

DECISION NOTICE

Notice is given that the following decision has been taken under the Provisions set out in the Council's Constitution

Decision maker: Cabinet Member for Regeneration

Date: 16 August 2016

Decision in the matter of: Asset Transfers to Macclesfield Town Council

Decision: 1 To dispose by way of a freehold transfer the following allotment sites to Macclesfield Town Council for a nominal value, on the terms stated in the paragraph 3.4 of the Report and other terms to be agreed by the Assets Manager in consultation with the Portfolio Holder and Director of legal Services pursuant to the provisions of s.99 of the Local Government and Public Involvement Act in Health Act 2007:

- Park Grove Allotments, Macclesfield
- Byron Street Allotments, Macclesfield
- Stamford Road Allotments, Macclesfield
- Springfield Road Allotments, Macclesfield
- Laburnam Road Allotments, Macclesfield
- Brookfield Lane Allotments, Macclesfield
- Birtles Road Allotments, Macclesfield

2 The Director of Legal Services be authorised to enter into and sign all necessary documents to give effect to those agreements reached and to vest the land interests.

Background: The Cheshire East Council Reorganisation of Community Governance (Macclesfield) Order 2015 confirmed that Macclesfield Town Council was to be formed. Schedule 2, Article 11 of the Order identified a number of properties including seven Allotments.

As Macclesfield Town Council has been created by an Order, then the Allotments are already vested in the Town Council by virtue of The Local Government (Parishes and Parish Council) (England) Regulations 2008.

The Council is proposing to deal with the transfers to Macclesfield Town Council by way of a freehold transfer to enable any existing or

required rights to be legally retained for any of the Council’s adjacent land being retained and dealt with in the legal documentation as opposed to allowing the vesting and registration to occur. The Council is seeking to manage the transfer of the property so that the rights which need to pass with the possession of the land (and those retained) such as right to light, and easements such as the flowing of water and the drainage etc are agreed and recorded and the boundaries of each of the parcels of land are clearly agreed and identified to ensure better enjoyment of the land vesting. This is also required to protect the beneficial use of and enjoyment by the Council of the land retained and will also enable the exact areas of assets of to be retained and will reduce any risk.

Background Documents: The background papers to this report can be inspected by contacting the report author.

Approved: Signed.....
Councillor Don Stockton, Cabinet Member for Regeneration

Signed.....
Councillor Peter Groves, Cabinet Member for Finance and Assets

Date: 16 August 2016

Advising Officer: Signed.....
Lee Beckett, Surveyor