

Agenda Item 16

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Report

Subject : Disposal of Assets
Report to : The Cabinet
Date : Wednesday 25 February 2009
Author : Property Manager.

Cabinet Member for Resources : Councillor Tony Thorpe

1. Report Summary:

- To obtain authorisation to transfer the ownership of land at:-
- Cow Lane Laverstock to Laverstock and Ford Parish Council
 - Ashley Road Salisbury to the Trustees of the Studio Theatre

The land is surplus to the District Council's requirements, and, with the exception of the allotment site at Cow Lane Laverstock, is not included in land proposed to be transferred to the new parish of Salisbury City. Unless transferred now, prior to 31st March, both land holdings will transfer to the new Wiltshire Unitary authority. If transfers are commenced now, but not completed, the new authority will be bound by contracts already entered into. Authority for the transfers has been obtained from duly authorised officers of the Implementation Executive.

Both transfers will be for less than best consideration. One is to another council and benefits from a general consent. Both are considered to promote the interests of groups of residents of the areas by providing recreational and community land at Cow Lane and theatre space for community use at the Studio Theatre. Work has commenced on these projects but cannot be taken further until the land is declared surplus to this authority's requirements.

2. Background

Cow Lane Laverstock - The Parish Council has requested that the freehold of the strip of land shown on the plan at Appendix A is transferred to its ownership. The existing uses include grazing land, a disused nursery/market garden, redundant buildings, a proposed telecommunication mast and allotment gardens. The transfer will exclude the allotment gardens and access thereto which will be included in the transfer of assets to Salisbury City Council, and initially the land occupied by the nursery/market garden. There are currently bankruptcy proceedings relating to the tenant of this site and it is considered that Wiltshire Council is better placed to conclude this action, when the land will transfer to the Parish Council. The rental income from the grazing land and the proposed telecommunication mast will also pass to the Parish Council.



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The Parish Council and a third party are developing plans to use part of the land as a Community Farm.

The consideration for the transfer will be £1.00.

Issues have now been raised by some members as to whether the non-allotment land should also be transferred to Salisbury City Council. Officers have accordingly considered the reports and minutes of decisions taken by the City Area (Community) Committee on 21 October, 2008, and the Implementation Executive on 28 October, 2008 and 13 November, 2008. Although the City Area Committee minutes refer to unspecified issues regarding Cow Lane, the subsequent Implementation Executive decisions endorse the list of assets to be transferred contained in the report to the City Area Committee, and which does not include the Cow Lane properties. The land is outside the city boundaries and is not linked to the agreed functions of the new parish, and so would be outside the general principles of asset transfer, and there is no record of it having been raised by district members at the Implementation Executive meetings. In legal terms, while Cabinet can prevent the transfer to Laverstock Parish Council by not agreeing the recommendations of this report, any decision regarding additional assets for the City parish now rests with Wiltshire, which has already agreed to the principle of transfer of the non-allotment land to Laverstock.

Ashley Road Salisbury – The Trustees of the Studio Theatre lease the site shown hatched on the plan at Appendix B and have requested that the freehold of the site included in the lease transfer to them. The lease is for a term of 99 years which commenced in 2003 and a nominal rent is paid. The consideration will be £1.00 and the Transfer will contain a Right of First Refusal in favour of the Council and its successors, also for a £1.00 in the event that the Theatre ceases to operate. The Trustees have agreed to pay the Council's reasonable legal costs and surveyors fees in connection with the transfer.

In both of these cases the Implementation Executive has been consulted and approval in principle to the disposals has been obtained.

3. **Consultation undertaken:** The usual consultations have been undertaken.
4. **Recommendation:** That Members approve the transfer of the of the freehold interests in the land at Cow Lane Laverstock to Laverstock and Ford Parish Council and the land at Ashley Road Salisbury to the Trustees of the Studio Theatre on the brief terms contained in the report.

Background Papers: None

5. **Implications:**
 - Financial:** All costs associated with the disposals will be the responsibility of the transferees.
 - Legal:** Legal issues have been identified and discussed in the body of the report
 - Human Rights:** compliance with the statutory guidance should ensure compliance with any human rights obligations
 - Personnel** : None
 - Community Safety** : None
 - Environmental** :
 - Council's Core Values** :
 - Equalities** : None
 - ICT** :
 - Wards Affected** : Laverstock & Ford and City