

Full Council

26 February 2019

Transfer of services and assets

For Information

Portfolio Holder(s)/ Briefholder

Cllr A Thacker

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Statutory Authority

LGA 1972 – sections 123, 124 & 127

Purpose of Report

1. This report updates on progress and developments since December 2018 Strategy Committee as follows:
 - i. Progress with valuations
 - ii. Progress on preparation of Legal transfer documentation

Recommendation

2. That Full Council note the progress since the Strategy Committee on 13 December 2018.

Reason for Decision

- 3.1 A report to Strategy Committee on 13 December 2018 outlined the responses to the revised estimated offers from the Town and Parish Council and included a list of assets of low or nil value for transfer. Strategy Committee decided that:
 - (a) Strategy Committee supports the revised packages of asset transfers to Town Councils as set out in the appendix to the report which is permissible within the Shadow Executive principles;
 - (b) Authority is delegated to the Strategic Director, in consultation with the S151 Officer, to take all actions considered necessary or expedient to make a final decision to implement the asset transfers;
 - (c) Approval is given to draw down up to a further £90k from WDDC Reserve to implement the transfers from £1.3m Services Transferred to Organisations Reserve.

- 3.2 To update on progress for implementation to ensure that it is undertaken during the remaining lifetime of West Dorset District Council (end March 2019).
- 3.3 To report on a meeting of the Dorchester Markets Joint Informal Panel 13 February 2019.

Background and Reason Decision Needed

- 4.1 Following the decision of the Dorset Shadow Executive on 17 September 2018 not to support the West Dorset District Council Transfer of Assets and Services programme, a revised set of proposals and assets for transfer to Town and Parish Councils were developed based on the revised terms below and based upon the Shadow Executive principles:
 - a) Total value of all asset transfers across the District could have a value of no more than £100,000;
 - b) Assets defined as having no value would remain available for transfer;
 - c) Public Conveniences could be transferred on a leasehold basis on the understanding that if the service was discontinued the asset would revert to the Principal Council;
 - d) No refurbishment or transitional operating amounts would be available on transfer but the District Council would use its maintenance budget to address outstanding issues before transfer.
- 4.2 Valuations have previously been reported as estimated figures, which are now being prepared by qualified internal valuers in order to satisfy the requirements of the 1972 Act (S123). It is planned that those will be completed by 31 March 2019. Following valuation it is planned to have also completed legal transfer as soon as possible, aiming for completion by 31 March 2019 (subject to local councils' input) including legal work being externally resourced if required with funding provided by the programme.
- 4.3 The valuations will be carried out internally because not many assets are involved and they are all of low or relatively low value.
- 4.4 **Lyme Regis Town Council**

Lyme Regis Town Council (LRTC) considered WDDC's offer on the transfer of no/low value assets at its meeting on 12 December 2018 and decided not to pursue this at this point in time.

 - 4.4.1 Therefore, the assets listed for Lyme Regis in Appendix 1 of the previous Strategy Committee report are no longer being progressed and will not be transferred to the Town Council at the current time, which potentially frees up £20k allocated for additional asset transfers.
 - 4.4.2 Therefore, with respect to Lyme Regis Tourist Information Centre, WDDC (and in turn Dorset Council) will continue to provide a Tourist Information service for its current property (leased from LRTC).

4.5 **Bridport Town Council**

Bridport Town Council has resolved that:

- *The current proposal to transfer responsibility for public conveniences from WDDC to Bridport Town Council should not be approved at this time.*
- *The transfer of assets of low and no value be approved in principle, the land at Victoria Grove being subject to completion of a tree survey and consequent remedial works, and that detailed discussions be delegated to the Town Clerk and Town Surveyor.*

4.5.1 Some of the assets with value that had formed part of the original “in principle” agreement are associated with existing programmes of benefit to the community. The Town Council believes these merit transfer by the District Council due to the community benefit that exists within those programmes. These assets in priority order are:

- i. The Old Railway Line at West Bay and the Harbour Green. These are linked to an existing Coastal Conservation Project;
- ii. The Old Dairy Site which is linked with a project to provide secure dry storage facilities for the Bridport Museum;
- iii. Priority Lane;
- iv. Play area, West Bay;
- v. Normandy Way;
- vi. Land at Victoria Grove.

4.6 Transfer is subject to completion of the valuation process and the related process for ensuring completion with the General Disposal Consent (Circular Transfer 06/03). This is planned to be achieved prior to 31 March 2019.

4.7 **Sherborne Town Council**

As previously indicated, Sherborne Town Council has confirmed that it does not want to pursue any asset/service transfers.

4.8 **Dorchester Town Council**

Dorchester Town Council (DTC) has indicated an interest in transferring various Dorchester market management functions from WDDC to DTC. A report was presented to the Dorchester Markets Joint Informal Panel 13 February 2019, item 8, <https://moderngovdcp.dorsetforyou.gov.uk/ieListDocuments.aspx?CId=200&MId=1280> , which agreed its support of the transfer of management functions.

4.9 If decisions are required by WDDC, then those would be referred to Strategy Committee.

4.10 The management functions include:

- Administration of the Markets Panel Governance arrangements;
- Accounting for the Panel’s activities;
- Car Boot Fund Grant Administration;
- Liaison with the market operator and other market operators.

4.11 It is proposed (i) that the Markets Panel would continue with Dorset Council retaining responsibility for management of leases, any works (as landowner) and re-letting (if required) of the market operation lease, (ii) the current financial arrangements (e.g. car parking income, market income and funds distribution) would remain unaltered, (iii) the agreement to administer grants for Car Boot Sales (at Dorchester) is planned to transfer to Dorset Council. In the interim funds collected from the Car Boot Sales at West Bay during 2018/19 are planned to be distributed in the usual way.

