

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	<p><b>Single Member Decision</b></p> <p><b>Councillor Paul Roper - Cabinet Member for Economic and Cultural Sustainable Development</b></p>	
MEETING/ DECISION DATE:	<p><b>On or after 28<sup>th</sup> June 2025</b> (for single Member decision)</p>	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3617
TITLE:	<p>Land at Junction of Venus Lane and Church Lane, Clutton BS39 5SF and Burchill Close Play Area, Clutton BS39 5PR– Recommendation for a Community Asset Transfer of both assets</p>	
WARD:	<p>Clutton &amp; Farmborough</p>	
<p><b>AN OPEN PUBLIC ITEM</b></p>		
<p><b>List of attachments to this report:</b></p> <p>Appendix One: Expressions of Interest</p> <p>Appendix Two: Business Plans</p> <p>Exempt Appendix Three: Draft Heads of Terms</p> <p>Exempt Appendix Four: Draft Partnership Agreement</p> <p>Appendix Five: Social Value Report</p> <p>Exempt Appendix Six: Social Value Calculation</p> <p>The exempt appendices contain exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemptions are set out below.</p> <p><i>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</i></p>		

### 1 THE ISSUE

- 1.1 Agree the land at Venus Lane / Church Lane (The Village Green) and Burchill Close Play Area are suitable assets for transfer to Clutton Parish Council, by way of Community Asset Transfers.

## **2 RECOMMENDATION**

The Cabinet Member for Economic and Cultural Sustainable Development is asked to;

- 2.1 Determine that the subject assets be transferred to Clutton Parish Council via Community Asset Transfers.
- 2.2 Delegate to the Head of Corporate Estate, in Consultation with the Section 151 Officer, the power to enter Community Asset Transfers.

## **3 THE REPORT**

- 3.1 CAT applications have been submitted by Clutton Parish Council (CPC) in respect of two areas of land in Clutton; The Village Green and Burchill Close Play Area.
- 3.2 About Clutton Parish Council (CPC):
- 3.3 CPC serves as the first tier of local government for the village of Clutton in Bath and North East Somerset (B&NES). It operates under the framework established by the Local Government Act 1972, which defines parish councils as statutory bodies with specific powers and responsibilities.
- 3.4 Aims and Objectives:
- 3.5 CPC's primary aim is to represent the interests of Clutton's residents and enhance the quality of life within the parish. Key objectives include:
  - Maintenance of Community Assets: Overseeing the upkeep of parish-owned land, the playground, football field, the allotments, and Station Park.
  - Planning and Development: Reviewing and providing input on local planning applications to ensure developments align with the community's needs and preferences and the Clutton Neighbourhood Plan.
  - Collaboration with B&NES Council: Coordinating with B&NES Council on issues affecting the parish, ensuring that local concerns are addressed at the district level.
  - Community Engagement: Addressing issues raised by parishioners and facilitating public participation in council meetings. Residents are encouraged to attend monthly meetings, typically held on the third Monday of each month at Clutton Village Hall.
- 3.6 Track Record:
  - In 2015, CPC successfully developed and implemented the Clutton Neighbourhood Development Plan, covering the period from 2015 to 2035. This plan was created through extensive community consultation and was endorsed via a referendum, reflecting the council's commitment to participatory planning and sustainable development.

### 3.7 Legal Status:

- As a parish council, CPC is a legally constituted local authority with the power to raise funds through local taxation (precepts) and to make decisions on various local matters. Its operations are governed by statutory regulations, and it functions independently while collaborating with higher tiers of government, such as the B&NES Council.

### 3.8 The vision for the future use of the Village Green:

3.9 The village green is a triangle of grass in front of St Augustine's church. It is, at present, maintained by B&NES but the responsibility for this will pass to CPC when the asset is transferred. There are benches in the area. Planters will be installed and maintained. The Horticultural Society would use this area as part of their plant sale, as it is freely accessible to all. The church holds an annual carol service on the green. CPC provide and decorate a Christmas tree on this green space.

### 3.10 The need and benefits.

- This is a small but central space in the village which is of importance to the villagers.

### 3.11 Impact of the activities.

- Members of the public enjoy the plant sale, Carol service and Christmas tree displays. The benches will provide outdoor seating for anyone walking around the village.

