

**Portfolio Holder for Property Buildings and Housing**



County Hall  
Llandrindod Wells  
Powys  
LD1 5LG  
27 February 2017

For further information please contact

**Stephen Boyd**  
[steve.boyd@powys.gov.uk](mailto:steve.boyd@powys.gov.uk)  
01597 826374

**NOTICE OF INTENDED PORTFOLIO HOLDER DELEGATED  
DECISION**

The Portfolio Holder has received the following report for a decision to be taken under delegated authority. The decision will be taken on **3 March 2017** (i.e. 3 clear days after the date of this note). The decision will be published on the Council's website but will not be implemented until 5 clear days after the date of publication of the decision) to comply with the call-in process set out in Rule 7.37 of the Constitution.

1.	<b>COMMUNITY ASSET TRANSFER OF THE FREEHOLD OF LLANFECHAIN RECREATION FIELD, LLANFECHAIN</b>
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(Pages 3 - 26)

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**CYNGOR SIR POWYS COUNTY COUNCIL.****PORTFOLIO HOLDER DELEGATED DECISION****By****County Councillor Rosemary Harris  
(Portfolio Holder for Property, Buildings and Housing)****and****County Councillor Arwel Jones  
(Portfolio Holder for Education)****Date: 27 February 2017****REPORT AUTHOR:** David Pritchard Valuer**SUBJECT:** Community Asset Transfer of the freehold of Llanfechain Recreation Field, Llanfechain.

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**REPORT FOR:** **Decision**

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**1.0 Summary**

1.1 This report deals with Llanfechain Recreation Field, Llanfechain, which comprises a sports field and play area which is currently leased to Llanfechain Community Council. The site is vested in the Council's School 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 Llanfechain Community Council.

**2.0 Proposal**

2.1 Llanfechain Community Council wish to secure the freehold of the site for future community use. It currently holds a lease on the site for 25 years from 2008 paying an annual rental of £100 and is responsible for maintaining the site.

2.2 The Policy outlined in the Corporate Asset Policy (CAP) Part 5 Community Asset Transfer (CAT) has been adopted and followed in this case. The Community Council have completed an Expression of Interest (EOI) see Appendix 2. This has been supported by the Strategic Asset Board (SAB).

- 2.3 As the proposed CAT is linked to the future maintenance of an existing community use a Business Case (a formal Council template) is not always required. The Community Council have demonstrated through their existing management of the site that they are a competent body.
- 2.4 As the request is for a freehold transfer an independent market valuation was commissioned. The District Valuation Service reported a current market value of £20,000 (twenty thousand pounds) based on the site being sold subject to a covenant that it would be appropriately maintained and used as a community facility and noting the presence of the current lease.
- 2.5 The Community Council have requested the transfer of the freehold of the property for a nominal £1 whilst allowing Llanfechain Church in Wales School to continue to use the site at any time during the school term.
- 2.6 The Governors of Llanfechain Church in Wales School managed by the County Council are aware of the proposal and have not raised any objection.
- 2.7 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 approval being sought in this case.

### **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 and maintain the site for future community use.

### **4.0 Options Considered/Available**

- 4.1 Option 1  
Proceed with the freehold transfer to Llanfechain Community Council at a consideration of £1 allowing the Community Council to secure the future of the site. This option will include a covenant that the land shall be retained for community use and a pre-emption clause allowing the County Council the right to have transferred back to it any part of the land in the future should it be required for educational purposes

## Option 2

Proceed with the request but refuse to transfer the freehold at less than the reported market value of £20,000. This Option will include a covenant that the land shall be retained for community use and a pre-emption clause allowing the County Council the right to have transferred any part of the land in the future should it be required for educational purposes.

### **5.0 Preferred Choice and Reasons**

- 5.1 The preferred choice is as detailed in Option 1 a transfer of ownership to Llanfechain Community Council which offers the best opportunity for the sustainability of the site and secures its long terms future as a community asset. The proposed covenant protects the County Council with regards the future use of the site and any future requirement for educational purpose.

### **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. Llanfechain Community Council have demonstrated through their existing management of the site 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 Gwynfor Thomas Local Member is aware of the proposal.

### **9.0 Other Front Line Services**

- 9.1 The Senior Manager – Central Services comments – The School Service and the Schools Governing Body has been fully involved in the consultation and discussions on this proposal. The service supports the inclusion of recommendation iii in respect of protecting future education requirements.

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

10.1 The Capital and Financial Planning Accountant supports this disposal of this land. The land is not recorded in the Asset Register and therefore the disposal, at less than market value, will have no impact on the Statement of Accounts.

10.2 The Professional Lead –Legal has no comment to make on the preferred option recommended in this report the legal Services will support the disposal as and where required in accordance with CAT policy”

10.3 The Professional Lead for Strategic Property whilst noting the loss of a capital receipts notes the wider community benefits and the imposition of the standard CAT provisions such as user restrictions and buy back clauses.

