

SPECIAL URGENCY DECISION

Leader of Council:

Name: Councillor Alyson Barnes
Date agreed: 29th September 2023

Chair of Overview and Scrutiny:

Name: Councillor Samara Barnes
Date agreed: 10th October 2023

Decision Taker:

Rob Huntington, Chief Executive

Details of Decision and Reasoning:

The approval of the Community Asset Transfer Application by Whitworth Town Council in respect of the Whitworth Leisure Centre, John Street, Whitworth.

Delegation to the Council's Statutory Officers to agree all heads of terms and all other operational decisions necessary to implement and complete the freehold transfer of the Leisure Centre.

The Asset Review Panel has considered the application in line with the policy and recommended, in consultation with key members, that the application be approved.

It is imperative that the decision be made prior to the next Cabinet meeting to afford the Whitworth Town Council the opportunity to complete all necessary legal agreements as soon as possible to allow the Business Plan to be put into effect. Any delay would be detrimental to the smooth opening of the Leisure Centre and loss of income and funding opportunities.

Decision to be taken by:

Rob Huntington, Chief Executive

Documents to be considered by the decision taker:

Confidential Council report of 22nd May 2023.
Community Asset Transfer Application and associated Business Plan.
Recommendations and minutes of the Asset Review Panel.

Implications:

In accordance with the Council's CAT policy Whitworth Town Council has submitted a reasoned business case demonstrating the social and community value they can deliver as a result of the transfer and have completed due diligence into their preferred method of delivery in the event that they take on responsibility for the property.

A Local Authority cannot dispose of its land for less than the best consideration reasonably obtainable in the market, except with the express consent of the Secretary of State (section 123(1), Local Government Act 1972) or unless certain criteria are satisfied in accordance with the General Disposal Consent (England) 2003. This enables a disposal at an under value if the disposal will secure the promotion or improvement of the

economic, social or environmental wellbeing of the area. In addition the disposal must not be for more than £2,000,000 below the unrestricted value of the land.

Officers have demonstrated through property valuations and consideration of the application that the intended disposal falls within the General Consent requirements and is therefore in a position to proceed with the Community Asset Transfer.

The freehold transfer will be at a nominal value, subject to restrictions on use and an overage to protect the Council's interest in the event of future change of use or disposal.

The Council will transfer all liabilities in relation to the asset to the Whitworth Town Council on the strict understanding that there will be no financial assistance from Rossendale Borough Council.

The Council has taken the decision to close the Leisure Centre and the alternative would be for the Council to dispose of the asset on the open market. Approval of this application ensures that the community use of the Leisure Centre will continue.

Status:

Open - For Publication

Date:

10th October 2023

NOTES

A Key Decision is defined as one that either:

- a) is, in value worth more than £100,000, or
 - b) has a **significant impact** because (for example) it either:
 - (i) affects individuals or organisations outside the Borough; or
 - (ii) will have a long term (more than 5 years) or permanent effect on the council or the borough.
1. Status - Is the issue an open and public matter or is it a private and excluded matter as described in Schedule 12 A of the Local Government Act 1972. If it is an open matter it is for publication. If it is a private matter it is not for publication and you state the reason why and the appropriate paragraph number of Schedule 12A.
 2. Implications – List any financial staffing and legal implications and remember to consult with legal, human resources and finance. Also consider implications such as LA21 Environment, Human Rights Act 1998. Equal opportunities, Community Safety, IT, Land and Property and Partnership Working.
 3. When the decision has been made and the form signed by the decision taker and the portfolio holder the form should be sent to the Committee Services Manager.