

Strategy Committee

13 December 2018

Transfer of services and assets

For Decision

Portfolio Holder

Cllr A Thacker

Senior Leadership Team Contact:

S Hill, Strategic Director

Report Author:

S Hill, Strategic Director

N Randle, Local Government Resource Centre

Statutory Authority

LGA 1972 – sections 123, 124 & 127

Purpose of Report

- 1.1 WDDC Strategy Committee approved a package of service and assets transfers to Town and parish Councils at its meeting on 20 August 2018, approving the recommendations and agreeing a number of service/asset transfers to as described in the report; to give delegated authority to the Strategic Director to implement the transfers, in consultation with the lead WDDC Member for transfer of services/assets programme, and to allocate up to the remainder of the set aside £1.3m to facilitate the transfer.
- 1.2 This followed the decision of WDDC Full Council in January 2017 when it was agreed that preparation work with Town and Parish councils would be developed, and the WDDC Strategy Committee policy decisions of 12 September 2017 and 14 December 2017 to establish a programme for the Transfer of Services/Assets to Town and Parish Councils and to allocate up to £120k from the set aside of £1.3m revenue reserves to implement management of the Transfer of Services/Assets programme
- 1.3 The WDDC Strategy Committee decision was referred to Dorset Council Shadow Executive for approval in accordance with the principles for the transfer of assets established by them on 20 July 2018
- 1.4 The decision was not supported by the Dorset Council Shadow Executive on 17 September 2018 when it subsequently considered the programme against the principles it had adopted for service and asset transfers to Town and Parish Councils.
- 1.5 Further clarification was sought from the Interim Monitoring Officer as to the exact meaning and extent of the Shadow Executive decision, and the decision was subject to a request for call-in (not supported by the Interim

Monitoring Officer) and subsequently a Call to Account by the Shadow Overview and Scrutiny Committee.

- 1.6 At WDDC Full Council meeting on 18 October 2018, Members considered a report which provided a summary of the decisions taken to date with regard to the proposed transfer of services and assets. The report detailed a number of options for Full Council consideration and included advice from officers about the implications and risks associated with each option. Full Council was asked to determine the option that it wished to pursue.
- 1.7 Full Council decision was “To implement, through the agreement with Local Councils, transfers of services/assets compliant with the Shadow Authority transfer principles.”
- 1.8 Whilst delegated authority was given by the previous Strategy Committee decision, this report is to summarise the elements of the programme which are still able proceed within the limits established by the Shadow Executive principles, and to agree to move to implementation on the residual elements of the programme, based on previous decisions of the Committee, the limits established by the Shadow Executive principles, and priorities expressed by Town Councils.
- 1.9 S123 of the Local Government Act 1972 requires that disposals be effected for the best consideration that can reasonably be obtained unless consent for disposal at undervalue has been given by the Secretary of State. The Secretary of State has given a general consent which is embodied in Circular 06/03, that facilitates disposal at less than best consideration where the amount of the shortfall is less than £2m subject to valuation. The Circular sets out in detail the steps that have to be taken in order to comply with it and any final decision to dispose of assets will be taken and recorded following completion of the statutory process.

Recommendations

- 2.1 (a) That Strategy Committee supports the revised packages of asset transfers to Town Councils as set out in the appendix to this report which is permissible within the Shadow Executive principles;
(b) That 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) That 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.

Reason for Decision

- 3.1 Due to the significant changes arising from the Shadow Executive decision in respect of the ‘in principle’ packages that had been negotiated with Town and Parish Councils and agreed by the Strategy Committee, the Committee is requested to confirm the revised packages.

- 3.2 To set the timetable for implementation to ensure that it is undertaken during the remaining lifetime of West Dorset District Council.

Background and Reason Decision Needed

- 4.1 Following the decision of the Dorset Shadow Executive not to support the West Dorset District Council Transfer of Assets and Services programme, LGRC was tasked to make revised offers to Town and Parish Councils based on the following revised terms of reference:
- 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.

Summaries of the responses received are outlined below.

Beaminster Town Council

- 4.2 The Town Council continues to seek to take over the lease for the Yarn Barton Community Centre – this would rationalise the current management of the centre.

