

Shadow Dorset Council

Date of Meeting	14 January 2019
Lead Member	Cllr Tony Ferrari, Lead Member for Finance
Officer	Julie Strange, Head of Financial Services, Dorset Councils Partnership
Subject of Report	Weymouth Town Council Functions & Assets
Executive Summary	This report sets out the proposed functions and associated assets that are proposed to be transferred to the new Weymouth Town Council when it is created on 1 April 2019. As a result of the disaggregation of Weymouth and Portland Borough Council there are a number of functions which are also proposed to be transferred to Portland Town Council.
Impact Assessment:	<p>Equalities Impact Assessment: An Equalities Impact Assessment for the creation of Weymouth Town Council has been completed.</p>
	<p>Use of Evidence: Community Governance Review into the creation of Weymouth Town Council, reports to Weymouth Shadow Town Council and briefings to Town Council members</p>
	<p>Budget: The implications from the transfer of the services contained within the report have been factored into to the 2019/20 budget for Dorset Council and the council tax harmonisation proposals.</p>
	<p>Risk Assessment: Having considered the risks associated with this decision using the LGR approved risk management methodology, the level of risk has been identified as: Current Risk: LOW Residual Risk LOW</p>
	<p>Other Implications: None</p>

Recommendation	That the Shadow Dorset Executive confirm that they are content with the proposals for functions and assets transferring to the new Weymouth Town Council and transfers to the existing Portland Town Council.
Reason for Recommendation	Under the Principles for transfers to Town and Parish Councils agreed in July 2018, the proposed transfers must be considered by the Shadow Executive to ensure a consistent approach across the Dorset Council area
Appendices	None
Background Papers	Reports to Shadow Weymouth Town Council, WPBC Management Committee, October / November 2018 Report to Shadow Weymouth Town Council January 2019.
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Date agreed by Lead Member	
Date agreed by Statutory Officers	

1 Background

- 1.1 There are significant changes to Local Government taking place in Dorset with the creation of a new unitary council from April 2019. The creation of the new Dorset Council will mean that Weymouth & Portland Borough Council will cease to exist and all of its functions, services and assets being transferred on the 1 April. In response to this, the Borough Council undertook a community governance review to gauge public opinion on the options of setting up a new Weymouth Town Council.
- 1.2 The new Weymouth Town Council will be created on 1 April 2019 and a working group of members has been reviewing what services the new Town Council should initially provide. They have been doing this against the background of the spending protocol and principles developed on asset transfers by the Shadow Dorset Council. The Ministry for Housing Communities & Local Government (MHCLG) have stated that if the various bodies fail to cooperate and agree asset and financial transfers they will step in and impose regulations which will limit any transfers to the Town Council. It is envisaged that the provision of other services may be taken on by the Town Council in the future.

2 Proposals

- 2.1 In developing the proposals the Working Group established a number of principles that would be applied in order to develop options that could be agreed with the Shadow Dorset Council and enable the creation of a financially sustainable Town Council. The principles are:
- Transfer of traditional Town Council Services

- Transfer of Services not provided by the Unitary
- Services should support Weymouth rather than a wider area
- There should be no financial detriment to the Unitary Council

2.2 In addition to their own principles, the Borough Council has also taken into account the Shadow Dorset Executive principles agreed in July in respect of transfers to Town and Parish Councils. These are:

