

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet Member for Regeneration**
held on Tuesday, 16th August, 2016 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor D Stockton

Councillors in attendance

A Harewood

N Mannion

Officers in attendance

Lee Beckett – Surveyor

Joanne Jones – Property Services Manager

Cherry Foreman – Democratic services Officer

5 APOLOGIES FOR ABSENCE

There were no apologies for absence.

6 DECLARATIONS OF INTEREST

Councillor N Mannion declared a personal interest by virtue of being an allotment holder.

7 PUBLIC SPEAKING TIME/OPEN SESSION

No members of the public were present.

8 ASSET TRANSFERS TO MACCLESFIELD TOWN COUNCIL

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, these being

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.

Once the allotments had transferred then all repair, maintenance, utility costs and rates would become the responsibility of Macclesfield Town Council. In response to concerns at the cost implications of this for the Town Council it was reported that negotiations were ongoing to agree a programme of work to be carried out by Cheshire East Council and that it currently included such issues as drainage, fencing and general maintenance; the final agreed schedule would be included in the Heads of Terms of the agreement.

RESOLVED

1. That approval be given 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. That 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.

The meeting commenced at 4.00 pm and concluded at 4.25 pm