

Portfolio Holder for Commissioning and Procurement

Meeting Venue

Meeting date
Thursday, 7 July 2016

Meeting time

For further information please contact

Stephen Boyd
steve.boyd@powys.gov.uk
01597 826374



County Hall
Llandrindod Wells
Powys
LD1 5LG

1 July 2016

AGENDA

1.	COMMUNITY ASSET TRANSFER OF THE FREEHOLD OF THE DANIEL PROTHEROE MEMORIAL GARDENS, YSTRADGYNLAIS
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CYNGOR SIR POWYS COUNTY COUNCIL.**PORTFOLIO HOLDER DELEGATED DECISION****By****County Councillor Rosemary Harris****(Portfolio Holder for Property, Buildings and Assets)****and****County Councillor Graham Brown****(Portfolio Holder for Commissioning and Procurement)****July 2016****REPORT AUTHOR: David Pritchard Valuer****SUBJECT: Community Asset Transfer of the freehold of The Daniel Protheroe Memorial Gardens, Ystradgynlais**

REPORT FOR: Decision

1.0 Summary

1.1 This report deals with the Daniel Protheroe Memorial Gardens which comprises a Memorial garden. The site is currently vested in the Council's Recreation and Countryside Services. The property is identified on the Plan at Appendix 1. This Report seeks to follow the Community Asset Transfer (CAT) policy with regards to the freehold asset transfer to Ystradgynlais Town Council.

2.0 Proposal

2.1 Ystradgynlais Town Council with the full support of Ystradgynlais Heritage Society wish to secure the freehold of the site to enhance the community asset via a programme of investment and funding from WREN.

2.2 The Policy outlined in the Corporate Asset Policy (CAP) Part 5 Community Asset Transfer (CAT) has been adopted and followed in these cases. The Town Council have completed an Expression of Interest (EOI) see Appendix 2. This has been supported by the reviewing Officers Working Group and well as by the Strategic Asset Board.

- 2.3 As the proposed CAT are linked to protecting a community service provision a Business Case (a formal Council template) is not always required. In these cases the service lead (Countryside and Recreation) have demonstrated and provided a written undertaking (See 10.4) that the application is deemed sustainable and fits in with the One Plan.
- 2.4 As the request is for a freehold transfer an independent market valuations was commissioned. The District Valuation Service reported a current market valuation of £2,500 (two thousand five hundred pounds) based on the site being sold subject to a covenant that it would be appropriately maintained and used as a community facilities.
- 2.5 The Town Council have requested the transfer of the freehold of the property for a nominal £1 which will allow then to apply for grant funding to refurbish the site allowing wider and more beneficial community use.
- 2.6 Following Cabinet approval (C159-2015) the Portfolio Holder for Property, Buildings and Housing can now agree Community Asset Transfer where the market value of the asset is up to a threshold of £75,000 subject to the Ward Member being supportive of the transfer. Hence Portfolio Holder approvals are being sought in this case.
- 2.7 The Countryside and Recreation Service has also confirmed that revenue savings of £1000 per year will be achieved following the transfer.

3.0 One Plan

- 3.1 A priority of the One Plan is to “remodel Council services to respond to reduced funding” which this proposal supports. It also helps to “support people within the community to live fulfilled lives” through the provision of leisure services and open space.
- 3.2 The proposed transfers would retain the site for community use and the freehold transfer will allow funding to be secured for the proposed refurbishment of the site.

4.0 Options Considered/Available

4.1 Option 1

Proceed with the Freehold transfer to Ystradgynlais Town Council at a consideration of £1 allowing the Town Council to secure the future of the site. This Option will also provide a revenue saving.

Option 2

Proceed with the request but refuse to transfer the freehold at less than the reported market value of £2,500.

Option 3

Refuse the request for a freehold CAT which will result in minimal maintenance limited to seasonal grass cutting. Any additional repairs will not be carried out due to budget cuts which could result in the closure of the site due to Health and Safety concerns.

5.0 Preferred Choice and Reasons

- 5.1 The preferred choice is as detailed in Option 1 a transfer of ownership to Ystradgynlais Town Council which offers the best opportunity for the sustainability of the sites and secures its long terms future as community assets.

Members should note that a potential capital receipt totalling £2,500 will be given up by this option but will also provide an annual revenue saving.

