

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**PORTFOLIO HOLDER DELEGATED DECISION**

**REPORT AUTHOR:** County Councillor Rosemarie Harris Portfolio Holder for Property and Assets and County Councillor John Brunt Portfolio Holder for Highways

**22 September 2016**

**SUBJECT:** Public Convenience at Riverside Llanwrtyd Wells

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**REPORT FOR:** Decision

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**1.0 Summary**

- 1.1 Dialogue has been ongoing with Town and Community Councils regarding alternative service delivery of public conveniences.
- 1.2 Under the Medium Term Financial Plan (MTFP) it was identified that the Local Environmental Services needed to make revenue savings.

**2.0 Proposal**

- 2.1 Discussions with Llanwrtyd Town Council have been taking place with regards a possible freehold transfer to the Town Council for a nominal £1 consideration of the riverside toilets. If the transfer takes place the Town Council intends to continue to manage the building as public conveniences which they currently manage via a Licence agreement.
- 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 Town Council's completed an Expression of Interest (EOI) see Appendix 2, this has been supported by the reviewing Officers and the Strategic Asset Board.
- 2.3 As the proposed CAT is linked to protecting service provision a Business Case is not always required. In this case the service lead (Local & Environmental Services) have demonstrated and provided a written undertaking that the application is deemed sustainable and fits in with the Powys One Plan.
- 2.4 As the request was for a freehold transfer, an independent market valuation was commissioned. The District Valuation Service reported a market valuation of £2,500 (two thousand five hundred pounds) based on no restrictions and £1 (one pound) based on it being sold subject to

a covenant that it shall be appropriately maintained and used as a public convenience.

- 2.5 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 Powys Plan**

- 3.1 The proposed transfer would retain the property for community use and ensure the ongoing upkeep and sustainability of this important site

- 3.2 *The risk to the Council is that it does not have the financial resources to run the building and that if an appropriate partner is not found the facility may close after April 2015.*

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

- 4.1 Option 1  
Proceed with the Freehold transfer to the Town Council for £1 allowing them to continue to operate it as existing with a covenant requiring the building to be used as a public convenience.
- 4.2 Option 2 Refuse the request for a freehold CAT and hope that the Town Council will continue to operate the facility under the existing licence. However a refusal may result in the licence being terminated by the Town Council which ultimately will result in the closure of the facility and loss to the Community

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

- 5.1 The preferred choice is Option 1 a transfer of ownership to the Town Council, which offers the best opportunity for the sustainability of the site and secures its long terms future in its existing use.

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

- 61 The preferred option is considered to be the best option to sustain the future of the property and its existing use as a community asset. The Town Council has clearly demonstrated in the EOI the intention to continue the buildings existing use.

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

7.1 It is not considered that this proposal has an effect.

## **8.0 Local Member(s)**

8.1 Cllr Van Rees is aware of the proposal.

## **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, Business Services)**

10.1 The Capital and Financial Planning Accountant supports the transfer of this asset.

10.2 The Professional Lead –Legal has no comment to make save that the legal services will assist in carrying out any decision made.

10.3 The Professional Lead Corporate Property :- Members are advised in making a £1 CAT freehold transfer that they forgo a potential capital receipt of £2,500 whilst noting that that the building will continue to be used in community use and a clause shall be inserted in the sales transfer protecting this Council in the event that the Town Council wish to dispose of the asset.

## **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 Manager comments: No proactive communication 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 Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

Recommendation:	Reason for Recommendation:
<p>That Cabinet agrees to forego a potential capital receipt of £2,500 for the freehold of the Public Conveniences at Riverside as shown edged red on the attached Plan and instead agree to transfer the property to Llanwrtyd Town Council for £1 provided that :-</p> <p>(a) a covenant be contained in the transfer ensuring that the site is maintained and used as public conveniences and</p> <p>(b) a clause be inserted into the transfer protecting the County Council in the event that at some future date Llanwrtyd Town Council should wish to dispose of the site, 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 improvements undertaken by the Llanwrtyd Town Council during their ownership.</p>	<p>In the interests of good Asset Management and to sustain the future use of a community asset.</p>

Relevant Policy (ies):	Corporate Asset Policy		
Within Policy:	Y / N	Within Budget:	Y / N

Relevant Local Member(s):	Cllr Van Rees

Person(s) To Implement Decision:	David Pritchard
Date By When Decision To Be Implemented:	asap

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**Background Papers used to prepare Report:  
Office File**