

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**PORTFOLIO HOLDER DELEGATED DECISION**

**By**

**County Councillor Rosemary Harris  
(Portfolio Holder for Property, Buildings and Housing)**

**and**

**County Councillor Arwel Jones  
(Portfolio Holder for Education)**

**Date: 27 February 2017**

**REPORT AUTHOR:** David Pritchard Valuer

**SUBJECT:** Community Asset Transfer of the freehold of Llanfechain Recreation Field, Llanfechain.

---

**REPORT FOR:** Decision

---

**1.0 Summary**

1.1 This report deals with Llanfechain Recreation Field, Llanfechain, which comprises a sports field and play area which is currently leased to Llanfechain Community Council. The site is vested in the Council's School Services. The property is identified on the plan at Appendix 1. This report seeks to follow the Community Asset Transfer (CAT).policy with regards to the freehold asset transfer to Llanfechain Community Council.

**2.0 Proposal**

2.1 Llanfechain Community Council wish to secure the freehold of the site for future community use. It currently holds a lease on the site for 25 years from 2008 paying an annual rental of £100 and is responsible for maintaining the site.

2.2 The Policy outlined in the Corporate Asset Policy (CAP) Part 5 Community Asset Transfer (CAT) has been adopted and followed in this case. The Community Council have completed an Expression of Interest (EOI) see Appendix 2. This has been supported by the Strategic Asset Board (SAB).

- 2.3 As the proposed CAT is linked to the future maintenance of an existing community use a Business Case (a formal Council template) is not always required. The Community Council have demonstrated through their existing management of the site that they are a competent body.
- 2.4 As the request is for a freehold transfer an independent market valuation was commissioned. The District Valuation Service reported a current market value of £20,000 (twenty thousand pounds) based on the site being sold subject to a covenant that it would be appropriately maintained and used as a community facility and noting the presence of the current lease.
- 2.5 The Community Council have requested the transfer of the freehold of the property for a nominal £1 whilst allowing Llanfechain Church in Wales School to continue to use the site at any time during the school term.
- 2.6 The Governors of Llanfechain Church in Wales School managed by the County Council are aware of the proposal and have not raised any objection.
- 2.7 Following Cabinet approval (C159-2015) the Portfolio Holder for Property, Buildings and Housing can now agree Community Asset Transfer where the market value of the asset is up to a threshold of £75,000 subject to the Ward Member being supportive of the transfer. Hence Portfolio Holder approval being sought in this case.

### **3.0 One Plan**

- 3.1 A priority of the One Plan is to “remodel Council services to respond to reduced funding” which this proposal supports. It also helps to “support people within the community to live fulfilled lives” through the provision of leisure services and open space.
- 3.2 The proposed transfers would retain and maintain the site for future community use.

### **4.0 Options Considered/Available**

- 4.1 Option 1  
Proceed with the freehold transfer to Llanfechain Community Council at a consideration of £1 allowing the Community Council to secure the future of the site. This option will include a covenant that the land shall be retained for community use and a pre-emption clause allowing the County Council the right to have transferred back to it any part of the land in the future should it be required for educational purposes

## Option 2

Proceed with the request but refuse to transfer the freehold at less than the reported market value of £20,000. This Option will include a covenant that the land shall be retained for community use and a pre-emption clause allowing the County Council the right to have transferred any part of the land in the future should it be required for educational purposes.

### **5.0 Preferred Choice and Reasons**

- 5.1 The preferred choice is as detailed in Option 1 a transfer of ownership to Llanfechain Community Council which offers the best opportunity for the sustainability of the site and secures its long terms future as a community asset. The proposed covenant protects the County Council with regards the future use of the site and any future requirement for educational purpose.

### **6.0 Sustainability and Environmental Issues/Equalities/Crime and Disorder,/Welsh Language/Other Policies etc**

- 6.1 The preferred option is considered to be the best option to sustain the future of the site in its existing use as community assets. Llanfechain Community Council have demonstrated through their existing management of the site and in the EOI that they are an established and competent body.

### **7.0 Children and Young People's Impact Statement - Safeguarding and Wellbeing**

- 7.1 Not considered relevant.

### **8.0 Local Member(s)**

- 8.1 Cllr Gwynfor Thomas Local Member is aware of the proposal.

### **9.0 Other Front Line Services**

- 9.1 The Senior Manager – Central Services comments – The School Service and the Schools Governing Body has been fully involved in the consultation and discussions on this proposal. The service supports the inclusion of recommendation iii in respect of protecting future education requirements.

**10.0 Support Services (Legal, Finance, Corporate Property, HR, ICT, BPU)**

10.1 The Capital and Financial Planning Accountant supports this disposal of this land. The land is not recorded in the Asset Register and therefore the disposal, at less than market value, will have no impact on the Statement of Accounts.

10.2 The Professional Lead –Legal has no comment to make on the preferred option recommended in this report the legal Services will support the disposal as and where required in accordance with CAT policy”

10.3 The Professional Lead for Strategic Property whilst noting the loss of a capital receipts notes the wider community benefits and the imposition of the standard CAT provisions such as user restrictions and buy back clauses.

**11.0 Local Service Board/Partnerships/Stakeholders etc**

11.1 It is not considered that the proposal has implications.

**12.0 Corporate Communications**

12.1 Communications Comment: No proactive communications action required.

**13.0 Statutory Officers**

13.1 The Strategic Director Resources (S151 Officer) notes the comments made by finance.

13.2 The DeputyMonitoring Officer notes the comments made by Legal and the content of the Report and has nothing to add.

**14.0 Members' Interests**

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If either of the portfolio holders has an interest they should declare it, complete the relevant notification form and refer the matter to Cabinet for decision.

**15.0 Future Status of the Report**

Members are invited to consider the future status of this report and whether it can be made available to the press and public either immediately following the meeting or at some specified point in the future.

The view of the Monitoring Officer is that:

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<p><b>1.The Portfolio Holder agrees to transfer the freehold of land known as Llanfechain Recreation Field for £1 as shown edged red on the attached plan provided that:-</b></p> <ul style="list-style-type: none"> <li><b>i. A covenant be contained in the transfer ensuring that the site is maintained and used for community use and that the school shall have use of the site during term time..</b></li> <li><b>ii. A clause be inserted in the transfer protecting the County Council that in the event that at some future date Llanfechain Community Council wish to dispose of the site then the Town Council must first offer the County Council the opportunity to transfer the site back for the original consideration of £1 but subject to an allowance to reflect the value of any significant capital improvement undertaken by Llanfechain Community Council during their ownership.</b></li> <li><b>iii. A Pre-emption clause be included in the transfer granting the County Council the right to have transferred to it any part of the land in the future should it be required for educational purpose.</b></li> </ul>	<p><b>In the interests of good Asset Management and to sustain the future use of a community asset whilst protecting the interests of the County Council.</b></p>

<b>Recommendation:</b>		<b>Reason for Recommendation:</b>	
<b>Relevant Policy (ies):</b>	CAP		
<b>Within Policy:</b>	Y	<b>Within Budget:</b>	Y

<b>Relevant Local Member(s):</b>	<b>Cllr Gwynfor Thomas</b>
----------------------------------	----------------------------

<b>Person(s) To Implement Decision:</b>	<b>David Pritchard</b>
<b>Date By When Decision To Be Implemented:</b>	<b>asap</b>

<b>Contact Officer Name:</b>	<b>Tel:</b>	<b>Fax:</b>	<b>Email:</b>
David Pritchard	01597826602		davidpritchard@powys.gov.uk

**Background Papers used to prepare Report:**