### 3.12 Project resources.

- Funds will be allocated for work in this area when the annual budget is prepared each year.

### 3.13 Managing the building or land and Equalities, accessibility and diversity.

- The Village Operative will check this space on a regular basis and manage litter and any dog fouling.

### 3.14 Project delivery.

- The project will be monitored by the open spaces working group of the Parish Council. All proposals will be discussed at a Parish Council meeting, which is open to the public, and each decision will be voted on. Members of the public will have opportunities to give their views at the meetings and by email and in writing.

### 3.15 Monitoring and evaluation frameworks.

- The Parish Council will be using reputable contractors to carry out any works, with work monitored by Councillors with responsibility for open spaces in Clutton. Three quotations for any work to be carried out will be procured.

### 3.16 Risk analysis.

- Risk assessments are carried out in respect of all Parish Council activities.

### 3.17 Project costs.

- The PC will obtain three quotations for any work to be carried out. Funds will be allocated for work in this area when the annual budget is prepared each year.

### 3.18 The vision for the future use of the Burchill Close Play Area.

3.19 This area was originally a play park built by the developers of Burchill Close. When BANES approached the Parish Council concerning the asset transfer all the play equipment was removed by BANES. At present the grass is cut by BANES. When the asset transfer is complete CPC will take over the responsibility for grass cutting and maintenance of this area. The Village Operative would check this space daily and manage litter and any dog fouling. CPC intend to use this as a quiet space and will provide benches. There is access through to the old railway line (Station Park) from this space, with additional access for pushchairs and mobility scooters planned.

### 3.20 The need and benefits.

- The Parish Council will be consulting with people from the village about the future use of this small park.
- The village playgroup would use this space for outside play as it is enclosed.
- Wraparound Care at The Cabin (providing before and after school care for children aged 5 to 11 years) are keen to have a safe route to school, avoiding the busy Station Road which only has a virtual pavement. The children would also visit this area during after-school activities.
- The new estate of houses, Daggery Mead, will have pedestrian access onto Station Park and, with the improved access to the play park at Burchill Close, this will provide a safe route to school, avoiding Station Road.

### 3.21 Project resources.

- The Parish Council have ring-fenced CIL money from new builds to fund the work to be carried out at Burchill Close play area. Funds will be allocated for work in this area when the annual budget is prepared each year.

### 3.22 Managing the building or land and Equalities, accessibility and diversity.

- The Village Operative will check this space daily and manage litter and any dog fouling. The improved access on to Station Park will make it possible for dog-walkers using mobility scooters to access this space. CPC will be canvassing the villagers to find out their ideas for future developments to this space.

### 3.23 Project delivery.

- The project will be monitored by the open spaces working group of CPC. All proposals will be discussed at Parish Council meetings, which are open to the public, and each decision will be voted on. Members of the public will have opportunities to give their views at the meetings and by email and in writing.

### 3.24 Monitoring and evaluation frameworks.

- CPC will be using reputable contractors to carry out any works, monitored by Councillors with responsibility for open spaces in Clutton. CPC will obtain three quotations for any work to be carried out.

### 3.25 Risk analysis.

- Risk assessments are carried out in respect of all Parish Council activities.

### 3.26 Project costs.

- CPC will obtain three quotations for any work to be carried out. The Parish Council has ring-fenced CIL money from new builds to fund the work to be carried out at Burchill Close play area. Funds will be allocated for work in this area when the annual budget is prepared each year.

## **4 STATUTORY CONSIDERATIONS**

4.1 Since the Quirk Report 2007 and the introduction of the Localism Act 2011, there has been a growing interest by both local Councils and the third sector in transferring property assets into community ownership. Councils and central government have recognised that community assets can provide better outcomes, offer better value as well as create greater freedoms for partner organisations to tailor services and draw down external investment.

4.2 Under s123 of the Local Government Act 1972, any disposal by the Council of an asset in excess of 7 years (including leasehold interests) must obtain "best consideration", unless the General Disposal Consent (England) 2003 Circular 06/03 can be applied or a specific consent is obtained. The General Consent allows specified circumstances where the consent can be applied:

a) the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;

i) the promotion or improvement of economic well-being;

ii) the promotion or improvement of social well-being;

iii) the promotion or improvement of environmental well-being;

and;

b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).

