

## **BRECKLAND COUNCIL**

### **Report of Mark Kiddle-Morris, the Executive Member for Commissioning to the CABINET – 31 May 2011**

**(Author: Zoe Footer, Land Management Officer)**

#### **LAND AT DEREHAM ROAD, WHINBURGH**

##### **1. Purpose of Report**

Members of the Breckland Cabinet are requested to approve the transfer of all rights and interest (if any) in the land at Dereham Road, Whinburgh.

##### **2. Recommendation(s)**

It is recommended that the Cabinet

- 2.1 agree to transfer all rights and interest (if any) in the land at Dereham Road, Whinburgh (extent of land shown edged in red on the attached plan) to Whinburgh and Westfield Parish Council at nil consideration subject to the imposition of a restrictive covenant “not to use this land for any other purpose other than amenity purposes only”.

**Note:** In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

##### **3. Information, Issues and Options**

###### **3.1 Background**

- 3.1.1 Breckland Council have been approached by the Clerk to Whinburgh and Westfield Parish Council who have formally requested the transfer of all Breckland Council’s rights and interest (if any) in the land at Dereham Road, Whinburgh.

###### **3.2 Issues**

- 3.2.1 Breckland Council does not hold any formal title documents, such as a conveyance or a transfer for the land at Dereham Road, Whinburgh. Rather, Breckland Council acquired specified powers and duties (as opposed to title) in respect of the land under various Acts of Parliament, including section 25 of the Local Government Act 1894.
- 3.2.2 In the District Valuers opinion the value of the land is in the sum of £11,500.00 plus VAT.

###### **3.3 Options**

- 3.3.1 To transfer all rights and interest (if any) in the land adjacent at Dereham Road, Whinburgh (extent shown edged in red on the attached plan) to Whinburgh and Westfield Parish Council at nil consideration subject to the imposition of a restrictive covenant “not to use this land for any other purpose other than amenity purposes only”.
- 3.3.2 To refuse to transfer all rights and interest (if any) in the land at Dereham Road, Whinburgh.

###### **3.4 Reasons for Recommendations**

- 3.4.1 To relieve Breckland Council of future liabilities.

#### **4. Risk and Financial Implications**

##### 4.1 Risk

4.1.1 I have completed the Risk Management questionnaire and this report does not require a risk assessment because the changes/issues covered by the recommendations are not significant in terms of risk.

##### 4.2 Financial

4.2.1 Proforma B attached.

#### **5. Legal Implications**

5.1 There are no specific legal issues that require special comment here.

#### **6. Other Implications**

- (a) Equalities – no, implicit within process.
- (b) Section 17, Crime and Disorder 1998 – implicit within process.
- (c) Section 40, Natural Environmental and Rural Communities Act 2006 – implicit within process.
- (d) Human Resources – none.
- (e) Human Rights – implicit within process.

#### **7. Alignment to Council Priorities**

7.1 The matter raised in this report falls within the following council aim and associated priority:

- Building Safer and Stronger Communities – Promote a sense of community belonging and pride.

#### **8. Wards/Communities Affected**

8.1 Upper Yare.

##### Lead Contact Officer

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##### Key Decision

*This is not a key decision.*

##### Appendices attached to this report:

Site plan

Proforma B