- All assets required for the delivery of Council services and those capable of generating income are transferred to the new unitary Dorset Council, but the unique circumstances of Weymouth Town Council and Portland Town Council will be considered separately.
- Any resolution prior to 26 May 2018 by sovereign councils to dispose of an asset but not yet legally completed may continue unless it contradicts these principles.
- Property held as public open space, community buildings, free car parks and public toilets can be considered for transfer to the appropriate town or parish council.
- Any transfer of assets will usually be by transfer of the freehold to a public or charitable body or via a long lease (25 years minimum). Transfer will also be dependent on an assessment of the capacity of the receiving authority/organisation to take on the asset.
- Councils can consider asset transfer to community groups other than parish and town councils where appropriate and subject to the same assessment of the capacity of such groups but such transfers are considered to be lower priority because of timescales and capacity.
- Any transfer (other than by a lease) of open spaces will contain overage clauses that will retain the land for public use or, if the land is sold the new Dorset Council will receive a proportion of the proceeds from the sale.
- Where a Council has negotiated the devolution of a service to a town or parish council and asset is transferred to support the delivery of that service, there will be no financial loss to the new Dorset Council i.e. the transfer is cost neutral.
- No financial agreement will be made with a town or parish council, or other receiving body to support the maintenance and running of a transferred asset after 1 April 2019.
- Any asset transfer that could have a financial impact upon the new Dorset Council will be initially assessed by the interim Section 151 Officer and, if it has a significant financial impact, or potential significant impact, seek approval by the Shadow Executive. De minimis levels of £100,000 are proposed in order to avoid the process becoming unmanageable.

2.3 Against this background, it is proposed to transfer services and the associated assets covering the following areas:-

- Greenspaces
- Public Convenience
- Beach & Esplanade
- Community Development
- Property
- Civic Activities

2.4 Each of these areas will be examined in more detail below but they all comply with both the Working Group's and Shadow Dorset Council's principles.

Greenspaces

- 2.5 The only statutory duty of a Town Council is the provision of allotments, if there is demand for them. The administration and operation of all 10 sites within the Town would transfer to the Town Council.
- 2.6 The provision of parks and gardens such as Greenhill, Nothe and Radipole Park Drive Gardens would transfer to the Town Council. This would also include any café's or other concessions contained within the gardens.
- 2.7 All play areas & Open Spaces maintained by the Borough Council within Weymouth would transfer. This would include the Marsh, the open space at Lodmoor Country Park (but exclude the Nature Reserve and existing leases) and 14 play areas. It would not include Redlands Community Sports Hub. Whilst most of the play areas will transfer on a freehold basis, 3 will transfer leasehold as they have already been identified as future development sites.
- 2.8 It is also proposed to transfer Tumbledown Farm to the Town Council as this has long been an integral part of the future of the Parks service although further work is being undertaken to ensure existing projects can be completed.
- 2.9 The administration and operation of all cemeteries, including closed cemeteries, would also transfer to the Town Council. Whilst concerns have been expressed around the potential costs of the closed cemeteries, additional budget provision has been included into the proposed budget to alleviate these risks.
- 2.10 The Crematorium is not proposed to transfer as it serves a wider area than just Weymouth and would not be cost neutral for Dorset Council.

Public Conveniences

- 2.11 The provision of public conveniences within Weymouth would transfer to the Town Council. This will involve the transfer of 10 sets of public conveniences. Weymouth and Portland Borough Council has committed to providing new toilets for the Esplanade and work is underway on this project but is will not be completed by 31 March 2019. The project will be transferred to the Town Council with the associated funding.

Beach & Esplanade

- 2.12 All aspects of the Weymouth beach operation would be transferred to the Town Council including health and safety, deckchairs and lost children etc. The cost of cleaning the beach and litter bin emptying along the Esplanade would also transfer.
- 2.13 All operational aspects of the Esplanade including all concessions, advertising drums, seafront shelters would transfer. This will also include the new lighting scheme. As the Esplanade is classed as a sea defence, the freehold and all coastal defence responsibilities must remain with the Unitary Authority but a lease will enable the operational aspects to be managed by the Town Council.
- 2.14 Whilst these proposals do include income generating assets, they are related to the provision of services along the beach and Esplanade and there is still a net cost associated with these functions.
- 2.15 The Festivals & Events function would also transfer as the majority of activity is supporting events held within the Weymouth area.

Community Development

- 2.16 The Borough Council currently undertakes inter-agency community planning and community development work in Weymouth & Portland. The main focus of work has been on sharing best practice, networking, joint projects and reducing inequalities focusing on the most deprived communities in the Borough. It is proposed that the regular local community development work within Weymouth is transferred to the Town Council, though the Dorset Council will maintain a strategic overview of community development and partnerships work, and may commission additional work such as that being undertaken for the Melcombe Regis Board.