Bridport Town Council

- 4.3 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.*
- 4.4 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 believe these merit transfer by the District Council due to the community benefit that exists within those programmes. These assets in priority order are:
- The Old Railway Line at West Bay and the Harbour Green. These are linked to an existing Coastal Conservation Project
 - The Old Dairy Site which is linked with a project to provide secure dry storage facilities for the Bridport Museum.
 - Priority Lane
 - Play area, West Bay

- Normandy Way
- Land at Victoria Grove

Dorchester Town Council (DTC)

- 4.5 Dorchester Town Council remain interested in negotiating the transfer of the Market Charter originally held by the Borough of Dorchester from 1630, from WDDC to the Town Council, currently listed at nil value
- 4.6 The Market Charter only gives rights to hold the Town Market once a week.
- 4.7 WDDC have registered title to the freehold interest in all of the land at Fairfield. A lease was granted to 4 trustees (2 from WDDC, 2 from DTC) from 1st October 1978 for 99 years, and a sublease to Ensors from the Trustees dated for a term of 25 years from 2nd April 2001 until April 2026.
- 4.8 The main objective of DTC is to expand and reinvigorate the local market as they wish to see a flourishing market to further the economic development of the Town Centre.
- 4.9 DTC are seeking from WDDC/Dorset agreement to provide a site on which to hold the market in the town centre, as the market charter does not have any value if there is nowhere to hold the market. DTC does not have any suitable land or assets that would be large enough to accommodate the existing market.
- 4.10 It is proposed that the existing market Joint Informal Panel continues and the financial revenues continue to be split according to the current agreed formulas.
- 4.11 Dorchester Town Council remain interested in the transfer of land at Lubbecke Way. A professional valuation dated 1 April 2016 places a value of £6,000 on the land, which is currently subject to a 99 year lease from 1 January 1983 to the Dorset Association of Youth Clubs, who have a building on the land, at an annual rent of £275 (November 2018).

Lyme Regis Town Council (LRTC)

- 4.12 LRTC have declined to accept the revised offer to transfer Public Conveniences and the transfer of the Tourist Information Centre under the revised conditions proposed.
- 4.13 LRTC might remain interested in the transfers of low or zero value assets listed below (decision to be taken at the December Town Council meeting).
- A long term management agreement to operate a market in Theatre Square and the walkway to Charmouth Road car park. This would require legal work due to the complexity of the shared ownership of the square and its sub structure.
 - Walkway from Cobb Road to Harbour Inn
 - Part Cobb Beach
 - Boat park storage currently managed by the Harbour Master

- Reduction of rental payments (£2188 pa as at November 2018) for the skate park which might be achieved through an amendment of the agreement
- Land swap for LRTC land used by the Harbour Master. This would require legal work based on establishing clear title to the Town Council of the reclaimed land.

Sherborne Town Council

4.14 Sherborne Town Council has concluded that the change from freehold transfer to leasehold, together with the removal of all assets with a value from the programme led to it being no longer viable for them to participate.

Parish Councils

4.15 LGRC has written to all the Parish Councils involved with the original programme advising them of the revised basis for transfer. Parish Councils that have responded have all declined the revised offer.

4.16 Charmouth PC has asked for clarification of the position on Foreshore Public Conveniences which it owns and leases to the District Council.

4.17 Chideock PC has asked whether the offer might be taken up by a local commercial enterprise.

Conclusion

4.18 Formal responses from all Town and Parish Councils will not be available until all Councils have met again. However, it seems clear that the result of the Shadow Executive decision is that it is no longer viable to transfer any services to Town and Parish Councils under this programme.

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

4.20 A summary of assets within this category is laid out in the table below. Asset values are based on current information held, and could potentially be subject to revaluation.

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; and
- Develop Successful Partnerships

Financial

- 5.2 WDDC has already allocated £1.3m from Reserves for the programme to Strategy Committee on 14 December 2017. Some of that fund 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.

Equalities

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

Environmental

- 5.5 The programme and retention of service 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

- 5.6 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

- 5.7 A new 2-year Public Convenience cleaning contract has been put in place but in anticipation of the devolution programme individual facilities can be withdrawn from it on six months' notice. To date 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.

Consultation and Engagement

- 6.1 The Programme Board was formally established following the 14 December 2017 Strategy Committee is made up of Mayors/Leaders and Town Clerks of West Dorset Town Councils, The West Dorset District Council Members and Officers and LGRC consultants, 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 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

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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	