

Single Member Cabinet Decision

**Executive  
Forward Plan  
Reference**

**E2150**

**Land Transfers between Somer Community Housing Trust  
and Bath & North East Somerset Council**

<b>Decision maker/s</b>	Cllr Malcolm Hanney, Cabinet Member for Resources & Deputy Leader Cllr Charles Gerrish, Cabinet Member for Service Delivery
<b>The Issue</b>	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.
<b>Decision Date</b>	11 Oct 2010
<b>The decision</b>	The Cabinet Member agrees to <ol style="list-style-type: none"> <li>1. The transfer of freehold reversions to 16 of the sites to Somer subject to appropriate terms</li> <li>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</li> <li>3. Two sites remaining within the existing lease for the time being</li> </ol>
<b>Rationale for decision</b>	<ol style="list-style-type: none"> <li>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 wanted to review the position in order to better respond to specific amenity requirements on individual estates</li> <li>2. Following officer discussions it was 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. Somer have agreed a programme of consultation on these sites and have set out their intended investment timetable.</li> <li>3. Three sites were 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</li> <li>4. Two sites were 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 by the Council and</li> </ol>

	Somer early in 2011 in order to agree the best way forward for play area provision in these areas. The feasibility of returning these sites to the Council will be re-examined once this exercise is complete
<b>Financial and budget implications</b>	<ol style="list-style-type: none"> <li>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</li> <li>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</li> <li>3. Financial liability for the 2 sites that stay within the existing lease will remain with Somer for the duration of the lease</li> <li>4. Legal costs relating to the transfer of the freehold reversions and the surrender of the existing lease will be borne by Somer</li> </ol>
<b>Issues considered</b>	Social Inclusion; Customer Focus; Human Resources; Property; Young People; Human Rights; Health & Safety; Other Legal Considerations
<b>Consultation undertaken</b>	Ward Councillors where sites fall into their wards (note appendices 2 & 3 of the original report addressed concerns raised by Ward Councillors); Cabinet members; Staff; Other B&NES Services; Section 151 Finance Officer; Chief Executive; Monitoring Officer
<b>How consultation was carried out</b>	Consultation was carried out by issue of briefing notes / draft single member decision paper
<b>Other options considered</b>	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

<b>Signatures of Decision Makers</b>	
<b>Date of Signature</b>	

**Subject to Call-in until 5 Working days have elapsed following publication of the decision**