6.0 Sustainability and Environmental Issues/Equalities/Crime and Disorder,/Welsh Language/Other Policies etc

- 6.1 The preferred option is considered to be the best option to sustain the future of the site in its existing use as community assets. Ystradgynlais Town Council have demonstrated through their existing management of their existing community sites and in the EOI that they are an established and competent body.

7.0 Children and Young People's Impact Statement - Safeguarding and Wellbeing

- 7.1 Not considered relevant.

8.0 Local Member(s)

- 8.1 Cllr Huw Williams Local Member comments I am in full agreement with this recommendation. I believe transferring the freehold to the Town Council to be a significant forward step.

9.0 Other Front Line Services

- 9.1 It is not considered that the proposal has implication for other frontline services.

10.0 Support Services (Legal, Finance, Corporate Property, HR, ICT, BPU)

- 10.1 The Financial Business Partner supports the proposal.
- 10.2 The Legal Services supports the recommendation in this report and the legal services will assist as when required to do so.
- 10.3 The Senior Manager Regeneration and Corporate Property supports the recommendation.
- 10.4 The Senior Manager Leisure and Recreation fully endorses the proposed transfer of the land, to Ystradgynlais Town Council, as this will secure the future of the Memorial garden and allow funding to be gained to enhance the site for the wider community.

11.0 Local Service Board/Partnerships/Stakeholders etc

- 11.1 It is not considered that the proposal has implications.

12.0 Corporate Communications

- 12.1 Communications Comment: No proactive communications action required.

13.0 Statutory Officers

- 13.1 The Strategic Director Resources (S151 Officer) notes the comments made by finance.
- 13.2 The Solicitor to the Council (Monitoring Officer) has commented as follows: “ I note the legal comment and have nothing to add to the report.

14.0 Members’ Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If either of the portfolio holders has an interest he should declare it, complete the relevant notification form and refer the matter to Cabinet for decision.

Recommendation:	Reason for Recommendation:
1.The Portfolio Holder agrees to transfer the freehold of the Daniel Protheroe for £1 as shown edged red on the attached Plan provided that:-	In the interests of good Asset Management and to sustain the future use of a community asset.

<p>i. A covenant be contained in the transfer ensuring that the site is maintained and used for community use.</p> <p>ii. A clause be inserted in the transfer protecting the County Council that in the event that at some future date Ystradgynlais Town Council wish to dispose of the site then the Town Council must first offer the County Council the opportunity to transfer the site back for the original consideration of £1 but subject to an allowance to reflect the value of any significant capital improvement undertaken by Ystradgynlais Town Council during their ownership.</p>	

Recommendation:		Reason for Recommendation:	
Relevant Policy (ies):	CAP		
Within Policy:	Y	Within Budget:	Y

Relevant Local Member(s):	Cllr Huw Williams
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Person(s) To Implement Decision:	David Pritchard
Date By When Decision To Be Implemented:	asap

Contact Officer Name:	Tel:	Fax:	Email:
David Pritchard	01597826602		davidpritchard@powys.gov.uk

Background Papers used to prepare Report:

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EXPRESSION OF INTEREST FORM (EOI)

for a Community Asset Transfer (CAT)

from Powys County Council to a Third-Sector Organisation

Reference Number		Date Received	
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Guidance Notes

This “Expression of Interest” form is an important document. The information within it will help the Council to identify good community based proposals for sustainable uses of public buildings owned by Powys County Council.

The aims of a Community Asset Transfer from Powys County Council are:-

- To encourage people in take part in economic and community life
- To develop capacity in and connections between public, private, voluntary and community sectors in order to support economic and social development
- To safeguard buildings for community use

When initially assessing your completed “Expression of Interest”, the Council will consider:-

- Does the project meet at least one of the Council’s Community Asset Transfer aims?
- Does the proposal benefit the people of Powys?
- Does the project contribute to the Council’s corporate priorities and plan?

NOTE – You must be realistic about the amount of time it will take to do your proposal and what you can achieve.

If your EOI meets the Council’s criteria, you will be invited to submit a full, costed Business Case, which will then be considered for submission as a Community Asset Transfer application.

For advice on both developing your project and completing this “Business Case” form, email the Regeneration Team at regeneration@powys.gov.uk.

