

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).

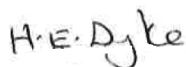
In accordance with the authority delegated to me, I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Transfer of car park, The Avenue, Blakedown	To agree the transfer of the freehold of the car park to Churchill and Blakedown Parish Council for £1 consideration, which is less than market value.	In accordance with the Medium Term Financial Strategy, working with the parish council to protect services and amenities that communities value by the transfer or sharing of ongoing costs. Transferring the car park will allow the parish council to decide what regime of charges (including any free periods) will apply in future and it will bear the cost of operating the car park, including enforcement arrangements.	12 August 2021

I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.

Dated: 12 August 2021

Signed:



Councillor: Helen Dyke
Leader of the Council

WYRE FOREST DISTRICT COUNCIL

Strong Leader Report

LOCALISM: TRANSFER OF CAR PARK, THE AVENUE, BLAKEDOWN, KIDDERMINSTER

OPEN	
DIRECTOR:	Ian Miller, Chief Executive
CONTACT OFFICER:	Victoria Bendall, Estates Surveyor Ext 2703
DATE:	11 August 2021
APPENDICES:	Appendix - Plan

1. PURPOSE OF REPORT

- 1.1 To agree the disposal of the car park situated at The Avenue, Blakedown, Kidderminster to Churchill and Blakedown Parish Council.

2. RECOMMENDATION

- 2.1 The Cabinet is asked to **AGREE** the transfer of the freehold of the car park to Churchill and Blakedown Parish Council for £1 consideration, which is less than market value.

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 town and parish councils as part of the District Council's work on localism, both collectively and individually, in order to agree bold localism deals.
- 3.2 It has been agreed to transfer the car park at The Avenue, Blakedown to the Parish Council which will enable the Parish Council to run the car park in the way that it considers best serves the local community.
- 3.3 Discussions are taking place with the Parish Council over proposals for WFDC to offer enforcement services after the car park has been transferred, by way of a service level agreement. However this does not prevent progress with agreeing the disposal of the land comprising the car park.

4. KEY ISSUES

- 4.1 The Council has a funding gap rising to 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.

- 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 The parish council’s interest in having the Blakedown car park transferred has arisen from the removal of free one hour’s parking at this and other car parks across the district with effect from April 2020. Transferring the car park will allow the parish council to decide what regime of charges (including any free periods) will apply in future and it will bear the cost of operating the car park, including enforcement arrangements. As noted in the financial section, as a goodwill gesture, the District Council is making a contribution towards costs of resurfacing that the parish council will incur after transfer.
- 4.4 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, £1 consideration for the property).

5. FINANCIAL IMPLICATIONS

- 5.1 The car park is being transferred on the basis that WFDC will make a contribution of £5,000 from the Parish Localism Fund towards the resurfacing of the car park. Payment will only be made on receipt of evidence that the order for the resurfacing works has been placed to the value of c£9k or more, in line with the lowest tender received, or when the Parish Council can evidence that it has incurred expenditure of at least £5k on resurfacing.
- 5.2 The car park is one of the least well-used in the district as measured by the income that it generates. In the period since 2015-16, direct income at the site has exceeded £1k a year only in 2019-20 (£1.4k) and - following the removal of the free hour’s parking - in 2020-21 (£2.5k). It is recognised that financial performance in the last financial year may have been significantly affected by the pandemic, and there was a period during which the Council collected no charges from this or any other car park. In 2018-19, income at this site represented less than 1% of the total generated in the Council’s car parks, the income being the equivalent of £40 for each space or less than a tenth of the average amount generated per space across all car parks. While the Council will forego the low level of income in future, it will also cease to bear the operational costs which – ignoring enforcement activity – have exceeded income in all years from 2015-16 to 2019-20. Thus the transfer is not expected to have an adverse impact on the Council’s revenue position.
- 5.3 The proposed transfer to the parish council includes ongoing discussion about the parish council paying the District Council for enforcement work under a service level agreement. This would be expected to be revenue neutral for the District Council as it would cover any costs associated with enforcement activity. If the parish council decides not to conclude an SLA for enforcement work, it may be necessary for the car park to be removed from the parking places order. If that could not be done at the same time as other future changes to the order, the Council would have to advertise the proposed changes and bear the modest cost of the advertisements.

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 Authorities should "not divest themselves of valuable public assets unless they are satisfied that the circumstances warrant such action". It is considered that the proposed disposal to the Parish Council will protect the public assets and promote the social and environmental well-being of the area by maintaining the public car park in Blakedown. The Car Park has been valued in its current use at £20,000. Therefore the Council can take this decision without reference to the Secretary of State.
- 6.2 The Car Park has previously been nominated as an Asset of Community Value. In accordance with the Localism Act 2011, the Council has therefore placed a notice on the site to advise of the intention to dispose of it to the Parish Council, thus triggering the moratorium period. However, as the Parish Council is a Community Group under the definitions in the Act, this will not delay the transfer.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 This report relates to disposal of land. It is not considered that an equality impact assessment is required, as no change is envisaged to the use of the land 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. The heads of terms include an overage clause should the Parish Council dispose of the site within 25 years of the transfer.
- 8.2 Otherwise, the principal risk relates to compliance with legislation on 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 Car Park to Churchill and Blakedown Parish Council on the terms set out in this report.

10. CONSULTEES

- 10.1 On this report: Corporate Leadership Team and Cabinet Member for Operational Services

- 10.2 On the detailed financial and other matters relating to the proposed transfer:
Churchill and Blakedown Parish Council.

11. BACKGROUND PAPERS

- 11.1 Medium Term Financial Strategy, approved by Council 1 March 2021
- 11.2 Circular 06/03 Local Government Act 1972: General Disposal Consent 2003

12. APPENDICES

Site plan.

