

**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**

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**REPORT FOR: Decision**

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**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.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>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:-</b>	<b>In the interests of good Asset Management and to sustain the future use of a community asset.</b>

<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>	

<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>	Cllr Huw Williams
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<b>Person(s) To Implement Decision:</b>	David Pritchard
<b>Date By When Decision To Be Implemented:</b>	asap

<b>Contact Officer Name:</b>	<b>Tel:</b>	<b>Fax:</b>	<b>Email:</b>
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**Background Papers used to prepare Report:**