

FORM 2

NOTICE OF DECISION OF CABINET MEMBER

Pursuant to Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me, I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Localism - disposal of land and buildings to Bewdley Town Council and provision of a time-limited grant to the Town Council to assist in taking on these new responsibilities.	To agree the transfer of the freehold of the following buildings and land to Bewdley Town Council at £1 consideration per property, the decision being “in principle” in the case of the first site: <ul style="list-style-type: none">• Riverside North (Northwood Lane) Park, Bewdley DY12 1AN• 6a Load Street, Bewdley, DY12 2AF• Load Street Toilets, Load Street Car Park, Bewdley, DY12 2EQ To give delegated authority to the Corporate Director: Economic Prosperity and Place, in consultation with the Cabinet Member for Culture, Leisure and Community Protection, to consider	In line with the Council’s adopted medium term financial strategy, to secure asset and service transfers under the localism agenda.	24 December 2020

FORM 2

	<p>any objections made as a result of the advertisement of disposal of land that constitutes public open space and to take the final decision on disposal in the event of objections having been received.</p> <p>To confirm the payment of a grant to Bewdley Town Council to contribute towards the cost of operating the transferred assets worth £21.25k in 2021-22, £14k in 2022-23 and zero thereafter.</p>		
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I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.

Dated: 24 December 2020

Signed:



Councillor: Graham Ballinger
Leader of the Council

WYRE FOREST DISTRICT COUNCIL

Strong Leader Report

LOCALISM: TRANSFER OF LAND AND BUILDINGS - BEWDLEY

OPEN	
DIRECTOR:	Chief Executive
CONTACT OFFICER:	Rachel Symons, Community Services Manager Ext 2923
APPENDICES:	None

1. PURPOSE OF REPORT

- 1.1 To agree disposal of the land and buildings specified in the report to Bewdley Town Council and to provide a time-limited grant to the Town Council to assist in taking on these new responsibilities.

2. RECOMMENDATION

- 2.1 The Cabinet is asked to agree the transfer of the freehold of the following buildings and land to Bewdley Town Council at £1 consideration per property, the decision being “in principle” in the case of the first site:
- Riverside North (Northwood Lane) Park, Bewdley DY12 1AN
 - 6a Load Street, Bewdley, DY12 2AF
 - Load Street Toilets, Load Street Car Park, Bewdley, DY12 2EQ
- 2.2 The Cabinet is asked to give delegated authority to the Corporate Director: Economic Prosperity and Place, in consultation with the Cabinet Member for Culture, Leisure and Community Protection, to consider any objections made as a result of the advertisement of disposal of land that constitutes public open space and to take the final decision on disposal in the event of objections having been received.
- 2.3 The Cabinet is asked to confirm the payment of a grant to Bewdley Town Council to contribute towards the cost of operating the transferred assets worth £21.25k in 2021-22, £14k in 2022-23 and zero thereafter.

3. BACKGROUND

- 3.1 The Localism Act 2011 gave local communities more power to plan for the future of their areas. Discussions and regular negotiating meetings have taken place with all 3 Town Councils as part of the Council’s work on localism, both collectively and individually, in order to agree bold localism deals. A localism deal has been agreed

with Stourport-on-Severn. Discussions are continuing in positive vein with Kidderminster Town Council: it is hoped that a further report will come forward in due course in respect of Kidderminster.

3.2 Discussions with Bewdley Town Council have been positive and a localism deal has been discussed and agreed in principle, subject to agreement about disposal of land and buildings. The deal is proposed to encompass:

- Riverside North (Northwood Lane) Park, Bewdley DY12 1AN
- 6a Load Street, Bewdley, DY12 2AF
- Load Street Toilets, Load Street Car Park, Bewdley, DY12 2EQ

3.3 Heads of Terms are being drafted and a joint press release will be published from WFDC and Bewdley Town Council to announce the outcome of this round of localism discussions with the Town Council.

4. KEY ISSUES

4.1 The Council has a funding gap rising to an estimated c£2.6m in 2023-24. Work to preserve and protect assets by working with partners to share costs and/or take over responsibility for services is a priority. Without bold and ambitious plans to deliver on this strategy, services most valued by people could be lost e.g. parks, play areas, public conveniences, community development and events.

4.2 Town and Parish Councils can raise money locally through an annual precept to provide services in their local community. Working with our Town and Parish Council Partners to protect services and amenities that our communities value by the transfer or sharing of ongoing costs is a key aspiration of the adopted Medium term Financial Strategy. Local Councils can use headroom available to them as a result of their not being subject to criteria about “excessive” council tax rise increases, an approach which the Government has confirmed again in the provisional local government settlement for 2021-22.

4.3 Negotiations have been carried out during the summer and autumn, building on earlier discussions in 2019, and cover a range of services and assets with a flexible approach being taken to how arrangements can work for the mutual benefit of both parties.

4.4 In respect of Bewdley, a package has been agreed in principle and this report deals with the formal decision on disposal of land and buildings to the Town Council, which require a decision to be made by Cabinet. (There are other elements to the package, including surrender of WFDC’s lease on 6 Load Street, Borough House, owned by The Community Housing Group, and the transfer of the lease to Bewdley Town Council and the extent of the rights to be granted over the Load Street Car Park for the benefit of the Load Street Car Park but these can be dealt with by officers under the delegation scheme.)

4.5 The section on legal implications below deals with the detailed legal background. In simple terms, the Council has the power under Section 123(1) of the Local Government Act 1972 to dispose of land at less than best consideration (in this case for £1 consideration per property), subject to a process of public advertisement

for disposal of public open space. The Council also has to obtain the consent of Fields in Trust before transferring Riverside North (Northwood Lane) Park.

