

Management Committee

5th February 2019

Portland Town Council – Transfer of Functions and Assets

For Decision

Portfolio Holder(s)/ Briefholder

Cllr Jeff Cant –Assets & Finance Briefholder

Senior Leadership Team Contact:

S Caundle, Assistant Chief Executive

Report Author:

David Brown, Head of Assets & Infrastructure

Statutory Authority

Local Government Act 1972

Purpose of Report

- 1 To provide an update on the requests from Portland Town Council (PTC) for the transfer of functions and assets to that council.
- 2 To consider and agree an interim arrangement now for the utilisation by PTC of some of those assets with effect from 1st April 2019.

Recommendations

- 3 Members are recommended to
 - a. Note and agree the current position with regard to asset transfers from WPBC to PTC
 - b. Agree to the grant of a licence for appropriate assets as included in Appendix 1 (or subsequently deemed appropriate) to PTC from WPBC for a period expiring on the 31st March 2020.
 - c. To delegate to the Head of Paid Service authority to determine and agree the terms of the licence referred to in recommendation 2 above including the actual extent of assets (as currently identified in Appendix 1) to be included in the licence.

Background

- 4 Members considered a report at the 19th November 2018 Management Committee dealing with the request from Portland Town Council (PTC) for a transfer of assets and services.

- 5 Members approved the transfer of functions and assets subject to physical inspections of the assets, and that officers negotiated with PTC to ensure that the assets transferred are in appropriate condition.
- 6 Subsequent to the November committee meeting that report was considered by the Shadow Executive Dorset Council at their meeting of the 14th January 2019, and the request for the transfer of assets and services was supported by them.
- 7 While the principles were accepted the report identified that there was a different process that would need to be followed with regards to assets being transferred to PTC as compared to Weymouth Town Council (WTC).
- 8 PTC asset transfers require a formal valuation for each asset following legal title review, and then agreement to the collective asset total value being disposed of at a less than best value. At the time of the earlier reports no detailed consideration of the implications of each of the assets being requested for transfer had been undertaken by either the WPBC officer team or PTC members. This may affect the final list of assets transferred.

Current position

- 9 Ongoing discussions and an initial review of assets have now taken place between PTC members, the Town Clerk and officers of WPBC. Both the list of assets and the processes have been considered, but at an overview level only.
- 10 Attached as Appendix 1 is the revised asset list that PTC members have indicated that they would like to consider for transfer, albeit there may be others that they would also wish to include moving forward. These assets are held as a mixture of freehold and leasehold sites, and any transfers would be subject to the limitations of each site title.
- 11 The process for the transfers has also been reviewed. This has demonstrated that the asset transfers and services will not be quick, simple or necessarily straight forward process. Further with limited staff resources and other priorities it will not be possible to properly undertake asset reviews and transfers in the short period remaining before Dorset Council comes into being.
- 12 Transfer of relevant cemeteries and greenspace services are still under discussion but it is believed that satisfactory arrangements will be reached for PTC to operate these services or have operating agreements in place with Dorset Council for 1 April 2019.

Interim proposals

- 13 While the legal title of all assets will be moved to Dorset Council (DC) as at 1st April there is still an opportunity for PTC to be involved in the management of some of these assets before any formal asset transfers from DC to PTC eventually take place.

- 14 Assets which are primarily unoccupied or not leased could be made available to PTC while the more detailed work to permanently transfer them is undertaken. This would be on a licence granted for a temporary period up to 31st March 2020 so that PTC could undertake appropriate management of these.
- 15 The licence/s would be granted now from WPBC to PTC at a peppercorn rent for assets as are appropriate and these licence/s would remain in place when the assets transfer from WPBC to DC take place on 1st April 2019. The cost of management and public liability indemnity insurance for such assets would be met by PTC.

Permanent Asset Transfers

- 16 The above temporary management arrangement would be for a limited period up to 31st March 2020. This would allow the more detailed asset investigations, site visits, legal title, valuations and cost and revenue implications to both DC and PTC to be considered and agreed.
- 17 Finally with agreement of both councils and the respective committee authority being given, with disposal at less than best agreed, then the assets could permanently be transferred from DC to PTC.

Implications

- 18 **Corporate Plan**
None directly from this report.
- 19 **Financial**
As set out in the report.
- 20 **Equalities**
None directly from this report
- 21 **Human Resources**
Not directly considered in this report

Appendices

- 22 Appendix 1 – List of assets

Background Papers

- 23 19th November 2018 Management committee PTC-Transfer of Assets and Functions

Footnote

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

Report Author: David Brown, Head of Assets & Infrastructure

Telephone: 01305 252297

Email: dbrown@dorset.gov.uk

Date: 25/01/19