

West Wiltshire District Council

Cabinet

27 October 2004

Leisure and Recreational Needs Assessment: Lands Transactions

1. Purpose

To implement an embargo on land transactions which may prejudice the implementation of the Leisure and Recreational Needs Assessment (LRNA).

2. Background

We are currently undertaking a LRNA. There will be an interim report to Cabinet in December, prior to the consultation phase. Once it has been completed in the spring we will develop a strategy, or action plan, to implement the outcomes of the LRNA. Until we have the LRNA report and have approved the strategy any disposals of significant amounts of open space may make it more difficult to deliver the strategy.

3. Key Issues

- The disposal of significant pieces of land could undermine our ability to implement the strategy which comes of the LRNA.
- The disposal of small areas is unlikely to do this.
- Transactions where there is a written and legally binding contract already in place should proceed.
- We need to define a significant disposal.
- Local authorities are not allowed to fetter their discretion, so the recommendations suggest that Cabinet should be able to approve individual significant disposals of open space in exceptional circumstances.

4. Options

- We could allow land transactions during this period.
- We could put a hold on land transactions until the strategy is in place, after which we would decide whether to proceed with the land transaction depending on whether it helps deliver the strategy.

- We could use other criteria to decide which transactions can proceed.

5. Financial Implications

If we put a hold on land transactions involving open space then we may lose potential capital receipts, or defer them – we are not aware of any land transactions which would be stopped by the recommendation which would yield a significant capital receipt.

6. Legal Implications

As transactions which are subject to a written and legally binding contract are to be an exception there should be no legal liability arising from agreeing the recommendation.

7. Definition of significant disposals of open space

- Any disposal, where the decision to proceed would be a 'Key Decision' as defined by the Constitution.
- Any disposal for a term of more than three years of any area of land over 500 square metres.
- Any disposal which may have an adverse effect of the delivery of the strategy which will flow from the LRNA.

8. Key Decision

Statement of reason for key decision	To increase our ability to deliver a strategy for open space.
Options considered and rejected	See section 4 above.
Date of implementation (not less than five days after date of decision)	5 days after the decision.

9. Recommendation

That significant disposals of open space, subject to the exceptions set out below, should not proceed until the Cabinet has approved the strategy which flows from the LRNA.

The exceptions are:

- Transactions where there is already a written and legally binding agreement for the disposal.
- Any transaction that Cabinet agree should proceed because there are exceptional circumstances relating to that particular transaction.

Human Rights

The Human Rights implications of the actions recommended in this report have been considered and are acceptable and the checklist has been addressed.

 Plain English guidance given

Councillor Ernie Clark
Portfolio holder

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Corporate Director

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