This form, once completed, it should be sent to:

The Valuation Team,
County Hall,
Llandrindod Wells
LD1 5LG
Or emailed to property.sales@powys.gov.uk

EXPRESSION OF INTEREST FORM (EOI)
for a Community Asset Transfer (CAT)
from Powys County Council to a Third-Sector Organisation

(This is not an application form for funding)

PROPOSED PROJECT NAME
DANIEL PROTHEROE MEMORIAL REFURBISHMENT

CONTACT DETAILS	
Name of the LEAD group or organisation	YSTRADGYNLAIS TOWN COUNCIL
Address of the LEAD group or organisation	14 ALDER AVENUE GLANRHYD YSTRADGYNLAIS SWANSEA, SA9 2AQ
Name of the main contact person	Brian Rees
Phone number	07984497084
E-mail address	ystradtowncouncil@btinternet.com
What year did your organisation start?	1974

YOUR THIRD-SECTOR STATUS		
<input type="radio"/> Registered Charity	<input type="radio"/> Community Group	<input type="radio"/> Consortium
<input type="radio"/> Voluntary Organisation	<input checked="" type="radio"/> Town/Community Council	<input type="radio"/> Statutory Organisation
<input type="radio"/> Other _____		
Does your group or organisation have: You will be asked for these if you progress to a Business Case.		
Item	Yes	No
a constitution	Yes	
terms of reference	Yes	
A work plan	Yes	

WHAT PROPERTY ARE YOU INTERESTED IN?

Name of identified property	Daniel Protheroe Memorial Park
Address	Rhestr Fawr , Ystradgynlais
Names of Powys County Council <u>Officers</u> that you have spoken to about this property. <i>(This does not mean that the property has been agreed for use by PCC)</i>	David Pritchard
Names of Powys County <u>Councillors</u> that you have spoken to about this property. <i>(This does not mean that the property has been agreed for use by PCC)</i>	County Councillor S.McNicholas County Councillor D.H.Williams

TELL US ABOUT YOUR ORGANISATION (or GROUP)

1. What does your organisation do? (If you are a new organisation, what do you hope to do?). Enclose any brochures / marketing that you currently use to help explain what you do.

Local Government – Town Council functions

2. List any other organisations with which you are affiliated or work with.

Ystradgynlais and District Heritage and Language Society are relevant partners to the Proposed enhancement of the Daniel Protheroe Memorial site.

3. If you already operate a project or activity, where is it currently based and is it different to the idea for this building?

In partnership with the Society a memorial trail to the mining activity of the upper Tawe Valley has been established at Diamond Park.

TELL US ABOUT YOUR IDEA FOR THE PROPERTY

4. What do you want to use the property for and why?

The Daniel Protheroe Memorial Park is an open space in the community which could be enhanced to provide a quiet reflective area close to the town centre of the village. It is in need of upgrading to provide an area suitable for public use. The Ystradgynlais Heritage Society working in partnership with the Town Council wish to erect an appropriately designed plinth to which will be attached four panels, each 3' x 2', outlining through bilingual text, maps and photographs the lives of local persons of note like Daniel Protheroe, J.T.Rees, Gwilym ap Dafydd and Thomas Levi all of whom were born in the immediate neighbourhood of the Park.

5. To achieve this, how much will your idea cost?

(Consider development costs, design fees, capital proposals and revenue costs, as examples.)

The estimated cost of construction of the central plinth, four information panels and provision of two park benches as well as appropriate planning fees is £10,000. An additional sum (yet to be quoted for) is the replacing of the existing damaged paving slabs in the area and associated works likely to be of the order of a further £10,000 (yet to be confirmed).

6. How will you make it happen?

(Tell us about the stages involved, the experts, (architects, quantity surveyor, etc) formal permissions such as Building Regulations or Planning, as examples).

The Society has obtained initial design work for the central plinth but this has to be discussed with the Town Council. Once the design has received Council approval a planning application will be submitted to the Powys County Council if it is required. An application for grant aid for the project will then be submitted to appropriate grant awarding bodies.

7. How do you propose to ensure the future of the property?

(ie: keeping it in good repair and running it.)

The Ystradgynlais Town Council will add the grounds maintenance of the memorial gardens to its annual programme of works. Defects to hard landscaping features will be attended to as required. The Town Council will also include the land in its public insurance property portfolio.

TELL US ABOUT YOUR COMMUNITY IDEA

8. Why do you believe that your idea is needed and what evidence / information justifies your project?

The proposals have been discussed within the meetings of the Heritage Society and has been commented upon by members of the community.

