

TITLE OF REPORT: LEASING OF LAND TO HERTS AND MIDDLESEX WILDLIFE TRUST

REPORT OF THE HEAD OF FINANCE, PERFORMANCE & ASSET MANAGEMENT

1. SUMMARY

- 1.1 To consult with Members on proposals to grant three long term leases of amenity land to the Herts and Middlesex Wildlife Trust.

2. BACKGROUND

- 2.1 The Herts and Middlesex Wildlife Trust is a local charity dedicated to protecting wildlife and wild spaces, engaging communities through access to nature reserves, campaigning, volunteering and education. They manage over 40 nature reserves, campaign to save important wildlife habitats and organise volunteering programmes and wildlife education work. They have over 20,000 members and professional staff supported by volunteers.
- 2.2 For many years the Wildlife Trust has managed two old Chalk Pits at Barkway Nature Reserve, Barkway and Hill End Nature Reserve, Langley under licences from North Hertfordshire District Council at peppercorn rents. In the last few years they have also taken over from the District Council the Management of Pryor's Wood Nature Reserve at Great Ashby.

3. ISSUES

- 3.1 The licences of the Barkway and Langley Nature Reserves Way came to an end in 1994 and 2002 respectively. Barkway Nature Reserve falls within the boundaries of Royston and District Committee. Since those times the Wildlife Trust has continued to manage the Nature Reserves. Pryor's Wood, Great Ashby has been maintained under an annual management agreement from the District Council. There is no licence in place at Great Ashby. Langley Nature Reserve and Pryor's Wood are located within Southern Rural Committee.
- 3.2 The Wildlife Trust has approached the District Council to request longer term leases of all three Nature Reserves. The provision of these longer leases would allow the Wildlife Trust to apply for grant funding to continue the maintenance of the Nature Reserves and to invest in appropriate improvements. The Wildlife Trust has indicated that a term of 30 years should be sufficient for their purposes.

- 3.3 As a condition of granting the leases the District Council will require the Wildlife Trust to enter into suitable management agreements to protect the long term future of the Nature Reserves. Under the terms of the proposed agreements the Wildlife Trust will be required to maintain these areas and accept liability for any loss or damage caused by their failure to properly maintain them. It is proposed to continue as under the previous agreements by not charging rent due to the non commercial nature of the Trust.
- 3.4 Leisure & Environmental Services, who are responsible for the management and maintenance of parks & open spaces, are fully supportive of this approach which will reduce the District Council's maintenance liabilities.

4. LEGAL IMPLICATIONS

- 4.1 Under the Council's constitution, Area Committees are empowered to act as a forum for discussion on matters of local interest. Area Committees' terms of reference include "to control and manage the Council's open spaces" and "to provide local input into centrally determined specifications for all services".
- 4.2 The Strategic Director of Finance Policy and Governance has the power to grant leases where the annual rent does not exceed £5,000. The Constitution allows an officer to refer a delegated decision to Cabinet rather than make the decision themselves.
- 4.3 For your information, the proposed leases fall within the ambit of Section 123 of the Local Government Act 1972 which deals with the disposal of land by Councils. This requires NHDC to obtain the best consideration reasonably obtainable for the disposal of General Fund land, or to obtain the consent of the Secretary of State for any sale at less than best consideration. The Secretary of State has granted a General Consent which is applicable for sales at less than best consideration, whereby the discount offered does not exceed two million pounds (£2,000,000.00). If the test of best consideration reasonably obtainable is met, a council may dispose of land held by them in any manner they wish (subject to 4.4 below).
- 4.4 As the subject land is nature reserves and woodlands this would be considered "open space" and therefore the proposed disposals are also caught by the provisions of s.123 (2A) LGA 1972 which places an obligation on NHDC to advertise of its intention to dispose of the relevant sites in a local newspaper for 2 consecutive weeks. NHDC is then obliged to consider any objections raised in relation to the proposed disposals.
- These adverts will be placed in a local newspaper (for two consecutive weeks) as soon as approval is received to the proposed leases.
- 4.5 Any current licence arrangements/other agreements will need to be formally brought to an end prior to the completion of the proposed leases. The terms of the three proposed leases will be approved by the legal department.

5. FINANCIAL AND RISK IMPLICATIONS

- 5.1 Under the terms of the proposed leases the Wildlife Trust will maintain the areas and accept liability for any loss or damage caused by their failure to properly maintain them. This will significantly reduce the District Council's risk under the Occupiers Liability Act.
- 5.2 There are no other financial comments

6. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 6.1 There are no direct human resource implications arising from this report.
- 6.2 The contents of this report do not directly impact on equality in that it is not, in itself, making proposals that will have a direct impact on equality of access or outcomes for diverse groups. During the development and consideration of proposals the impact of equality of access and outcomes must be considered.

7. RECOMMENDATIONS

- 7.1 That Members of Royston and District Committee are consulted on the proposals in the report and that their comments are reported to the relevant decision maker.

8. CONTACT OFFICER

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