

Key Decision Required:	No	In the Forward Plan:	Yes
-------------------------------	-----------	-----------------------------	------------

CABINET

21 APRIL 2017

REPORT OF THE LEADER OF THE COUNCIL

A.4 DISPOSAL OF THE RIVERVIEW PLAYING FIELDS AT LAWFORD TO THE LAWFORD PARISH COUNCIL

(Report prepared by Aileen Middleton)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider the principle of the disposal of the playing fields at Riverview, Lawford to Lawford Parish Council.

EXECUTIVE SUMMARY

Lawford Parish Council currently has a lease for the playing fields which started in 1992 and passed its contractual end date in August 2013. Since 2013 the lease has continued in force under the provisions of Part II of the Landlord and Tenant Act 1954.

Terms for the renewal of the lease were proposed but after initial acceptance the Parish Council declined to accept the proposed increase in rent. The Parish Council applied for the transfer of the freehold of the land under the Council's Community Asset Transfer Policy to enable them to have certainty going forward and to apply for grant funding. This was rejected by TDC as officers did not consider that the proposal was strong enough to warrant the transfer of the freehold.

The Parish Council have now offered to purchase the land for a cash consideration.

In addition to the land that the Parish Council currently rent they would also be purchasing the land which Essex County Council (ECC) rent from TDC. This is because the land currently rented to ECC for school playing fields is effectively land locked by the section of land rented by the Parish Council. If the Parish Council did not buy all the land then TDC would have no access to land that it owned thereby devaluing that area. This area is shown hatched blue on the attached plan. The lease to ECC will remain in place and the use of the area will not change.

RECOMMENDATIONS

That Cabinet approve the disposal of this land to the Parish Council on the terms set out in Part B of this Agenda.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The ongoing provision of the playing field will contribute to the following Council priorities:

- Promoting a healthy lifestyle, sport and activity in the area.
- Protection and enhancement of our countryside and coast.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The sale of this land would provide the Council with a capital receipt as set out in the concurrent confidential report. The rental income from the land currently leased to Essex County Council would cease to be paid to TDC as this land would fall under the control of the Parish Council and they would thus receive the rental income.

Risk

There is no risk to the sale of this land. The Parish Council have offered the full valuation of the land and have the available funds.

The land has been advertised as required by section 123 of the Local Government Act for disposal of open space and a closing date for responses from these adverts has been set for 31st March. Any responses to the disposal will be made available at the Cabinet meeting.

LEGAL

Section 123(1) Local Government Act 1972 indicates that, a local authority may dispose of land held by it in any way it wishes so long as (section 123 (2)) the land is disposed for a consideration not less than the best that can reasonably be obtained.

The General Disposal Consent Order (England) 2003 gives consent for disposal at below best consideration reasonably obtainable provided that the undervalue is less than £2m and the proposal enhances the environmental economic and social wellbeing of the area.

Section 123(2A) Local Government Act 1972 indicates that, a local authority may not dispose of open space land held by it without advertising its intention to do so in the local press.

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district.

In this case the land is public open space and as such the disposal has been advertised in the local press. At the time of writing no responses have been received. Any responses received prior to consideration of this report will be provided to the decision maker separately.

The proposed sale price is not less than the value proposed by the Council's valuers. However, it has not been openly marketed in order to demonstrate that it is the best consideration that could reasonably be achieved. Accordingly it is proposed that Cabinet determines whether to dispose of the land under the provisions of the General Disposal Consent Order (England) 2003 taking into account the community benefit of the proposed ongoing provision of public open space.

Responsibility for oversight of disposals of land is allocated to the Portfolio Holder for Resources and Corporate Services. The Portfolio Holder is also a member of Lawford Parish Council and accordingly has asked that the report be presented by the Leader of the Council.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of Crime and Disorder, Equality and Diversity, Health Inequalities, Consultation/Public Engagement and Wards; and any significant issues are set out below.

None

Ward

Lawford

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Parish Council has held a lease on the playing fields since 1992 but this passed its contractual expiry date at the end of August 2013. Terms for a new lease to the Parish Council have been discussed but agreement on rent was not achieved. The Parish Council applied for the transfer of the freehold under the Council's Community Asset Transfer Policy but this was unsuccessful. A freehold disposal at market value is now proposed.

CURRENT POSITION

The current lease passed its contractual end date in August 2013.

The Parish Council has requested a purchase of the freehold of the land.

Officers consider that the proposal is acceptable. The sum offered is in line with the valuation carried out by the Council's valuers.

Further detail on the terms proposed is included in the report in Part B of this Agenda.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

- **Appendix A – Plan of the playing fields at Lawford**