing from year to year. The permitted use is for the provision of allotments and the Parish Council is obliged to use reasonable diligence to let the land as allotments to people living within the Parish.
12. The Parish Council currently pay a rent of £534 per annum to Wiltshire Council and are responsible for all outgoings relating to the property and for it's maintenance. The annual rent is capable of review under s.12 of the Agricultural Holdings Act 1986 but has remained at it's current level since 1991.
13. We understand that the land is currently let to 10 allotment holders and that the annual income is £790 per annum.
14. Unusually for allotments the property includes a single field of around 6 acres. This land has no usable vehicular access from the public highway and is let under an allotment licence to an adjoining resident and is used for haymaking. This contributes approximately £530 per annum of the total annual income. This area of land falls outside the typical definition of an allotment due to it's size. Whether or not this land ought to be included in the CAT transfer has been considered because at present it's potential 'community use' is more limited than some other areas of the property. It was however felt that the location of the land and restricted access means that it is of negligible strategic value to Wiltshire Council and of limited value if sold on the open market. It has value to the Parish Council in providing a significant proportion of the income generated by the property as a whole which off sets some of the maintenance costs.
15. The property is already let to and maintained by Coulston Parish Council and there will be the loss to Wiltshire Council of the annual rent of £534. There will be no significant cost saving although there will be a slightly reduced administrative burden relating to rent collections. The financial implications of the transfer are therefore not considered to be significant.

Main issues for consideration by the Area Board

16. 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.
17. 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".
18. 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 Allotment purposes, Wiltshire Council will have the option to

repurchase the land for the sum of £1.00.

Recommendation

19. 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 Appendix 3 – Consultation with local residents
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