

To:	Cllr Robin Betts – Cabinet Member for Housing, Environment and Economy
From:	Stuart Edwards – Head of Administrative & Property Services
Director:	Adrian Stanfield – Director of Central Services

BRIEFING NOTE: EXECUTIVE - NON-KEY DECISION

TRANSFER OF LAND TO LEYBOURNE PARISH COUNCIL

Summary of Issue: The Parish Council has requested a transfer of the site known at the 'Bombhole' at Oxley Shaw Lane in Leybourne.

Recommendation: To transfer the land to the Parish Council.

1 Background

The site known as the 'Bombhole' at Oxley Shaw Lane in Leybourne is leased to the Parish Council for a term of 30 years from July 2010, expiring July 2040, for the sum of £1 per annum. The site can only be used as a play area and public open space.

The Parish Council have requested that the Borough Council transfer the freehold interest in the site to them.

2 Proposal

The proposal to transfer the site meets the requirements of the Council's Community Assets Transfer Policy, in that it will benefit both organisations, and is therefore supported.

The proposal is that the land is transferred for a sum of £1, with a restrictive covenant included stating the site can only be used as public open space.

3 Legal Advice

The matters set out in this briefing note are considered routine or uncontroversial and a legal opinion has not been sought.

If approved, Legal Services will be instructed to draft and complete the transfer documentation, to ensure all relevant terms are included.

Under the Local Government Act 1972, there is a requirement for the Borough Council to advertise the proposed disposal of open space in a local newspaper for two weeks, offering the opportunity for the public to comment/object. This has been undertaken with no objections or comments being received.

4 Financial and Value for Money implications

Being that the site is already the subject of a long lease, plus with the addition of a restrictive covenant to be placed on the land which states it can only be used as public open space, it is proposed the site be transferred for £1.

The Parish Council agreed to meet the cost of the newspaper advert.

The transfer will remove any ongoing liability to the Borough Council.

5 Risk Assessment

There are not considered to be any risks associated with this decision.

6 Public Sector Equality Duty

We do not consider there to be any equality related issues in this matter.

7 Consideration by Overview and Scrutiny

We do not consider that this matter needs to be considered by O&S/ SSC before a decision is made.

8 Communications

Local Members have been consulted and are in agreement with the proposed way forward. No objections were received from the newspaper advert.

9 Conclusion

We recommend disposing of the land to the Parish Council.

10 Annexes

Annex A – Location Plan