4.12 **Parish Councils**

Responses have now been received from all Parish Councils involved in the original programme and none has indicated that they wish to proceed with transfer of public conveniences on the revised offer basis.

Conclusion

4.13 It seems clear that the result of the Shadow Executive decision is that it is no longer viable to transfer many services to town and parish councils under this programme.

4.14 It would still be possible under the Shadow Executive principles to transfer assets to town councils which either have a confirmed zero value or which have values which fall within the £100,000 limit and for which rationale exists.

Implications

Corporate Plan

- 5.1 The four WDDC Corporate Plan 2016-17 objectives will be affected by this proposed programme:
- Contribute to a Stronger Local Economy
 - Empowering Thriving and Inclusive Communities
 - Improve Quality of Life
 - Develop Successful Partnerships

Financial

- 5.2 WDDC has already allocated £1.3m from Reserves for the programme. Some of that funding has already been allocated/spent on professional fees and this will continue through the implementation phase.
- 5.3 It is intended that some funds will be set aside for legal work in connection with the implementation of the scheme and to assist local councils with their reasonable legal costs.
- 5.4 Of the £1.3m allocated, £120k (14 December 2017) and a further £90k (13 December 2018) has been drawn down for implementation.

Equalities

- 5.5 Equality issues, in particular with respect to public conveniences, are likely to arise and a full EIA will be prepared prior to transfer of those services.

Environmental

- 5.6 The programme and retention of services is intended to continue to provide environmental benefits from for example provision of public conveniences. No adverse environmental issues have been identified to date but it is anticipated that some issues may arise during implementation. These will be addressed on an individual basis.

Economic Development

- 5.7 The implications arising from continuing to provide discretionary services with communities is likely to have a positive economic impact. Many public conveniences are located in holiday resorts and as such their continued provision can be regarded as directly supporting the local economy. Lyme Regis TIC is a key element of economic infrastructure in that location.

Risk Management (including Health & Safety)

Human Resources

- 5.8 No specific human resources implications would accrue to the District Council or to Local Councils although this needs to be kept under review as the transfer is implemented.

Legal

- 5.9 Arrangements between West Dorset District Council and Dorchester Town Council regarding the rights to operate markets in Dorchester have been operating for about thirty five years. The current arrangement exists through the operation of various legal documents.
- 5.10 Obtaining a clear understanding of the law and factual circumstances that apply at present will require specialist legal input and almost certainly discussion between the principal council, the Town Council and the market operator. A practical arrangement designed to pass increased operational control to Dorchester Town could give rise to legal risks/issues, including in relation to the ability to enforce market rights and being able to satisfy some legal obligations that currently exist. It is not feasible to understand the nature and likelihood of these risks at this time.
- 5.11 If there was support to increase Dorchester Town Council's operational involvement in the markets, any risks there might be will need to be accepted. Before implementation, any actions that could be identified to address risks may require consideration of the existing legal documentation and appropriate changes made to them.
- 5.12 The Shadow Dorset Council is in any event likely to need to be engaged in relation to any proposed alternative joint committee arrangements (through the Market Panel) needed post 1st April 2019.

Consultation and Engagement

- 6.1 The Programme Board was formally established following the 14 December 2017 Strategy Committee and is made up of Mayors/Leaders and Town Clerks of West Dorset Town Councils, West Dorset District Council Members and Officers and LGRC consultants and has met monthly since January 2018 and continues to meet monthly.
- 6.2 A meeting of all West Dorset Parish Councils was held on 2nd May 2018 to brief Parish Council Members and Clerks on the original services and assets transfer programme.

Background Papers

WDDC Strategy Committee on 12 September 2017 – Devolution of services/assets report

WDDC Strategy Committee on 14 December 2017 – Transfer of services/ assets report

WDDC Strategy Committee on 20 August 2018 – Transfer of services/ assets report

WDDC Full Council meeting on 18 October 2018 – Transfer of services/ assets report

WDDC Strategy Committee on 13 December 2018 – Transfer or services/ assets report

Footnote

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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Appendices

APPENDIX 1

Summary of Assets of Low or Nil Value which can be transferred to Town Councils within Shadow Executive Principles

Council	Asset Description	Asset value	Reason
Beaminster	Lease - Yarn Barton Community Centre	£0	Rationalise management
Bridport	Play area - West Bay	£0	Already leased to BTC
	Land at Victoria Grove	£0	Wooded Land
	Priory Lane	£0	Community Orchard
	Normandy Way	£0	Access Road
	The Old Dairy Site	£30,000	Dry storage for Bridport Museum
	Old Railway Line, West Bay	£10,000	Coastal conservation project
	Harbour Green, West Bay	£20,000	Coastal conservation project
Dorchester	Market Charter	£0	Return Charter to the Town
	Land at Lubbecke Way	£6,000	Leased to Dorset Assoc. of Youth Clubs
Lyme Regis	Theatre Square	£0	Creation of Coastal market
	Walkway, Cobb Rd to Harbour Inn	£0	Rationalise management
	Cobb Beach	£0	Already operated by Tow Council
	Boat park storage	£0	Rationalise management
	Skate park, Charmouth Rd car park	£20,000	Notional cost of 10yr lease foregone
	Land Swap LRTC /Yacht Club	£0	Improve asset utilisation
	Total	£86,000	