

## Cabinet Member for Transport and Assets - Cllr Tamara Reay

### Assets

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**REFERENCE:** TA-01-25

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### **Disposal of open space to Westbury Town Council as an Asset Transfer**

#### **Purpose of Report**

To consider the objections received following advertisement of the potential disposals of open space under s123(2A) Local Government Act 1972

To determine whether the proposed asset transfers to Westbury Town Council should continue.

#### **Consultation**

The consultation plan for this report includes the parish clerk of Westbury Town Council, the local elected members for Westbury and the Cabinet Member making the decision.

The Council have also written to those who submitted an objection to the disposal of open space setting out the process for decision making and giving grouped responses to the objections.

#### **Options Considered**

Not to proceed with the asset transfers – this will result in the whole Service Devolution and Asset Transfer process being aborted and will result in the services being retained by Wiltshire Council. The option is not being considered. The transfers of the properties will impose covenants ensuring the continued use of the properties for community use (the Community Use Covenants), including those properties that are used as open space.

Where any property is held by Wiltshire Council under either section 164 of the Public Health Act 1875 or section 10 of the Open Spaces Act 1906, the property will be freed from the statutory trust under which it is currently held, but will be transferred subject to the Community Use Covenants.

#### **Reason for Decision**

To support the decision made by the Leader of the Council on 27 June 2024 to enter into a Service Devolution and Asset Transfer with Westbury Town Council and ensure the transfers take place.

**DECISION MADE**

Following consideration of objections to potential disposals of open space under s123(2A) of the Local Government Act 1972, I confirm the continuation of the proposed asset transfers to Westbury Town Council as set out in the report.

This decision was published on 21 January 2025 and will come into effect on 29 January 2025

**The following report and appendices are attached:**

- Appendix One - List of open space to be transferred.
- Appendix Two - Copy of the Public Open Space advert.
- Appendix Three - Objections received and responses given.

**Background Papers**

Cabinet Member decision made 27 June 2024 - L-03-24 - Service Delegation and Asset Transfer Package - Westbury Town Council

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**Cllr Tamara Reay**  
**Cabinet Member for Transport and Assets**

Date:....21 January 2025.....