4.3 The Council has undertaken several Community Asset Transfers over the last eight years with various organisations where they have demonstrated that they are delivering services in our area and that their proposals can fulfil the following criteria:

- That they are an appropriate, not for profit legal entity, with a suitable governance structure to ensure effective management of the asset;
- There is an alignment between the work and objectives of the organisation and the Council's own Corporate Strategy and;
- Opportunities are created for enhancing the capacity of the third sector and empowering them to deliver their objectives.

4.4 The B&NES CAT policy document builds upon the work already undertaken by the Local Authority and follows the principles set out in the guidance document produced by "Locality" on Community Asset Transfers and examples taken from other local authorities including Bristol City Council, Isle of Wight and Wigan Borough Council. This policy creates a straightforward process for organisations to apply for a Community Asset Transfer. This is essential to ensure that the wider community interests are safeguarded and that the overall objectives agreed for each asset transfer will continue to be delivered in the longer term.

4.5 The BANES Property Records Coordinator has confirmed the CAT is subject to the requirement to advertise and place an Open Space Notice on the land prior to final legal agreement.

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

5.1 The potential CATs will benefit B&NES by removing holding, asset management and maintenance costs. Project resources will transfer to CPC with funds allocated by CPC for work in this area when the annual budget is prepared each year.

5.2 Managing the land will be CPC's responsibility with the Village Operative checking the assets on a regular basis, together with management of litter and any dog fouling.

5.3 Local management and responsibility for the assets will improve as a result of Parish Council personal investment.

5.4 As evidenced by the social value calculation undertaken, the value created by the CATs outweigh the market rent achievable and therefore B&NES are securing better value as a result of the transfer.

5.5 CATs will provide better outcomes all round and enable CPC more freedom to develop facilities and secure long-term funding in the knowledge they have secured a guaranteed longer tenure (subject to ongoing assessment that community value is maintained).

## **6 RISK MANAGEMENT**

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.
- 6.2 Community Asset Transfer usually involves a transfer at less than market value. The level of subsidy applied to the asset transfer, will be determined by the social, economic or environmental benefits generated by the transfer and the market value of the asset. The value of the transfer will vary. It cannot be assumed that this will automatically be reduced to nil, as the subsidy will be dependent upon the benefits demonstrated.
- 6.3 The Leisure and Public Health Team has undertaken social value calculations which evidences the market rent to be below the social value produced, resulting in a peppercorn rent being applicable.

## **7 EQUALITIES**

- 7.1 An EIA has not been carried out as this decision seeks to confirm approval to a property disposal and does not involve Equality policy.
- 7.1 However, as the recipient of the CAT is a Parish Council, as a statutory body at the first tier of local Government, CPC is bound by all nine protected characteristics of the Equality Act 2010.

## **8 CLIMATE CHANGE**

- 8.1 CATs to CPC will result in several environmental and climate benefits detailed as follows:
  - maintaining openly accessible usable community green spaces in a village with few other accessible managed green assets.
  - Planters will be installed on the Village Green, enhancing plant life.
  - The local Horticultural Society will utilise The Green for regular plant sales.
  - Burchill Close Play Area can provide a safe route to the local school, which could reduce car movements and reduce carbon emissions.
  - Maintaining both areas as green space combined with nature development will be greatly beneficial to the local climate and overall climate in general.

## **9 OTHER OPTIONS CONSIDERED**

- 9.1 None.

## 10 CONSULTATION

10.1 Consultation has been carried out with the Chief Operating Officer, S151 and Monitoring Officer, as well as the Cabinet Member for Economic and Cultural Sustainable Development and the Ward Councillors for Clutton and Farmborough.

<b>Contact person</b>	Richard Holden Head of Corporate Estates & Development
<b>Background papers</b>	Appendix One: Expressions of Interest Appendix Two: Business Plans Exempt Appendix Three: Draft Heads of Terms Exempt Appendix Four: Draft Partnership Agreement Appendix Five: Social Value Report Exempt Appendix Six: Social Value Calculation
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