It has featured in the recent **Community Led Action Plan** commissioned by the County Council and the proposed project addresses a number of action points within that plan in particular:-

§5.1 Maintain the central areas (of which this park is part) in a clean and tidy condition

§5.2 Celebrate even more the heritage of the area particularly on famous people linked with the area.

9. Have you discussed your idea with other people / groups in your community?

This is important because, if you complete a Business Case form for a Community Asset Transfer (CAT) by Powys County Council, you will have to demonstrate that you have community support. *(NOTE – As part of its appraisal process, the Council may approach anyone you name below.)*

The project has been mentioned for inclusion during discussions on the emerging Ystradgynlais Community Action Plan for 2015 – 2020.

10. If your idea has links to other projects? Describe what these are and the benefits.

The Heritage Society has since 2012 (to date) erected a series of six Heritage Interpretation Panels within the Ystradgynlais area and its satellite villages: Ystradgynlais, Abercraf, Cwmgiedd, Lower Cwmtwrch, Penrhos and Glanrhyd. Each of the panels measures 7' x 4' and using bilingual text, photographs and maps outlines the cultural and industrial heritage of the area where each panel is located. This project has received a great deal of praise from the members of the community.

In 2014 the Society created a mining heritage memorial in the town's Diamond Park outlining, through a series of six panels mounted on stone lectern style plinths, the coal mining heritage of the Upper Tawe and Twrch Valleys using bilingual text, photographs and maps. This feature has provided an 'open air classroom' for local schools and has had a great deal of positive feedback from the community

There is an ongoing project to place at various locations along public footpaths in the area a series of interpretation panels on similar styled plinths referred to above about heritage sites adjacent to the paths eg Ynyscedwyn House, Brecon Forest Tramroad, Coronation Park etc

All of these projects help record and make readily available to the members of the community information on the area's rich industrial and cultural heritage and they provide a source of valuable and much appreciated information to area's visitors.

11. What environmental impact will your idea have as it is delivered – in a positive and / or negative sense? What environmental considerations have you made?

Provision of a well maintained garden area in an urban environment sandwiched between the A 4067 and the town of Ystradgynlais and the residential street of Rhestr Fawr will offer an improvement to the local biodiversity providing a small haven for bees and other pollinators to thrive.

12. How will you make it happen?

(Who will make it happen, what are your timescales, how will people know about it and how will you keep it going?)

When the land is transferred to the Town Council an application to fund the proposed refurbishment will be submitted to WREN Community action Fund. The grant application has to be submitted by 8th June 2016 and a decision as to whether or not the application has been successful will be made by 26th October 2016.

If the grant submission is successful an immediate start will be made on the refurbishment and will be completed within 12 months of the start date.

The Society will work in consultation with the Town Council at each stage of the refurbishment process.

TELL US ABOUT COSTS AND FUNDING?

13. (This is only an EOI and we do not require detailed costing however, you will be required to provide them in a Business Case if your EOI is accepted.)

A) How much will it cost to set up your project?

Awaiting quotes re final design approx £20,000

B) What have you allowed for purchase / lease of the property?

Nil cost asset transfer anticipated.

C) How much will it cost, annually, to run the project? (indicate over 5 years)

£2,500 at £500 per annum

D) Tell us how you will fund the above and the source of the funding?

The Town Council will include for it in setting its annual precept.

CONTACT SIGNATURE

Signature of main contact person

Name of main contact person
(in BLOCK letters)

Date

Data Protection and Information Security

The information submitted in this “Expression of Interest” form will be processed in accordance with the Data Protection Act (1998).

For the administration, appraisal, approval, monitoring and auditing of this project, Powys County Council will hold your proposal information. We may need to share it with the Appraisal Panel, elected Members, Officers from the Council, and the Welsh Audit Commission – and any internal or external auditors required to audit the activities of the Council.

Please sign and date below, to confirm that the information supplied in this “Expression of Interest” form is accurate, and that you accept processing of your information as stated above.

Applicant's Signature		Date	
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This “Expression of Interest” form must be submitted electronically to property.sales@powys.gov.uk – and at the same time a signed printed copy must be submitted by post to:-

The Valuation Team
County Hall
Spa Road East
Llandrindod Wells
Powys LD1 5LG

This “Expression of Interest” form will not be reviewed until we have received both:-

- a. the electronic copy
- b. the signed and dated printed copy

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