



**Meeting:** Council (Mayoral Decision)

**Date:** 30 October 2014

**Wards Affected:** Churston with Galmpton, Roundham with Hyde, Shiphay with the Willows, Tormohun, Cockington with Chelston, Watcombe, Ellacombe

**Report Title:** Proposed Disposal of Surplus Assets

**Is the decision a key decision?** Yes

**When does the decision need to be implemented?** As soon as possible

**Executive Lead Contact Details:** Mayor Oliver, Mayor and Executive Led for Employment, Regeneration, Finance and Audit, [mayor@torbay.gov.uk](mailto:mayor@torbay.gov.uk)

**Supporting Officer Contact Details:** Liam Montgomery, Head of Asset Management and Housing, (01803) 208720, [liam.montgomery@torbay.gov.uk](mailto:liam.montgomery@torbay.gov.uk)

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## **1. Purpose and Introduction.**

- 1.1. To make individual recommendations relating to the disposal of 13 unused assets to achieve capital receipts and cost savings.

## **2. Proposed Decision**

- 2.1. That the Mayor be recommended:

- (i) that the Mayor considers any feedback received before the 30 September 2014 from Ward Members, the Local Access Forum (where appropriate) and the relevant Community Partnerships to the disposal of the 13 Assets listed in Appendix 1 to the submitted report;
- (ii) that the 13 Assets listed in Appendix 1 to the submitted report be declared no longer required for service delivery and that the Head of Commercial Services be requested to advertise their intended individual disposal in accordance with both the Council's Community Asset Transfer Policy 2008 and where appropriate Section 123(2A) of the Local Government Act 1972;
- (iii) that, subject to any expressions of interest received from the Community and any objections received to any disposal advertised pursuant to S123 of the Local Government Act 1972 and subject to (i) above, the assets listed in Appendix 1 to the submitted report be individually disposed on such terms as are acceptable to the Executive Head of Commercial Services in consultation with the Chief Executive of Torbay Development Agency; and
- (iv) that the Executive Head of Commercial Services in consultation with the Chief Executive of the Torbay Development Agency be given delegated authority to consider any objections received on the advertisement of any of the proposed disposals pursuant to s123 of the Local Government Act 1972.

### **3. Reason for Decision**

- 3.1. Expenditure and repair liability across the Council's assets significantly exceeds available resources.
- 3.2. On behalf of the Council, the Torbay Development Agency (TDA) continues to review the suitability and challenge the present use of assets. Together with Council officers it has considered the assets listed in Appendix 1 with a view to reducing running costs and generating capital receipts. These receipts could then be used to support the Council's approved Capital Programme.
- 3.3. The recommendations take into account any views expressed by the public consultation.
- 3.4. The disposal of assets not required for service delivery will enable the capital receipts to be reinvested into the Council's existing Capital Programme, which will contribute to the Council's objectives.
- 3.5. The reduction of the number of assets held is seen as an important element to achieving a sustainable maintenance regime for future generations.
- 3.6. At this point it is neither possible nor desirable to publicly quantify the expected total receipt.
- 3.7. Section 123(2A) of the Local Government Act 1972 states that subject to certain exceptions a council may not dispose of land consisting or forming part of an open space unless before disposing of the land they advertise the disposal for two consecutive weeks in a local newspaper, and consider any objections to the proposed disposal which may be made to them. An open space is defined for the purposes of the Act as being any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground

### **4. Supporting Information**

- 4.1. The Capital Strategy is approved by the Council each year and provides that funding for the Capital Programme will be met in part from asset disposal.
- 4.2. The Corporate Asset Management Plan which is approved by the Council each year provided that the Council would adhere to the following guiding principles in the management of its assets:
  - To continuously maintain and improve assets;
  - To release value and minimise cost by challenging and reviewing the manner and use of assets;
  - To periodically review all assets to identify possible alternative use or disposal;
  - To ensure that disposals are effectively managed; and
  - To monitor running costs to target potential savings.
- 4.3. A number of the proposed disposal sites are deemed to be open space. As such their sale will be advertised in accordance with Section 123(1)(2a) of the Local Government Act 1972. The Council will need to consider any objections prior to their disposal.

- 4.4. Once an asset has been declared surplus then the Community is given an opportunity to lease it through the Council's Community Asset Transfer Policy.
- 4.5. If no community interest is received, or the Council's Community Asset Transfer Panel does not approve the transfer of an asset to the Community then, where appropriate, architects will be instructed to obtain planning consent for alternative uses.
- 4.6. When an asset is considered to be available for sale, either with or without planning consent, an external agent or auctioneer (as deemed appropriate) will be instructed to sell the asset in accordance with Council Standing Orders.

## **5. Possibilities, Options and Fair Decision Making**

- 5.1. The assets could be retained and the repair and maintenance of the properties continued by the Council. If the assets are retained then the anticipated capital receipt will be lost, and the cost of initial repair and/or replacement of the properties and future maintenance, will remain the responsibility of the Council

## **6. Equal Opportunities**

- 6.1. An Equality Impact Assessment has been published in respect of these proposals and is attached to this report as Appendix 2.

## **7. Public Services (Social Value) Act 2012**

- 7.1. Where deemed appropriate, architects will be employed to obtain an alternative planning consent and external agents / auctioneers (as appropriate) will be appointed to effect a disposal.

## **8. Consultation**

- 8.1. Letters including plans of the individual assets have been forwarded to relevant Ward Members and Community Partnerships, and where appropriate, the Secretary for the Torbay Local Access Forum. No comments have been received from any of the organisations mentioned.

## **9. Risks**

- 9.1. The disposal of assets not required for service delivery has been identified as one of several initiatives to provide additional funding to tackle the urgent land and building backlog maintenance liability and provide receipts for the Capital Programme. Inevitably, there may be some objections to the disposal of some of the assets identified. Failure to consult adequately may lead to abortive disposal work should some of the disposals not proceed. This risk has been mitigated by consulting adequately and by advertising prior to any marketing taking place.

## **10. Appendices**

Appendix 1 Schedule of assets to be declared surplus.

Appendix 2 Equalities Impact Assessment

Appendix 3 EM2445 – Hillrise Playground, Brixham

Appendix 4 EM2454 – Land adjoining Davies Avenue, Paignton

Appendix 5 EM2429 – Land at Whitstone Rd, Paignton

Appendix 6 EM2429a – Land at corner of Sands Road, Paignton  
Appendix 7 EM2426 – Land at junction of Dart Avenue & Tamar Avenue  
Appendix 8 EM2426a – Land at junction of Dart Avenue & Marldon Avenue  
Appendix 9 EM2455 – Land adjacent No 7. Weaver Court, Torquay  
Appendix 10 EM2458 – Land at Plym Close, Torquay  
Appendix 11 EM2448 – Pendennis Playground 1, Torquay  
Appendix 12 EM2457 – Land R/O Sanford Road, Torquay  
Appendix 13 EM2449 – Land at junction Clennon Lane & Fore Street, Torquay  
Appendix 14 EM2459 – Land at end of Garth Road, Torquay  
Appendix 15 EM2456 – Land at Stentiford Hill, Torquay

## **11. Additional Information**

11.1. None