

CYNGOR SIR POWYS COUNTY COUNCIL.

LEADER
June 2017

REPORT AUTHOR: Clive Pinney Solicitor to the Council

**SUBJECT: Victoria Park Football Ground and Surrounding Land,
Llanidloes**

REPORT FOR: Decision

1. Summary

The Victoria Park Football Ground and surrounding land (shown edged red on the attached plan “the Land”) was mistakenly registered at the Land Registry by this authority as being in the ownership of Powys County Council at the same time as adjacent council housing was correctly registered in the name of this Authority. An application must be made to the Land Registry to rectify this error and register the Land in the name of Llanidloes Town Council.

2. Proposal

On Local Government Re-Organisation in 1974, property was transferred from outgoing Local Authorities to the new Community/District and County Councils by virtue of the Local Government Act 1972 and the Local Government (Wales) Property Order 1973. Essentially, land was divided up between the various authorities by agreement and in the case of Llanidloes Town Council, it “inherited” the ownership of the Land as the previous Llanidloes Borough Council had owned and maintained it for many years and in 1947 had entered into a lease with the football club in respect of the football ground.

The Council has been advised by Llanidloes Town Council and the Local Member, Cllr Gareth Morgan, that the above has indeed been the case: the Town Council have maintained the Land and have dealt with Llanidloes Football Club (on a landlord and tenant basis) who are still very much in residence at the football ground. This situation, namely that the Land was regarded as being owned by Llanidloes Town Council, has also been corroborated by officers of this authority and who were previously employed by Montgomeryshire District Council.

3. One Powys Plan

The One Powys Plan 2014 – 17, which incorporates the Powys Change Plan, sets out 5 priorities, one of which is “stronger, safer and economically viable

communities” by rectifying this mistake the Council is assisting Llanidloes Town Council.

The risk to the Council would be the possibility of Llanidloes Town Council taking legal action to rectify the position with the possibility of costs against this Authority.

4. Options Considered/Available

The option of not taking the recommended action would be to expose the Council to the risk above.

5. Preferred Choice and Reasons

To make application to the Land Registry in order to rectify the register.

6. Impact Assessment

N/A

6.1 Is an impact assessment required? No

7. Local Member(s)

It was the Local Member who drew the Council's attention to the error.

8. Other Front Line Services

It is not believed that the proposal impacts on other services since Llanidloes Town Council have continued maintaining the Land as Owners.

9. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

9.1 Legal; The recommendation can be supported from a legal point of view

9.2 Finance - The Capital and Financial Planning Accountant confirms that the property is not recorded on the Asset Register and has never been valued or included in the balance sheet. This correction will have no impact on the balance sheet.

9.3 Communications - No proactive communication action required

9.4 Corporate Property (if appropriate)

9.5 HR (if appropriate)

9.6 ICT (if appropriate)

10. Public Service Board/Partnerships/Stakeholders etc

It is not believed that the proposal has implications for the PSB or any other partner/body/organisation or stakeholder, other than Llanidloes Town Council and the Community of Llanidloes as mentioned above.

11. Pre- Scrutiny

No Pre- scrutiny was requested by Joint Chairs

12. Statutory Officers

The Solicitor to the Council (Monitoring Officer) has commented as follows: “ I note the legal comment and have nothing to add to the report

The Strategic Director Resources (S151 Officer) notes the comments made by finance.

13. Members' Interests

Recommendation:	Reason for Recommendation:
That application be made to the Land Registry to remove the land edged red on the attached plan from Powys County Council's title and have it registered in the name of Llanidloes Town Council	Llanidloes Town Council is the Owner of the Land

Relevant Policy (ies):			
Within Policy:	Y	Within Budget:	Y

Relevant Local Member(s):	Councillor Gareth Morgan
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Person(s) To Implement Decision:	Colin Edwards
Date By When Decision To Be Implemented:	ASAP

Contact Officer Name:	Tel:	Email:
Colin Edwards	01938 551294	colin.edwards@powys.gov.uk

Background Papers used to prepare Report:

Copy Deeds contained in deeds packet Z532
Land Registry Title No. CYM587541
Miscellaneous correspondence from various parties
Representations by Llanidloes Town Council