

# Minutes of the Adjourned Meeting of the Cabinet

27 May 2008

-: Present :-

Mayor of Torbay (Chairman)

Councillors Aiton, Bent, Carroll, Richards and Tolchard

(Also in attendance: Councillors Addis, Carter (R), Doggett, Excell, Faulkner (A), Faulkner (J), Hytche, Morey, Pentney and Stocks)

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**41(i). Apologies.** Apologies for absence were received from Councillors Lewis and McPhail.

**41(ii). Matters for Consideration.** The Cabinet considered the following matters, full details of which (including the decisions of the

Mayor) are set out in the Record of Decisions in Appendix 1 to these Minutes.

**41(ii).1** Community Asset Transfer Policy; and

**41(ii).2** Asset Rationalisation Project.

Mayor

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## APPENDIX 1

to the Minutes of the adjourned meeting of the Cabinet  
held on 27 May 2008

### Record of Decision

#### Community Asset Transfer Project

##### Decision Taker

The Mayor at the adjourned Cabinet meeting held on 27 May 2008.

##### Decision

- (i) **That the Community Asset Transfer Policy, identified in Appendix 1 to Report 133/2008, be approved and used as a pilot to enable community and voluntary sector groups to apply for the transfer of council owned assets, specifically for the benefit of local communities;**
- (ii) **that the Assistant Director of Property and Procurement, in consultation with the Deputy Mayor, be authorised to implement a process to enable community and voluntary groups to apply for the transfer of council owned assets;**
- (iii) **that, subject to the process identified in the Community Asset Transfer Policy, the Director of Law and Support and the Director of Financial Services, in consultation with the Assistant Director of Property and Procurement and the Deputy Mayor, be authorised, where appropriate, to enter into lease agreements with community and voluntary groups, on acceptable terms, for the transfer of assets and land holdings; and**
- (iv) **that, where any land holdings to be leased are deemed to be open space, then the Director of Law and Support be authorised to advertise the disposal of such open space, in accordance with the Local Government Act 1972, and, that the Assistant Director of Property and Procurement, in consultation with the Assistant Director of Cultural Services and the Deputy Mayor, be authorised to consider any objections.**

##### Reason for Decision

To respond to the Government's 'Making Assets Work, Quirk Review' and provide a framework for considering options for the transfer of assets to community and voluntary groups, through leases and management agreements, for the benefit of the communities they serve.

##### Information

The 'Making Assets Work, Quirk Review' was commissioned by the Government to consider how the use of publicly owned assets could be optimised by exploring options for the increased transfer of asset ownership and management to community groups. Report 133/2008 set out the proposed Community Asset Transfer Policy to respond to the Quirk Review.

The policy would provide an opportunity for voluntary and community sector groups to apply for the receipt of Council assets, deemed surplus to requirements, for a range of social activities, business enterprises and local service options. It was noted that the Council had to balance requests for the transfer of assets to the third sector with the need to maximise capital receipts to deliver its ambitious investment programme. Therefore, development of the policy also coincided with the Council's asset rationalisation project which would identify surplus properties and landholdings for disposal.

## APPENDIX 1 (continued)

### Alternative options considered and rejected at the time of the decision

Not to approve the policy.

**Is this a Key Decision?** (Give reference number if applicable)

Yes – Reference Number X22/2008

**Does the call-in procedure apply?** (If no, please give reason)

Yes

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None

### Published

30 May 2008

### Implementation

This decision will come into force and may be implemented on 9 June 2008 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

## **APPENDIX 1 (continued)**

### **Asset Rationalisation Project**

#### **Decision Taker**

The Mayor at the adjourned Cabinet meeting held on 27 May 2008.

#### **Decision**

- (i) That the feedback from the Public Consultation exercise set out in Appendix A to Report 132/2008 be noted;**
- (ii) that the assets shown at Appendix B to Report 132/2008 be required for service delivery and be retained at this time;**
- (iii) that, having considered all representations, and in particular objections in response to the statutory notice of intended disposal of open space land, to formally declare those assets listed at Appendix C to Report 132/2008, subject to the deletion of the land at Whitstone and Sands Road, as no longer required for service delivery and that these should be disposed of on the open market or to partner organisations in accordance with the respective papers set out in Appendix 1B to Report 132/2008;**
- (iv) that community interest in acquiring or running certain assets be acknowledged and that community asset bids, in particular the asset identified in Appendix D to Report 132/2008 and the addition of the land at Whitstone and Sands Road, be considered and assessed in accordance with the Council's Community Asset Transfer Policy 2008;**
- (v) that the Estates Services Manager be requested to offer continued use of Bishops Place or new facilities within the Community Hub to South Devon College on terms to be agreed. In the event that no agreement is reached with South Devon College and if no subsequent Community Asset Transfer request emerges, that the asset be sold or leased on the open market; and**
- (vi) that assets set out in Appendix E to Report 132/2008 be declared as no longer required for service delivery and that the Estates Services Manager be requested to liaise with Torbay Coast and Countryside Trust over the disposal of these assets.**

#### **Reason for Decision**

To respond to a public consultation exercise and to enable the disposal of assets no longer required for service delivery to provide capital receipts to be invested in the Council's priority capital projects.

#### **Information**

The expenditure and repair liability of Council owned assets was significantly higher than available resources. The asset rationalisation project reviewed the suitability and present use of the Council's assets with a view to reducing running costs and generating capital receipts.

Following the decision of the Mayor at the Cabinet meeting on 22 January 2008, the Council undertook a consultation exercise in respect of the disposal of assets that had been identified as surplus.

Report 132/2008 set out the results of the consultation exercise and proposals for asset management efficiency and cost savings. The disposal of surplus assets would enable the capital receipts to be reinvested into the Council's priority capital projects. The reduction of the number of assets was also an important element for achieving a sustainable maintenance regime for future generations.

## **APPENDIX 1 (continued)**

During the meeting the Mayor invited the following to make representations:

Collette O'Brian objecting to the disposal of land at Hookhills Road, Bridle Close and Goodrington Quarry, Paignton;

James Campbell on behalf of Maidencombe Residents' Association objecting to the disposal of land at Maidencombe and Bowden Meadows, Torquay; and

Mick Warner on behalf of Friends of Barton Downs in support of the Acorn Centre, Torquay.

Representations from Brixham Town Council were also received in respect of land adjoining 93 Penn Meadows, Brixham.

### **Alternative options considered and rejected at the time of the decision**

To take no action.

To recruit additional in house expertise for the disposal programme, but any recruitment process would delay the programme's implementation.

To deem land at Whitstone and Sands Road, Paignton as no longer required for service delivery.

**Is this a Key Decision?** (Give reference number if applicable)

Yes- Reference Number X7/2008

**Does the call-in procedure apply?** (If no, please give reason)

Yes

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

Councillor Pentney declared a personal interest as her sister was an employee at Bishop's Place Centre, Paignton.

Councillor Faulkner (J) declared a personal prejudicial interest in respect of the Acorn Centre, Torquay and withdrew for part of the meeting when the Acorn Centre was discussed.

### **Published**

27 May 2008

### **Implementation**

This decision will come into force and may be implemented on 9 June 2008 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).