**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 DeputyMonitoring Officer notes the comments made by Legal and the content of the Report and has nothing to add.

**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 they should declare it, complete the relevant notification form and refer the matter to Cabinet for decision.

**15.0 Future Status of the Report**

Members are invited to consider the future status of this report and whether it can be made available to the press and public either immediately following the meeting or at some specified point in the future.

The view of the Monitoring Officer is that:

Recommendation:	Reason for Recommendation:
<p><b>1.The Portfolio Holder agrees to transfer the freehold of land known as Llanfechain Recreation Field for £1 as shown edged red on the attached plan provided that:-</b></p> <ul style="list-style-type: none"> <li><b>i. A covenant be contained in the transfer ensuring that the site is maintained and used for community use and that the school shall have use of the site during term time..</b></li> <li><b>ii. A clause be inserted in the transfer protecting the County Council that in the event that at some future date Llanfechain Community 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 Llanfechain Community Council during their ownership.</b></li> <li><b>iii. A Pre-emption clause be included in the transfer granting the County Council the right to have transferred to it any part of the land in the future should it be required for educational purpose.</b></li> </ul>	<p><b>In the interests of good Asset Management and to sustain the future use of a community asset whilst protecting the interests of the County Council.</b></p>

<b>Recommendation:</b>		<b>Reason for Recommendation:</b>	
<b>Relevant Policy (ies):</b>	CAP		
<b>Within Policy:</b>	Y	<b>Within Budget:</b>	Y

<b>Relevant Local Member(s):</b>	<b>Cllr Gwynfor Thomas</b>
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<b>Person(s) To Implement Decision:</b>	<b>David Pritchard</b>
<b>Date By When Decision To Be Implemented:</b>	<b>asap</b>

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

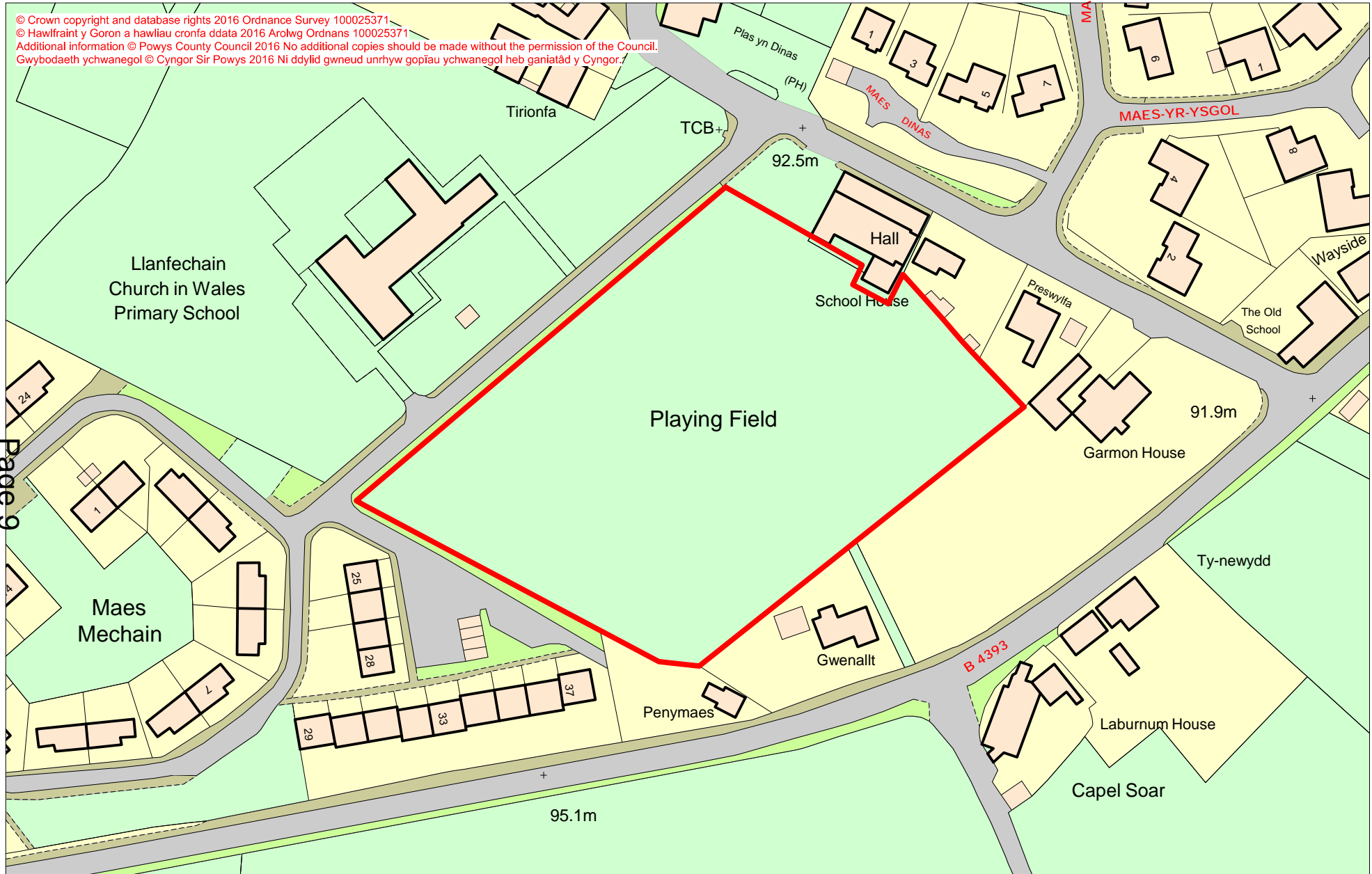
**Background Papers used to prepare Report:**

