

<b>Wards Affected:</b> <b>Bletchley Park</b>
---

DELEGATED DECISION

7 FEBRUARY 2017

**CHEPSTOW PARK IN CHEPSTOW DRIVE BLETCHLEY, TO BE ENTERED INTO THE COMMUNITY ASSET TRANSFER PROGRAMME (CAT).**

**Responsible** Cabinet Member: Councillor Gifford Cabinet Member for Place

**Report Sponsor:** Paul Sanders, Assistant Director, Community Facilities Tel (01908) 253639

**Author and contact:** Neil Hanley, Community Solutions Programme Manager Tel (01908) 253632

**Executive Summary:**

It is proposed that **Chepstow Park** be added to the CAT Programme. A broad evaluation of the appropriateness of this asset entering the programme has been carried out (**Annex**) and it is proposed that this asset be released for transfer following the Fast Track CAT Process as outlined in the delegated decision report: *Open Spaces and Play Areas transfer to Parish / Town Councils via CAT Programme (7<sup>th</sup> February 2017)*

**1. Recommendation(s)**

- 1.1 That Chepstow Park be added to the Community Asset Transfer programme.

**Issues**

Background

- 2.1 The Council owns the freehold of all the land under three Land Registry title numbers, including an Allotment site which would be included if the Community Asset Transfer (CAT) freehold was to take place.
- 2.2 There appears to be a sewage pumping station in the park which will need to be addressed in terms of wayleaves and access. There are publically adopted paths within the park.
- 2.3 The site is designated in the Council's Development Plan as recreation and open space and is therefore afforded protection from associated policies. A percentage of the site, associated with the railway corridor is also designated as a wildlife corridor.
- 2.4 A review of the CAT programme identified that there is a need for formal approval (in the form of an assessment) before an asset is considered for transfer and this was agreed via a Cabinet member decision on 9 June 2015.
- 2.5 Asset Assessment (**Annex**)

Chepstow Park has been assessed against the following tests:

- The revenue cost to the council
- The potential future liability in terms of capital investment requirements.
- Strategic value to the Council
- Possible income generating opportunities to the Council.
- Potential development opportunities.

- 2.6 No single aspect is considered more important than another but a balanced appraisal has been completed. Such an approach facilitates a clear and robust assessment of the asset being entered into the programme in a transparent manner.
- 2.7 A report was taken to the Strategic Property & Facilities Management Board on 11 January to explore the issues and options available as outlined below and in the **Annex** In consideration of these the Board subsequently approved Chepstow Park to be considered suitable for the CAT programme.
- 2.8 It is worth noting that local interest in asset has in part led to the CAT assessment of this asset. (West Bletchley Council Expression of Interest received 2 September 2016) This does not necessarily mean it will transfer but the Council will be working with West Bletchley Council on the future ownership and management of the Youth Centre through this process.

### 3 Options

#### Option 1 – Do Nothing

This option would be for the Council, as freehold owner, to continue taking landlord- related responsibility for Chepstow Park, its liabilities and relevant investment in the future. However, this does not recognise the value of ‘Localism’ enabling local community partners to take more responsibility for local assets and to empower these new arrangements with this organisations that may be best-placed to achieve this.

#### Option 2 – Community Asset Transfer - this is the preferred option

Transfer the Park & associated play areas (with documented rights of access) via CAT under a freehold arrangement. A CAT assessment and score has been carried out as to the suitability of this asset to enter the programme (**Annex**).

### 4 Implications

#### 4.1 Policy

The Council’s approach to Community Asset Transfer was refreshed and formally adopted on 9 November 9 2015 following a Cabinet decision.

The objectives of the programme are firmly embodied within the current version of the Council Plan (2016-2020). *‘...We want to engage our communities...maximise social value; promote community based solutions and innovate new ways to deliver services people value...’*

#### 4.2 Resources and Risk

By taking a delegated decision on each asset entering the programme, which sets out an assessment of the appropriateness, then the formal consultation process embedded within the CAT toolkit provides the assurance that all stakeholders, users and members are informed.

Savings of £19.4k relating to the potential transfer of Chepstow Park have been included in this Council’s Medium Term Financial Savings projection for 2017/18

Y	Capital	Y	Revenue	N	Accommodation
N	IT	Y	Medium Term Plan	Y	Asset Management

#### 4.3 Carbon and Energy Management

No impact

#### 4.4 Legal

Throughout, the Council's Legal team have been closely monitoring the impact of any legislation that might affect the progress of CAT and will continue to do so in the future. CAT transfers are for a nominal price of £1 or nil. Under the Local Government Act 1972 the Council is required to obtain the best price reasonably obtainable where transferring ownership of property but may dispose of property for less where (in general terms) to do so benefits the residents of the Borough, and the undervalue is less than £2 million. In each case where property is transferred for less than market value it is necessary for the Council to be satisfied that this does not amount to State Aid. The Council and its legal advisers will need to be mindful of both requirements in all cases.

If a bid for this property via the CAT process is successful, the Council will need to authorise the transfer by a further decision in accordance with the Council's constitution, including the Executive Scheme of Delegation and the Acquisition and Disposal of Land and Buildings Rules.

There will be procedural requirements on disposal of Public Open Space. The Council would need to advertise its intention to transfer in a local newspaper for two consecutive weeks and to consider objections ([sections 123\(2A\) and 127\(3\), LGA 1972](#); [section 233\(4\), TCPA 1990](#))

#### 4.5 Other Implications

As an integral part of each transfer arrangement an Equalities Impact Assessment has been completed. **(Available on request)**

The CAT programme is promoted on the Council's web link applications. Ward members are invited to attend the assessment panel in line with the Terms of Reference.

Y	Equalities/Diversity	N	Sustainability	N	Human Rights
Y	E-Government	Y	Stakeholders	N	Crime and Disorder

**Annex:** CAT Asset Assessment Table for Chepstow Park

#### **Background Papers:**

Delegated Decision Report 9 June 2015: Council assets to be entered into the Community Asset Transfer Programme (CAT). [9 June 2015 - Delegated Decision - Community Asset Transfer](#)

Cabinet Decision 9 November 2015; A strategic review of the CAT programme and Way forward for the future [9 November 2015 Cabinet - A Strategic Review of the Community Asset Transfer Programme](#)