POLICY AND RESOURCES COMMITTEE

17 MAY 2012

HAWKER CENTRE, LOWER HAM ROAD, KINGSTON.

CONSIDERATION OF OBJECTIONS TO DISPOSAL OF PART PUBLIC OPEN SPACE
AS REQUIRED BY S 123 (2A) OF LOCAL GOVERNMENT ACT, 1972.

REPORT BY THE DIRECTOR OF PLACE

SUMMARY

To consider objections received following the publication of statutory notices regarding
a proposal to dispose of the Hawker Centre.

Action proposed by the Executive Member for Finance and One Council

It is proposed that the Committee:

1. Having regard to the response to the advert, confirm whether it agrees to the disposal
(by the grant of a lease) of the Hawker Centre.

2. Note, that if the disposal is approved, a separate report on this agenda sets out the
proposed terms for consideration.

Reason for action proposed

To comply with the requirements of the Local Government Act 1972 section 123 (2A)
regarding the disposal of land forming part of an open space.

BACKGROUND

1. The Hawker Centre is owned by the Council and currently managed by YMCA
South West London (“YMCA”) on the Council’s behalf.

2. At its meeting on 27 March 2012, this Committee approved the principle of granting
the YMCA a 25 year lease of the facility. This would allow YMCA to invest in the
site and maintain service levels whilst also supporting the Council to achieve a
revenue saving.

3. If this proposal is to be taken forward, consideration now needs to be given to the
grant of a lease. The land is designated as open space and, in accordance with
section 123 (2A) of the Local Government Act 1972, the grant of a lease could not
proceed without the Council first advertising its intention to dispose of public open
space in the local press. Under the Act, disposal means either the sale of the
freehold or the grant of a lease of more than seven years.
4. The requirement to advertise is a statutory one and, in accordance with section 123 (2A) of the Act, notices were placed in the Surrey Comet on 9th and 16th March 2012. A plan showing the land is attached at Appendix A.

5. The Act allows representations to be made in response to the Council’s intention to dispose of public open space, and Members are required to objectively consider any objections received. This process is entirely separate from consideration of the lease and other commercial terms.

6. No objections were received as part of this process.

7. Members of Committee are asked to consider whether the principle of the disposal of public open space is considered acceptable

FINANCIAL IMPLICATIONS

8. None

LEGAL COMMENTS

9. Section 123(2A) of the Local Government Act 1972 requires the Council to give notice of its intention to dispose of open space by publishing a notice for two consecutive weeks in a local newspaper circulating in the area in which the land is situated. The Council has complied with this legal requirement.

10. The Council must give full consideration to any objections received in response to its notice of disposal.

11. The key issue for the Council is to balance any adverse consequences of the loss of open space, having regard to the objections received, against the advantages of leasing the land.

EQUALITY IMPACT ASSESSMENT IMPLICATIONS

12. An Equality Impact Assessment is not required, as the proposal does not involve new or changing policy.

Background papers:

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- Head of Asset Management’s file (E)
- Correspondence with YMCA London South West (E)
- Report to and minutes of the Policy and Resources Committee on 27th March 2012