

Committee: Full Council

**Agenda
Item**

Date: 15 December 2009

Title: TRANSFER OF AMENITIES TO SAFFRON
WALDEN TOWN COUNCIL

8 iv

Author: Diane Burridge, Director of Operations (01799 510580), Michael Perry, Asst Chief Executive (01799 510420), Stephen Joyce, Chief Finance Officer (01799 510628) Item for decision

Summary

- 1 Finance and Administration Committee have recommended the transfer of amenities to Saffron Walden Town Council. The following are in the ownership of Uttlesford District Council: Battle Ditches; Dorset House Garden; Jubilee Garden and Saffron Walden Cemetery plus Bridge End Garden which is leased.
- 2 This report reflects the recommendations of both Environment and Finance & Administration Committees for the assets to be disposed of and placed in the care of Saffron Walden Town Council.

Recommendations

- 3 That the Council approve the assignment of the lease and transfer the responsibility for Bridge End Garden and respective equipment, materials and assets to Saffron Walden Town Council and, transfer of Saffron Walden amenities: Battle Ditches, Dorset House Garden, Jubilee Garden and Saffron Walden Cemetery on a package of tapering funding of up to 5 years.

Background Papers

- 4 The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
 - Transfer of Amenities to Saffron Walden Town Council – report to Environment Committee June and September 2009
 - Transfer of Bridge End Garden to Saffron Walden Town Council – report to Environment Committee September and November 2009

Impact

5

Communication/Consultation	A public notice was placed in a local paper for two consecutive weeks to invite comment on the proposed disposal of public open space as required by Section 123(2a) of the Local Government Act 1972. No responses were received for consideration.
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Community Safety	SWTC would need to have due regard for issues of safety.
Equalities	The transfer should be seamless from the customers' perspective.
Finance	A potential annual saving of £71,000, phased in over five years, is the expected outcome of these proposals. This would represent an important contribution to the overall savings target of £1.3m identified in the Medium Term Financial Strategy. Net annual budgeted running costs for the sites total approximately £71,000, it is envisaged that upon transfer UDC will provide grant funding to SWTC on a tapering basis over a five year period. Under such an arrangement UDC will be able to phase in reductions to the budget for these sites so that after five years, the budget will have reduced to nil.
Human Rights	None
Legal implications	Are addressed in the body of this report
Sustainability	Local ownership and accountability
Ward-specific impacts	Saffron Walden
Workforce/Workplace	TUPE transfer of 2 staff.

Situation

- 6 The District Council is in ownership of a number of assets in the Saffron Walden area that are not mirrored elsewhere in the district. Saffron Walden Town Council has resolved *“That the council instructs the Town Clerk to open discussions with Uttlesford District Council about the possibility of local amenities from Uttlesford District Council to Saffron Walden Town Council in the spirit of partnership working and the safeguarding and improvement of local assets. These amenities should include the following.*

Dorset House Garden – Bridge End Garden – Jubilee Gardens – The Battle Ditches- misc flower beds – Saffron Walden Cemetery.”

- 7 The flower beds referred to in the resolution of SWTC are in the ownership of ECC highways who have given their approval for the maintenance to be transferred to Saffron Walden Town Council.
- 8 Bridge End Garden is on a long lease until 2036. The assignment of the lease of Bridge End Garden has the support of the Landowner, Heritage Lottery Fund (HLF) and the Friends of Bridge End Gardens.
- 9 The other amenities are in ownership of Uttlesford District Council - Battle Ditches; Dorset House Garden; Jubilee Garden and Saffron Walden Cemetery.

- 10 s.123 Local Government Act 1972 provides that a local authority may not dispose of land (other than by way of a tenancy for less than 7 years) for less than the best consideration that can reasonably be obtained without the consent of the secretary of state. S.128 of the Act gives the secretary of state power to grant a general consent for such disposals. In 2003 the secretary of state issued Circular 06/03, the Local Government Act 1972: General Disposal Consent. This applies to transactions where the shortfall between the best consideration reasonably obtainable and the actual consideration (if any) received does not exceed £2 million. In such cases where the authority is satisfied that the disposal will help to secure the promotion or improvement of the economic, social or environmental well-being of its area specific consent is unnecessary and the general consent may be relied upon. In deciding whether to dispose of land at an undervalue authorities are required by the Circular to have regard to their community strategy. It is also a requirement that the authority should comply with normal and prudent commercial policies including taking advice from a professionally qualified valuer as to the amount of the undervalue (or in the case of a gift of land the value of the land itself).
- 11 The Town Council have a good record of maintaining and improving facilities and land that they are responsible for the Close Garden and the Tourist Information Service are both good examples. All of the amenities are local to Saffron Walden which will be run, maintained and accountable at a more local level, which is appropriate as they are not the same facilities anywhere else in the district. It is SWTC's intention to "Safeguard and Improve these local assets". They have improvement plans in place to firstly address Jubilee Gardens.
- 12 The District Valuer's Advice is that these assets are of nominal or small value.
- 13 There are no direct financial implications arising from transferring assets to SWTC at nil consideration. Most of the sites under discussion have nil or nominal value. The exception is the Cemetery, which is recorded on the balance sheet at a value of £273,000. The Statement of Accounts for 2009/10 will be required to disclose a notional "loss on disposal" equivalent to the balance sheet value. Under local government accounting rules this notional item is "reversed out" so that there is no bottom line impact on the budget or council tax.

Risk Analysis

7

Risk	Likelihood	Impact	Mitigating actions
That the facilities deteriorate	1 (Grounds maintenance team already established)	2 (Community dissatisfaction expressed)	SWTC have expressed intention to safeguard and improve these local assets. Tapering funding would be in place.

			The skilled staff will transfer with the garden.
“Cherry picking” of responsibility is permitted.	2 (small pockets of maintenance work left)	2 (Two authorities involved in same pocket of land)	All works associated with the land is transferred with the land/responsibility.
That SWTC finds that the proposal no longer suits them	2 (Transfer is at their request)	2 (maintenance not addressed)	This is a permanent transfer and SWTC has plans in place to manage the facilities.

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.