Property

- 2.17 Commercial Road Offices would be transferred to the Town Council to become their base within Weymouth. It is assumed that Dorset Council would still wish to continue delivering some of its services from the building therefore access would still be required in order to maintain continuity of service to the public. Currently key services such as housing advice and benefits are delivered from Commercial Road as well as a number of services provided on a surgery basis such as Planning, in addition to general customer services. Maintaining the current level of access to these services through Commercial Road Offices is felt to be essential for local communities and a positive outcome from an equalities perspective, whilst recognising that both organisations will likely want to review the arrangement in the fullness of time.
- 2.18 The provision of public services by Dorset Council via Commercial Road Offices will require the continued provision of IT services (providing access to networks, data, connectivity, applications etc). As well as services transferring to Dorset Council, a number of services are also transferring to Weymouth Town Council. These services are currently provided using the existing IT service. Given the timescales involved and the potential risks to service continuity, it is proposed that the existing IT service is continued with appropriate modifications made to reflect the scale requirements of the Town Council and preserve appropriate information governance arrangements. It is envisaged that this will be subject to potential review particularly as the Town Council settles into routine operations in 2019/20 and may wish to wholly procure a new IT service. At the present time, costing for the provision of this service is still subject to discussion.
- 2.19 The Crookhill Depot is primarily a Waste Transfer Station therefore would transfer to Dorset Council. However, it is also the base for the Greenspaces Team. Access would be provided to the Town Council to enable this arrangement to continue for a period of time, as part of a reciprocal arrangement linked to access at Commercial Road.
- 2.20 The management and maintenance of the Clocks & Monuments would become the responsibility of the Town Council involving 16 sites across the town including the Jubilee Clock and the King George III bathing hut.
- 2.21 The Town Centre Management function will also be transferred to the Town Council.
- 2.22 There are a number of other properties such as garages which are currently not used for operational purposes and cultivation licences which would transfer to the Town Council. In addition there are a number of other miscellaneous land holdings which do not generate income that are proposed to be transferred to the Town Council. None of these non operational assets have a value in excess of £100,000 in the

Borough Council's accounts and any future running costs will be met by the Town Council.

Civic Activities

- 2.23 The Town Council will make its own arrangements for its Civic activities such as mayoral functions etc. but the Twinning arrangements will pass to the Town Council to administer.

3 Transfer of Assets

- 3.1 The process for the transfer of assets to the Weymouth Town Council will be set out in a Reorganisation order that will be considered by the Weymouth & Portland Borough Council on 17 January 2019. In particular S.98 of the Local Government and Public Involvement in Health Act 2007 and Regulations made pursuant to s.97 of that Act allow the Reorganisation order to be made.
- 3.2 The Order will list the assets proposed to be transferred freehold unencumbered and those that will be transferred leasehold.

4 Transfer of Balances

- 4.1 A number of reserves within the Borough Council have either been set aside for the creation of the Town Council, for projects which may not be completed before 31 March 2019 or for services which will subsequently transfer. As these functions have been disaggregated and the Town Council will need a working cash balance in order to function it is proposed that the following balances also transferred:
- Any remaining funds from set up costs set aside
 - Funds set aside for purchase of new burial ground
 - Weymouth share of Cemetery reserve
 - Vehicle Replacement Reserve
 - Property Maintenance Reserve for Commercial Road
- 4.2 Even after these proposed transfers, the Town Council will need to budget to contribute to its general reserve over a number of years in order to achieve the requirement of having 3 months operating costs in reserves.

