

Agenda Item

REPORT OF Planning and Economy Manager
To: Internal Overview and Scrutiny Committee
Subject: Avon Lane site
Date: 9th July 2019 **Reference:**

PURPOSE OF REPORT:

For Members to consider the resolution of Community and Resources Committee on the 4th March 2019 in relation to the site off Avon Lane and the Northam Town Council Community Asset Transfer application.

1. INTRODUCTION

On the 4th of March Community and Resources Committee received a report on the Avon Lane site (known locally as the Park) and the Northam Town Council application for a Community Asset Transfer. The site had been the subject of many previous committee debates and previous C&R instruction had been to pursue a partial development option for the site with the remainder being retained as a smaller but improved park area.

2. REPORT

The report to committee on the 4th March is attached as Appendix 1 and the minutes as Appendix 2.

It was recommended that:

1. The Asset Transfer Application by Northam Town Council is rejected and that the development proposal is progressed.

Following extensive debate Members resolved:

That the Asset Transfer Application by Northam Town Council be revisited and the development proposal is not progressed.

This decision was later subject to call in by 4 Council Members within the requisite call in period and is therefore scheduled for debate at Internal Overview and Scrutiny Committee.

No specific reasons for call in were cited.



3. IMPLICATIONS

Legal Implications

As identified in the previous report, an application was made to list the site as a Village Green. A public inquiry took place over a 4 day period and Devon County Council refused the application. Torridge District Council is both the legal and beneficial owner of the land. The site is to be considered an asset of the District and not Northam alone.

TDC voluntarily registered the site as an "Asset of Community Value". Therefore if TDC were minded to sell the land on the open market TDC would notify the community of the intended sale and publicise the information in the area and a moratorium period would follow. NTC can give notice that they wish to be treated as a potential bidder for the land.

The Council currently has no tenants so there are no restrictions on this side of things.

Any disposal would be via a clear and transparent process and compliant with S123 of The Local Government Act 1972 including issuing of all due Notices and due compliance.

Financial Implications

Under the provisions of S123 of the Local Government Act 1972 the Council has a legal obligation to ensure that any land disposal achieves the best consideration that can reasonably be obtained.

The proposed development scheme is demonstrably deliverable and fully funded at no additional cost to the taxpayers of TDC with the opportunity of further future local benefits. It is understood that NTC's proposal would need to be funded by borrowing and at a further cost to the taxpayers of Northam.

Human Resources Implications

Within existing resources

Sustainability Implications

As previously reported, to do nothing with this site is unsustainable. The option to pursue a development proposal for the site for housing and community/ recreational/play uses is considered to be the most sustainable and achievable option. In addition there are concerns with leaving the ex Happy Café which is currently vacant to deteriorate.

Equality/Diversity

Members should consider the needs of all aspects of the community in making resolution

Risk Management

N/A

Compliance with Policies and Strategies

Future proposals should be made in accordance with the Council's strategic priorities as set out in the TDC Strategic Plan 2016 -2020

Leader Member Views



4. CONCLUSIONS

At Community and Resources Committee on the 4th March it was explained that the issue of a Community Asset Transfer has been previously resolved with a dismissal of the proposal at an earlier Committee. In normal circumstances this would have meant that any subsequent application for Community Asset transfer would have been dismissed without detailed consideration.

A detailed and independent assessment of the Community Asset Transfer Application and Business plan had been undertaken and it concluded that it is neither an eligible request nor a sustainable one. In addition the Community Asset Transfer as requested in the application from NTC was deemed by your officers not sufficient to satisfy the best consideration requirements S123 of the Local Government Act 1972 and would not be lawful.

Members were asked to have regard to the responsibilities of the Council to comply with S123 of the Local Government Act which states that a principal Council cannot dispose of its land for a consideration less than the best that can be reasonably obtained in the market, except with the express consent of the Secretary of State.

Members resolved the following:

That the Asset Transfer Application by Northam Town Council be revisited and the development proposal is not progressed.

If Members of this Committee are minded to endorse the previous decision of Community and Resources Committee then the issue is resolved at this point and Officers will seek to fulfil the resolution if lawful to do so.

If Members wish to make recommendation for change of the resolution then the matter is referred back to Community and Resources Committee and that recommendation will be considered at the next possible meeting of Community and Resources Committee.

5. RECOMMENDATIONS

It is recommended that:

1. That Members consider the Community and Resources resolution of the 4th March and decide whether they wish to endorse it or recommend change.

SUPPORTING INFORMATION

Consultations: Head of Paid Service, Strategic Manager (Resources), Senior Solicitor, Cllr Hicks.

Contact

Officer: Sean Kearney – Planning and Economy Manager

Background

Papers:

