

Committee: Environment

Agenda Item

Date: 15 September 2009

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Title: TRANSFER OF AMENITIES TO SAFFRON
WALDEN TOWN COUNCIL

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Item for decision

Summary

- 1 At the June meeting of this Committee, Members approved in principle the transfer of a list of amenities in Saffron Walden to the Town Council. This report is brought to you now to ask Members to decide if they would recommend the transfer to Finance and Administration Committee.

Recommendations

- 2 That Members recommend to Finance and Administration Committee the transfer of the following assets to Saffron Walden Town Council on tapering funding of up to 5 years:
 - a) Jubilee Gardens, Dorset House Garden, Battle Ditches and Radwinter Road Cemetery from 1 January 2010 and for them to maintain as a public amenity in perpetuity and,
 - b) the transfer to Saffron Walden Town Council the responsibility for the future maintenance of flower beds and all grounds maintenance work associated with the verge of the following road junctions: East Street and Audley Rd, Thaxted Road and Radwinter Rd, Borough Lane and London Rd/Newport Rd, South Road/Mount Pleasant Rd, Little Walden Road and Catons Lane from 1 January 2010 for them to maintain as a public amenity in perpetuity.
- 3 That the Director of Operations is delegated authority to negotiate terms with SWTC in accordance with the principles set out in the report

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 2009.

Impact

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Communication/Consultation	Grounds Maintenance Contractor aware. A two week advertisement in the local press was undertaken. Press coverage. Further press releases once the decision has been made.
Community Safety	SWTC would need to have due regard for issues of safety.
Equalities	The transfer should be seamless from the customers' perspective. Legal transfer will include a condition to prevent level access to Saffron Walden Day Centre being lost.
Finance	<p>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.</p> <p>Net annual budgeted running costs for the sites (including Bridge End Garden) 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.</p> <p>The capital grant of £50,000 required by Saffron Walden Town Council will be funded from capital receipts, assuming (as seems likely) that there will be slippage on other capital schemes. An updated capital programme and financing statement will be reported to the Finance & Administration Committee on 24 September, with a recommendation to endorse the funding of the proposed grant</p>
Human Rights	None
Legal implications	Legal procedures to be followed. Two strands 1) transfer of land 2) adjustment of grounds maintenance contract.

Sustainability	Local ownership and accountability
Ward-specific impacts	Saffron Walden
Workforce/Workplace	There are no staffing implications the grounds maintenance work is undertaken by a contractor in these areas.

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.”

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.

- 7 Discussions have concluded between the District and Saffron Walden Town Council Officers and agreement has been reached on all aspects of land identified.
- i) Dorset House Garden, Jubilee Gardens, Battle Ditches and Saffron Walden Cemetery are all in ownership of the District Council and can be transferred into the ownership of the Town Council who would then become responsible for their ongoing maintenance and upkeep.
- 8 The transfer will include provisions to ensure the future use of the areas remains the same and that no change can be made without District Council agreement. These restrictions would mean that the sites would have no open market value.
- 9 A one off capital grant of £50,000 is required by SWTC to fund necessary heavy equipment to bring efficiency to the grounds maintenance operation in addition to a £50,000 tapering grant.
- 10 On transfer the Council will lose any input on how the areas are run, maintained and used.

- 11 The Battle Ditches are registered Scheduled Monuments and therefore in addition any works to those areas are regulated by the Secretary of State through English Heritage.
- 12 The flower bed areas are all on Highways land and the District Council currently only maintains the areas and therefore to transfer maintenance responsibility of those areas would require removal from the Grounds Maintenance contract and an agreement with the Town Council that they would take over responsibility for the maintenance.

Essex Highways office have confirmed that they are happy for the maintenance responsibility to be moved from the District Council to the Town Council. There is no contractual obligation or reimbursement from the Highways office, these areas have traditionally been maintained as planted gardens as an enhancement to the town.

The Victoria Avenue planted area will not be progressed as this is housing land.

13 Corporate Plan Priorities

This proposal fits in our plans under Partnerships “actively seeking opportunities for delivering services in partnership, with or by third parties and/or devolving service provision and developing shared service provision”.

14 Grounds Maintenance Contract

All of the councils grounds maintenance work in relation to the above land is undertaken by a contractor. That contract expires in December 2010 so it is timely that these changes are considered at this point permitting a revised schedule to be drawn up prior to the tender process next year.

- 15 It is essential that any transfer includes all aspects of work related to that land as two organizations being involved has the potential to be problematic and small items will drive up the price of grounds maintenance contracts.
- 16 The grounds maintenance contractor is fully aware of the proposal and will be formally advised of alteration to contract in accordance with the provisions of the contract if this proposal is approved.

Risk Analysis

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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. UDC specification for Grounds Maintenance will be provided.
That customer enquiries continue to come to UDC	3 (Inevitable that customer contacts will come our way from time to time)	2 (Customers irritated and needing to be rerouted)	Notice with hyperlink to SWTC on website Liaison with SWTC on telephone enquiries. Notification to key contacts. Press release
That there is ambiguity in the land transfer	1	2	Legal procedures to be followed and clear, written understanding between the two councils.
“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.