5 Portland Town Council

- 5.1 Following on from the creation of the new Weymouth Town Council and the transfer of the very local services to it that were previously provided by WPBC, discussions have been held with Portland Town Council to see if they would take on the running of these services on Portland. Otherwise these services will need to be provided by the new Dorset Council. If approved this would make Portland Town Council similar to the other Town Councils in Dorset who currently provide these services in their areas.
- 5.2 Portland Town Council have considered these services and made requests for the following functions and assets to transfer to them following the disaggregation of Borough Council services on 1 April 2019:
- Greenspaces
 - Public Conveniences
 - Clocks and monuments
 - Civic Regalia

Greenspaces

- 5.3 All allotments, parks & gardens and play areas & Open Spaces maintained by the Borough Council within Portland is requested to transfer. This would include the Victoria Gardens, Easton Gardens, Grove Road Sports Facility and 6 play areas.
- 5.4 The administration and operation of the Cemetery and 1 closed cemetery would also transfer to the Town Council.

Public Conveniences

- 5.5 The provision of public conveniences within Portland is requested to transfer to Portland Town Council with the exception of the toilets at Portland Bill. The Town Council feel these should remain with the Unitary Council. This will involve the transfer of 4 sets of public conveniences including Lord Clyde car park toilets which are currently closed.

Clocks and Monuments

- 5.6 The management and maintenance of the Clocks & Monuments are requested to become the responsibility of the Town Council involving The Cenotaph, Olympic Rings, Spirit of Portland statue and 2 clocks.

Civic Regalia

- 5.7 As Portland Town Council already have their own regalia they are not requesting shares of the Mayoral Chains etc however there are a small number of items that the Town Council would wish to see transferred to Portland. These are:
- The Upham Collection of watercolours
 - One of the 2 large Maces
 - The Mayors Chair
 - The second set of Mayoral Robes
- 5.8 In addition to the services above, there are a number of other functions and assets that Portland Town Council have requested be transferred to them from 1 April 2019 under the devolution agenda.
- 5.9 There are 6 free car parks on Portland which are requested to transfer. These are:
- Church Ope
 - Easton
 - Fortuneswell
 - Hambro
 - Lord Clyde
 - New Ground
- 5.10 In addition, Portland Town Council request the Masonic Car Park and Skate Park. Whilst this currently is an income generating car park, the costs associated with operating the car park, including enforcement and cash collection costs as well as rates etc, outweigh the income generated leading to a net cost to the Borough Council. Portland Museum is run by a Trust but the building is requested to transfer to the Town Council. Whilst rent is paid by the Trust a grant to the same value is provided making the asset cost neutral. None of the assets proposed to be transferred to Portland Town Council have a value of over £100,000 in the Council's balance sheet.

- 5.11 There are also a number of other assets which are being explored by Portland Town Council but further work is being undertaken to ensure the responsibilities are fully identified before formal requests are put forward to Dorset Council who will consider them on their merits.

6 Dorset Council

- 6.1 These proposals have been built into the 2019/20 budget proposals for Dorset Council which are included in a report elsewhere on this agenda. The total value of services proposed to be transferred to the Town Councils total over £1.86m. This has been factored into the Council Tax Harmonisation process, resulting in the Weymouth and Portland Borough Council Band D charge being reduced by £88.80 prior to harmonisation.
- 6.2 The assets proposed to be transferred on a freehold basis were included in the WPBC Balance sheet as at 31 March 2018 at a net book value of just over £2.6m, based on their existing uses. The total net book value of assets on the balance sheet was £45.7m however most assets proposed to transfer are not included in the balance sheet as they are below the de minimus value of £10,000. The breakdown of the assets proposed to transfer on a freehold basis is:

Parks & Gardens	£270,000
Play Areas	£350,000
Open Spaces	£390,000
Sports Facilities	£815,000
Public Conveniences	£245,000
Offices	£363,000
Other Property	£172,000
Total	£2,605,000

- 6.3 The assets proposed to transfer to Portland Town Council are included on the balance sheet at a net book value of £243,000. Market valuations will need to be obtained for these assets, taking into account any conditions or restrictions to ensure the appropriate approvals under Section 123 of the Local Government Act 1972 are obtained. The assets can be summarised as:

Sports Facilities	£60,000
Public Conveniences	£100,000
Car Parks	£56,000
Museum	£27,000
Total	£243,000