

Portfolio Holder for Property Buildings and Housing



County Hall
Llandrindod Wells
Powys
LD1 5LG

3 May 2017

For further information please contact

Stephen Boyd
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 **8 May 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.	COMMUNITY ASSET TRANSFER OF THE FREEHOLD OF LLANGAMMARCH WELLS PLAYGROUND AND ADJACENT LAND
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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)****Date:** April 2017**REPORT AUTHOR:** David Pritchard Valuer**SUBJECT:** Community Asset Transfer of the freehold of Llangammarch Wells Playground and adjacent land.

REPORT FOR: **Decision**

1.0 Summary

1.1 This report deals with land at Llangammarch Wells comprises an existing playground and a small area of community garden land. The sites are currently vested in the Leisure and Recreation Service. 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 Llangammarch Community Council.

2.0 Proposal

2.1 Llangammarch Community Council wish to secure the freehold of the sites to secure their future community use.

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 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.

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 £2.750 (two thousand seven hundred and fifty pounds).

2.5 The Town Council have requested the transfer of the freehold of the sites for a nominal £1.

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.

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 sites for community use.

4.0 Options Considered/Available

4.1 Option 1

Proceed with the Freehold transfer to Llangammarch Community Council at a consideration of £1 allowing the Community 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 £2,750.

5.0 Preferred Choice and Reasons

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

Members should note that a potential capital receipt totalling £2,750 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.

Llangammarch Community 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 Timothy Van Rees Local Member comments I am in full agreement with this recommendation.

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 Capital and Financial Planning Accountant supports the recommendation to transfer the asset to the Town Council

10.2 The Professional Lead-Legal has no comment to make on the proposal itself as it meets the general terms and conditions required for CAT disposal.

10.3 The Professional Lead for Strategic Property supports the proposal.

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 and that the 'loss' will be against the unusable reserves.

13.2 The Deputy Monitoring Officer notes the legal comment and has nothing further 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 he 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>1.The Portfolio Holder agrees to transfer the freehold of land at Llangamrchr Wells for £1 as shown edged red on the attached Plan provided that:-</p> <ul style="list-style-type: none"> i. A covenant be contained in the transfer ensuring that the site is maintained and used for community use. ii. A clause be inserted in the transfer protecting the County Council that in the event that at some future date Llangammarch Community Council wish to dispose of the site then the Community 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 Llangammarch Community Council during their ownership. 	<p>In the interests of good Asset Management and to sustain the future use of a community asset.</p>

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

Relevant Local Member(s):	Cllr Timothy Van Rees
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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:

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.

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
TAN-Y-DERI PLAYGROUND TRANSFER

YOUR THIRD-SECTOR STATUS		
Town/Community Council		
Does your group or organisation have:		
You will be asked for these if you progress to a Business Case.		
Item	Yes	No
a constitution	✓	
terms of reference	✓	
A work plan	✓	

CONTACT DETAILS	
Name of the LEAD group or organisation	LLANGAMMARCH COMMUNITY COUNCIL
Address of the LEAD group or organisation	8 Llwynbrain Villas Howey Llandrindod Wells Powys LD1 5PY
Name of the main contact person	Sarah Quibell
Phone number	01597 825260
E-mail address	clerk@llangammarchCC.com
What year did your organisation start?	Many years ago

WHAT PROPERTY ARE YOU INTERESTED IN?

Name of identified property	Tan-y-Deri Playground
Address	Llangammarch Wells Powys
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>	Stephan Butcher
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>	Cllr Timothy Van Rees

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 – Community Council

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

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

Not Applicable

TELL US ABOUT YOUR IDEA FOR THE PROPERTY

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

Continue it's use as a Playground

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

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

Budget in Precept - £800 to cover Inspections, Maintenance, Capital Escrow etcetera

- 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).

Continued use as is

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

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

TELL US ABOUT YOUR COMMUNITY IDEA

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

To enable continued availability of the facility

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.)

Varied and extensive discussions at the Community Council

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

Not Applicable

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?

No Environmental Impact – continuing use as is

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?)

Not Applicable

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?

No initial costs – revenue budget £800 pa

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

Nothing – not establishing Escrow fund for future Capital needs

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

Forward budget includes £800 pa subject to review / subject to inflation

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

Allowance in the budget of £800 pa – included in 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