

## Bath & North East Somerset Council

DECISION MAKER:	<b>Cllr Malcolm Hanney, Cabinet Member for Resources and Deputy Leader</b> <b>Cllr Charles Gerrish, Cabinet Member for Customer Services</b>	
DECISION DATE:	<b>On or after 1<sup>st</sup> October 2010</b>	<b>PAPER NUMBER</b>
TITLE:	<b>Land Transfers between Somer Community Housing Trust and Bath &amp; North East Somerset Council</b>	EXECUTIVE FORWARD PLAN REFERENCE:  <b>E 2150</b>
WARD:	Combe Down, Kingsmead, Lambridge, Newbridge, Odd Down, Oldfield, Southdown, Twerton, Walcot, Westmoreland, Weston and Widcombe	
AN OPEN PUBLIC ITEM		
<b>List of attachments to this report:</b> <b>Appendix 1 - List of Sites</b> <b>Appendix 2 - Somer briefing note on play area consultation</b> <b>Appendix 3 - Briefing note on play areas to remain within Somer lease</b>		

### 1 THE ISSUE

1.1 In 1999 twenty one play areas in Bath were transferred to Somer Community Housing Trust on a 125 year lease as part of the Housing Stock Transfer. At the time, Members wished to retain some control as Somer was an unproven entity. Eleven years on Somer is now an established partner organisation and looking to review the position in order to better respond to specific current amenity requirements on individual estates.

### 2 RECOMMENDATION

The Cabinet member is asked to agree to:

- 2.1 The transfer of freehold reversions to 16 of the sites to Somer subject to appropriate terms
- 2.2 Acceptance of a surrender of the existing 125 year lease in relation to 3 of the sites, again subject to terms and agreement of a commuted sum for maintenance
- 2.3 Two sites remaining within the existing lease for the time being

### **3 FINANCIAL IMPLICATIONS**

- 3.1 The transfer of the freehold reversions to 16 of the sites will place no financial burden on the Council and relinquish it of future liability for them. The presumption is that the land will continue to be used for amenity purposes, but the terms of the transfer will include a covenant providing for alternative use to be considered in the future subject to the Council's consent. This will allow a strategic overview of amenity provision in the area to be retained and in such cases the Council's financial interests will also be protected by terms requiring the benefit to be shared by payment of 50% of the increase in value should any of the sites ultimately be developed
- 3.2 The surrender of the existing lease in relation to 3 of the sites will place all future financial liability with the Council. A commuted sum will be paid by Somer in respect of these sites to cover the cost of any immediate works and 15 years maintenance
- 3.3 Financial liability for the 2 sites that stay within the existing lease will remain with Somer for the duration of the lease
- 3.4 Legal costs relating to the transfer of the freehold reversions and the surrender of the existing lease will be borne by Somer

### **4 CORPORATE PRIORITIES**

- Building communities where people feel safe and secure
- Improving life chances of disadvantaged teenagers and young people
- Improving transport and the public realm

### **5 THE REPORT**

- 5.1 Following the Housing Stock Transfer in 1999, 21 play areas in Bath were transferred to Somer on a 125 year lease. Eleven years on the Council and Somer are looking to review the position in order to better respond to specific amenity requirements on individual estates
- 5.2 Following officer discussions it is proposed to transfer the freehold reversions of 16 sites to Somer where the play areas are integral to Somer estates. Transfer will allow Somer to invest in improving amenity facilities without the perceived risk of the lease. An outline of the proposed consultation to be undertaken at each site by Somer, along with timescales involved, is set out in Appendix 2
- 5.3 Three sites are proposed to be surrendered back to the Council. These sites are part of larger Council owned open spaces and ongoing management costs will be fully funded for a period of 15 years by payment of a commuted sum by Somer. The Council will undertake consultation on these sites during spring 2011 to help determine how they can best serve the needs of local communities
- 5.4 Two sites are proposed to remain under the current 125 year lease and responsibility for these will stay with Somer. Consultation over the future of these sites will be undertaken as set out in Appendix 3
- 5.5 Transfer of the freehold of the 16 sites will place ongoing liability with Somer and simplify the Council's current landholdings. The transfer will remove uncertainty

over the future of these sites and enable Somer to begin a programme of consultation and improvement. This will provide a significant step forward in implementing the Council's Green Space Strategy and meeting the local standards set out within it

5.6 The return of three sites to the Council will again simplify its landholdings and enable the Council to undertake consultation to help determine how the sites can best serve the needs of local communities

5.7 The two sites that will remain within the Somer lease will be managed in their current form whilst joint consultation is undertaken by Somer and the Council. The feasibility of returning these sites to the Council will be re-examined once this exercise is complete

## **6 RISK MANAGEMENT**

6.1 The report author and Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance

6.2 It is recognised that there could be adverse media reaction to the proposals so liaison between both organisation's Communications and Marketing has been put in place to allow them to work jointly towards mitigating this risk by promoting the benefits that will be derived from these proposals

## **7 EQUALITIES**

7.1 An Equalities Impact Assessment has been carried out using corporate guidelines

## **8 RATIONALE**

8.1 The transfer of the freehold reversions of 16 sites and the surrender of the 125 year lease on a further 3 sites is recommended as it ensures investment in the appropriate improvement and management of these areas

## **9 OTHER OPTIONS CONSIDERED**

9.1 Maintaining the current position with all play areas being managed within the 125 year lease was considered but as this has led to a slow decline in the quality of the sites it was determined that a simplification of land ownership and transfer of all liability was the best approach

## **10 CONSULTATION**

10.1 Ward Councillors (where sites fall into their wards); Cabinet members; Staff; Other B&NES Services; Section 151 Finance Officer; Chief Executive; Monitoring Officer

10.2 Consultation was carried out by issue of briefing notes / draft single member decision paper

## 11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 Social Inclusion; Customer Focus; Human Resources; Property; Young People; Human Rights; Health & Safety; Other Legal Considerations

## 12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Council Solicitor) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	Andy Chard, Neighbourhood Environment Manager, Tel. 396883
<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	