CABINET REPORT TEMPLATE VERSION 3



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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](mailto:regeneration@powys.gov.uk).

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

The Valuation Team,  
County Hall,  
Llandrindod Wells  
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**EXPRESSION OF INTEREST FORM (EOI)**  
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**from Powys County Council to a Third-Sector Organisation**

*(This is not an application form for funding)*

PROPOSED PROJECT NAME
Llanfechain Recreation Field

CONTACT DETAILS	
Name of the LEAD group or organisation	Llanfechain Community Council
Address of the LEAD group or organisation	23 Maes Dinas Llanfechain SY22 6YR
Name of the main contact person	Dianne Crecraft
Phone number	01691 828542
E-mail address	dcrecraftcomcouncil@hotmail.co.uk
What year did your organisation start?	1975

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 _____		
<b>Does your group or organisation have:</b> You will be asked for these if you progress to a Business Case.		
Item	Yes	No
a constitution	Yes	
terms of reference		
A work plan		

**WHAT PROPERTY ARE YOU INTERESTED IN?**

Name of identified property	Llanfechain Recreation Field
Address	Memorial Hall Llanfechain
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, Valuer Gareth Jones, School Service
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 Gwynfor Thomas

**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.**

Llanfechain Community Council

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

Llanfechain Playground Project Committee

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

Provide a children's play area with equipment and a football pitch. Plans to upgrade the play area

**TELL US ABOUT YOUR IDEA FOR THE PROPERTY**

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

We wish to safeguard the future of the recreation area, and take over ownership on behalf of the community

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

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

Nil

**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).*

N/A

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

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

Since taking on the lease from Powys CC in 2008, the Community Council have maintained and paid for all repairs to the play equipment, and taken on the responsibility of paying for the grass cutting every year and maintain all hedges that belong to the field.

**TELL US ABOUT YOUR COMMUNITY IDEA**

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

The Community were very concerned when the Recreation Field was put forward as a candidate site for the LDP.

It is an important asset and green space for the community, which the community is anxious to retain in perpetuity.

It is regularly used by Llanfechain FC throughout the football season. It is also used as the venue for our local annual village show

The play area is very well used and there are positive plans to replace and extend the children's area with new and more modern equipment. The whole village and local school have all been involved in planning this venture.

**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.)

It has been discussed at great length at many of the Community Council's meetings and also with the local school.

The Playground Committee was set up to investigate, evaluate and design a new play area, as the existing equipment is outdated. Funding from the Lottery is being sought and other fund raising events will be organised.

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

N/A

**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?**

Sustainable green space for all the community

**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?)*

N/A

**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?**

N/A

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

Llanfechain Community Council are currently paying an annual lease charge of £100

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

Maintenance currently costs the Community Council approx. £500 per year.

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

Annual Precept will cover the costs of maintenance

CONTACT SIGNATURE	
Signature of main contact person	<i>D. Dianne Crecraft.</i>
Name of main contact person (in BLOCK letters)	Dianne Crecraft
Date	25/10/2016.




## 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	25-10-16
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<b>Address of the LEAD group or organisation</b>	23 Maes Dinas Llanfechain SY22 6YR
<b>Name of the main contact person</b>	Dianne Crecraft
<b>Phone number</b>	01691 828542
<b>E-mail address</b>	dcrecraftcomcouncil@hotmail.co.uk
<b>What year did your organisation start?</b>	1975

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<table border="1"> <thead> <tr> <th align="center">Item</th> <th align="center">Yes</th> <th align="center">No</th> </tr> </thead> <tbody> <tr> <td align="center">a constitution</td> <td align="center">Yes</td> <td></td> </tr> <tr> <td align="center">terms of reference</td> <td></td> <td></td> </tr> <tr> <td align="center">A work plan</td> <td></td> <td></td> </tr> </tbody> </table>	Item	Yes	No	a constitution	Yes		terms of reference			A work plan		
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PONSIEP 01001 0000	
Signature of main contact person	
Name of main contact person (in BLOCK letters)	Dianne Crecraft
Date	25/10/2016.



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Applicant's Signature	Date	25-10-16.
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