

## WYRE FOREST DISTRICT COUNCIL

### Strong Leader Report

#### LOCALISM: TRANSFER OF LAND - STOUPORT

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

#### 1. PURPOSE OF REPORT

- 1.1 To agree disposal of the land specified in the report to Stourport-on-Severn Town Council

#### 2. RECOMMENDATION

- 2.1 The Cabinet is asked to agree the transfer of the freehold of the following land to Stourport-on-Severn Town Council for £1 consideration, the decision being “in principle”:
- Stourport Paddling Pool, Riverside Meadows, Stourport-on-Severn, DY13 3SA
- 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 Safety, 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.

#### 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 wider localism deal has been agreed with both Stourport-on-Severn and Bewdley. Discussions are taking place with Kidderminster Town Council and a further report can be expected in due course in respect of Kidderminster.
- 3.2 Further discussions with Stourport-on-Severn Town Council have been positive and a localism deal to transfer the freehold of the paddling pool has subsequently been discussed and agreed in principle, subject to agreement about disposal of land and buildings. The deal is proposed to additionally encompass:
- Stourport-on-Severn Paddling Pool, Riverside Meadows, DY13 3SA

3.3 Heads of Terms are being drafted and a joint press release will be published from WFDC and Stourport-on-Severn 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£2.7m 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.

4.3 Negotiations have been carried out during 2020, building on earlier discussions from 2019, and cover a wide 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 Stourport, a wider package has been previously agreed and includes:

- Land at Foundry Street, Stourport on Severn, DY13 8EB
- Britannia Gardens Play Area, Britannia Gardens, Stourport on Severn, DY13 9NZ
- Lloyds Meadow, Areley Lane, Stourport on Severn, DY13 0TA
- Land and building known as Elizabeth Mills Centre, New Street, Stourport-on-Severn DY13 8UL
- Toilets at Riverside, Martin’s Way, Stourport on Severn, DY13 3SA

This report deals with the formal decision on disposal of land and buildings to the Town Council, to further encompass the paddling pool, which require a decision to be made by Cabinet.

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), subject to a process of public advertisement for disposal of public open space.

#### **5. FINANCIAL IMPLICATIONS**

5.1 The Council has current averaged direct costs and indirect costs totalling over £6000 associated with this asset. In respect of direct costs, equivalent reductions will therefore 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 WFDC has met the cost of advertising the Council's intention to dispose of the open space land, which was £232.12

## **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 five disposals covered by this report.
- 6.2 It is considered that the proposed disposal to the Stourport-on-Severn Town Council will protect the public asset and promote the social and environmental well-being of the area by maintaining and operating the paddling pool facility in Stourport-on-Severn. The estimated value of the paddling pool is £22,500 which is a very long way lower than £2m. 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 the proposed site for transfer: 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.

## **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, which is 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 Stourport-on-Severn Town Council, and 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.

## **10. CONSULTEES**

- 10.1 Corporate Leadership Team  
10.2 Stourport-on-Severn Town Council

## **11. BACKGROUND PAPERS**

- 11.1 Circular 06/03 Local Government Act 1972: General Disposal Consent 2003

## **12. APPENDICES**

None.