

AGENDA ITEM 8

COMMUNITY AND SOCIAL AFFAIRS COMMITTEE

27 JANUARY 2016

REPORT OF HEAD OF COMMUNITIES & NEIGHBOURHOODS

DISPOSAL OF OPEN SPACE- AB KETTLEBY-REVIEW

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to ask members to review their previous decision to dispose of a small area of open space to Ab Kettleby Parish Council, after taking into account the comments received.

2.0 RECOMMENDATIONS

It is recommended that:

- 2.1 **Members review their decision to declare as surplus to requirements and the disposal of the small open space, identified in the plan attached at Appendix A, after considering the objections and comments received in response to the advert placed in line with s123 of the Local Government Act 1972.**

3.0 BACKGROUND / KEY ISSUES

- 3.1 The council received a request from Ab Kettleby Parish Council to consider the transfer of a small piece of land, currently designated as 'Open Space', so that they can maintain it as a play area for community use and potentially install play equipment.

The Land has been identified as Open Space in the ownership of Melton Borough Council and is identified in the Plan attached at Appendix A.

- 3.2 The Parish Council are keen to retain this land as open space for community use and will be looking to secure external funding to enhance the provision.

- 3.3 At their meeting of 30 September 2015 members approved:

Members declare as surplus to requirements and approve the disposal of the small open space, identified in the plan attached at Appendix A

Members approve the transfer of ownership to Ab Kettleby Parish Council for £1 and that the Special Assumptions are incorporated into any transaction.

Subject to approval of Recommendation 2.1 and 2.2 delegate to the Head of Communities & Neighbourhoods in consultation with the Head of Central Services to negotiate the disposal in line with s123 of the Local Government Act 1972.

Members delegate to the Head of Communities & Neighbourhoods to respond to any comments resulting from the required consultation and any objections considered as contentious by the Head of Communities and Neighbourhoods will

be reported to the appropriate Committee for consideration.

The full report is provided in Appendix B.

3.4 Comments/Objections received

In response to the advert placed as per s123 of the Local Government Act 1972, the council has received a number of comments, which are summarised below:-

7 letters- all objecting to the proposal, for a variety of reasons:-

- Very close to vulnerable, some with disabilities and elderly residents, whose peace and quiet would be destroyed
- Security issues, if play area was created
- Noise level for play area, too close to vulnerable residents
- Risk of damage and nuisance to vulnerable residents
- Potential to attract youths for ASB
- Is there a need, with such a low number of young children in the village
- Issues around litter
- Dangerous road to cross for young children to access area

In addition a letter outlining many of the points mentioned above has been sent in with the support of 10 residents; of which 1 has also written in separately, therefore 16 individual residents have expressed their concerns and objections.

In response to these comments the Parish Council has responded by advising:

That the request to take over the small area was initially made by 1 resident and the PC supported this request and are willing to take over the land, An item was placed in Village Ilfe (local magazine) regarding the proposal and advising residents that the matter would be discussed at our December meeting.

No one attended the meeting and 1 letter of objection was received.

The resident, who has since moved from the area, has advised that the request was triggered from discussions with a number of mothers in the parish, raised and received support on the issue at the family service church and therefore felt it was a needed provision in the parish.

- 3.5 Members are asked to consider the comments received and the information provided by the Parish Council/Resident and undertake a review of their previous decision and indicate to officers if they should continue with the transfer or not.

4.0 **POLICY AND CORPORATE IMPLICATIONS**

- 4.1 This report has been written in consideration of the Council The Land Acquisition and Disposal Policy September 2013.

The main areas being that officers:-

- General Guidance- links to corporate priorities/Asset Plan
- Valuations- ensuring appropriate valuations are undertaken

- Disposal- Procedure/Financial consideration/powers for disposal

4.2 There are clear links into some priorities of the Council’s Corporate Plan :-

- Place based environment
- Agile Council

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 Members are asked to note that implications identified in the original report, which are still applicable should members decide to continue with the transfer of ownership.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 Following members meeting of 30 September officers progressed the transaction in line with s123 of the local Government Act 1972 and the General Disposal Consent (England) 2003.

An advert was placed outlining the Council’s intention and members requested that the Head of Communities and Neighbourhoods can deal with any responses, unless they are deemed contentious and then they will be brought back to this committee.

The comments received have been deemed to contentious and have been brought back for members attention.

7.0 COMMUNITY SAFETY

7.1 There are no direct implications to Community Safety arising from this report.

8.0 EQUALITIES

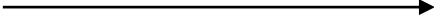
8.1 An Equality Impact Assessment has not been undertaken, however, the recommendations and purpose of this report seek to enhance the community provision, and subsequently no immediate negative impacts have been identified.

9.0 RISKS

Very High A				
High B				
Significant C		2		

Risk No.	Description
1	Members do not approve Disposal and a community asset is not secured
2	Members forgo residential Value of the site

Low D		1		
Very Low E				
Almost Impossible F				
	I Neg- ligible	II Marg- inal	III Critical	IV Catast- rophic



Impact

10.0 CLIMATE CHANGE

10.1 None have been identified.

11.0 CONSULTATION

11.1 Ab Kettleby Parish Council has been consulted in this process..

12.0 WARDS AFFECTED

12.1 Ab Kettleby Ward

Contact Officer H Rai

Date: 10 January 2016

Appendices : Appendix A: Site Plan
Appendix B: Copy of report 30 September 2015

Background Papers: Acquisitions & Disposal Policy

Reference : X: C'tee, Council & Sub-C'tees/CSA/2015-16/27-01-16/HR- Ab Kettleby Disposal of Land