5. **FINANCIAL IMPLICATIONS**

- 5.1 The assets are being transferred on the basis that WFDC will be making a financial contribution towards them with effect from 1 April 2021. This is in the form of a grant being offered to Bewdley Town Council worth £21.25k in 2021-22, £14k in 2022-23 and zero in 2023-24 onwards. In addition the District Council will meet the cost of removal of the paddling pool and reinstatement of the ground in Riverside North Park at an estimated cost of £13k: the works are expected to be undertaken in the spring of 2021. The Council has current direct costs related to the transferred assets (net of tenancy income) of £43k a year and indirect costs on top of that. Thus the total savings for WFDC by 2023-24 will exceed £43k a year. In respect of direct costs, equivalent reductions will be made to the relevant service budgets. Wherever possible, the same approach will be taken for indirect costs including service recharges from support services.
- 5.2 The table below shows the contribution to our funding gap from the ongoing localism work that is assumed in paragraph 6.19 of the draft Medium Term Financial Strategy that was considered by Cabinet on 22 December, to take account of achieved savings including the transfers covered by this report. These savings are phased over a number of years to allow the Town and Parish Councils to raise their precepts incrementally.

Approved Cabinet Proposal for Generic Localism Savings – re-profiling	Previous MTFS	Proposed MTFS – rephased	Variance
Year	£	£	£
2020-21	135,000	7,000*	(128,000)
2021-22	245,000	150,000	(95,000)
2022-23	350,000	365,000	15,000
2023-24	525,000	525,000	0
2024-25	700,000	700,000	0

**Note to table £7,000 target has been achieved in 2020-21 and some savings have been made against future year's targets*

- 5.3 WFDC will meet the cost of advertising the Council's intention to dispose of the open space land. This is expected to be a low, three figure number based on similar previous advertisements. WFDC also has to meet the costs of the application to Fields in Trust which is mentioned in paragraph 6.5 below.

6. **LEGAL AND POLICY IMPLICATIONS**

- 6.1 Under section 123 of Local Government Act 1972, the approval of the Secretary of State is required for a disposal of land at an undervalue unless the disposal falls within the General Disposal Consent (England) 2003 ("the Consent"). In order to fall within the Consent, the disposal must assist in the promotion of the economic,

social or environmental well-being of the area and the difference between the unrestricted value and the consideration accepted must be £2 million or less. The Consent provides that the Authorities should “not divest themselves of valuable public assets unless they are satisfied that the circumstances warrant such action”. The £2m figure in the consent bites on each separate property rather than the collective value of the three disposals covered by this report.

6.2 It is considered that the proposed disposals to the Bewdley Town Council will protect the public assets and promote the social and environmental well-being of the area by maintaining public open space and the public toilet facilities in Bewdley and in addition the office space at 6a Load Street will provide Bewdley Town Council with a new base, the chance to make savings and provide a larger meeting room for the authority. In respect of a separate proposed disposal in Bewdley which has already been agreed by the Cabinet on 10 November, the Council received an external valuation of public open space at £10-15k an acre and is entitled to adopt the same valuation with of public open space covered by this report, the value of this is thus a very long way less than £2m. The Council’s Estates Surveyor has assessed the value of 6a Load Street as having a market value of £45k for the building in existing condition, assuming vacant possession. She has assessed the market value of Load Street public toilets as being £35k. Therefore, the Council can take this decision without reference to the Secretary of State.

6.3 Section 123 of the Local Government Act 1972 stipulates that:

“(2A) A principal council may not dispose under subsection (1) above of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.”

6.4 This is considered to be relevant to one of the three sites proposed for transfer: 6a Load Street and Load Street toilets are not public open space. The Council will advertise its intention to dispose of the public open space for 2 consecutive weeks in the Kidderminster Shuttle. The publication of this notice is required by law and does not mean that the sale of the land will take place. Any comments following the consultation will be taken into consideration before a final decision taken.

6.5 Riverside North Park is dedicated as a Field in Trust. The consent of Fields in Trust is therefore required for the transfer, and the Council will submit an application accordingly and will meet Fields in Trust’s costs in respect of the process. The Town Council will separately need to enter its own deed of dedication for the park so that its protection as a park and green space is continued.

7. EQUALITY IMPACT NEEDS ASSESSMENT

7.1 This report relates to disposal of land and buildings. It is not considered that an equality impact assessment is required, as no change is envisaged to the use of the land and buildings at the point of transfer.

8. RISK MANAGEMENT

- 8.1 Appropriate provision will be included in the terms of disposal to protect the District Council's interest.
- 8.2 Otherwise, the principal risk relates to compliance with legislation of disposal of land at less than best value and obtaining consent of Fields in Trust, which are being addressed as set out above.

9. CONCLUSION

- 9.1 The proposed transfer supports the Council's policy on asset transfers and localism. The Cabinet is asked to decide the transfer of the land and buildings specified in this report to Bewdley Town Council; to give delegated authority to the Corporate Director: Economic Place and Prosperity to consider any objections made as a result of the advertisement of disposal of public open space and to take the final decision on disposal in the event of objections; and to agree a time-limited grant as set out in the recommendations.

10. CONSULTEES

- 10.1 Cabinet Member for Culture, Leisure and Community Protection
- 10.2 Corporate Leadership Team
- 10.3 Bewdley Town Council

11. BACKGROUND PAPERS

- 11.1 Reports about corporate plan and financial context, Cabinet 18 September 2019; Council 25 September 2019; Cabinet 10 November 2020
- 11.2 Medium Term Financial Strategy, February 2020; and draft strategy, Cabinet 22 December 2020
- 11.3 Circular 06/03 Local Government Act 1972: General Disposal Consent 2003
- 11.4 Fields in Trust www.fieldsintrust.org www.fieldsintrust.org/field-change-request

12. APPENDICES

None.