

**STRATEGY AND RESOURCES COMMITTEE: 19 OCTOBER 2011**

**MONKTON AND ISLAND PARKS: PROPOSED DEVOLUTION OF SITE**

**Purpose of Report**

To seek approval in principle for the acquisition of Monkton and Island Parks by devolution from the Wiltshire Council under the community Asset Transfer Scheme and approval to sign the application forms to be submitted to the Area Board to facilitate this.

**Background**

The proposed acquisition of Monkton and Island parks has been a long standing aim of the Town Council although no policy decision has been taken to approve this.

Recently the opportunity arose for preliminary negotiations and it was apparent that there was a willingness by Wiltshire Council to devolve Monkton and Island Parks to the Town Council. There has been no expenditure to date except on in house costs.

However, the preliminary negotiations were inconclusive and it is clear that a significant amount of Officer time, and possibly some consultancy, will be needed before comprehensive Heads of Terms can be finalised and proposed.

Therefore this report seeks only approval in principle to this proposed devolution of the site to enable the Officers to negotiate further on all relevant matters.

**Current Situation**

To date the following points have been agreed:-

- (a) This proposed devolution falls within the Community Asset Transfer Scheme.
- (b) Any transfer will be of the freehold at nil direct cost to the Town Council.
- (c) There would be no repurchase rights for Wiltshire Council but a reversion clause means the Town Council would have to give notice if "community use" ceased. If after five years it was sold, any sale proceeds would be split 50:50.
- (d) Each party will stand its own legal costs. The Town Council's usual Solicitors have been instructed to act.
- (e) The Wiltshire Council will retain an area adjacent to the Offices and the Olympiad including the Play Area and MUGA.

- (f) There are no automatic transfer of staff issues (“TUPE”) with the management of the toilet block.

The following matters need to be addressed in more detail:-

- (g) The Revenue Budget for the site needs to be disaggregated and a reasonable offer made of Revenue support to comply with the principle that “Finance Follows Function”, and reflect the true costs of maintenance and management of the site.

The policy of the Town Council is to seek Revenue support for any devolved functions, normally for a three year period, to protect against any challenge to the accounts on the grounds of “double taxation”.

To date the Revenue figures discussed do not equate to the true cost of maintaining the site, and would only be paid for specified periods.

The initial offer of Revenue support was as follows:-

Public Convenience and associated areas:

£6467.00 for first year, falling by equal instalments to 50% after four years and remaining at this level thereafter plus any percentage change in Council Tax, as levied by Wiltshire Council.

Amenity Land and Parks:

£4731.00 ,for one year only.

The comparable site for maintenance purposes within the Town Council’s existing services is Westmead, which has a budgeted Revenue cost of £638.00 per acre excluding tree work.

On this basis the Revenue cost to maintain Monkton Park is around £15,312.00 p.a. assuming 24 acres to be maintained (i.e. excluding the Golf Course).

This figure excludes maintenance of the Toilet Block, bridges, paths, any tree work and any contribution to a fund to replace the bridges.

The possibility of a payment towards the cost of capital equipment needed to maintain the site to the standards required has already been raised (£36,500).

- (h) The liability for the large drain which crosses the site from the Emery Gate complex needs to be determined. If any costs for maintenance, replacement or re instatement fall on the Landlord rather than the owner Emery Gate these would be substantial.
- (i) The status of the paths which cross the site, and particularly the footbridges bridges within it, still need to be determined.

If some are “highway maintainable at the public expense” the maintenance costs would remain with the Highway Authority. If not, the Revenue support would need to reflect the ongoing maintenance and replacement liability for the bridges.

Any available structural reports on the bridges have already been requested, and if these are not available it will be necessary to commission them from a specialist consultant.

- (j) Information relating to surveys of the trees within the site has already been made available.

### Conclusion

The devolution of the Monkton and Island Parks would fit well within the Town Council’s existing portfolio of services and ensure that they were maintained to the same high standard as all the other sites.

However, there would be a considerable liability for maintenance, and capital equipment, and if no financial support was provided for a reasonable period there would be a real terms increase in costs and the possibility of the accounts being challenged on the basis of “double taxation” and breach of policy.

Information on income received from events and lettings has been provided, and this is around £3110.00 p.a., which has been excluded from the above costings as it cannot be guaranteed.

Also excluded is the rent arising from the Golf Course, which has still to be clarified.

### **RECOMMENDATION** that

- (i) Approval be given in principle to the acquisition of the Monkton and Island Parks by devolution from Wiltshire Council under the terms of the Community Asset Transfer Scheme.
- (ii) The Officers be authorised to enter into detailed negotiations with the aim of agreeing detailed proposals for funding on the basis of current policy and best practice, including in particular “Finance Follows Function”.
- (iii) The negotiations be on the basis that any outstanding maintenance and structural works would be completed before devolution, and that any claims current on devolution would remain with Wiltshire Council for determination.
- (iv) Approval be given to incurring consultancy costs for a structural survey on the bridges and a Record of Condition of any buildings provided these were financed from an existing approved budget.

- (v) The Clerk & Chief Executive, or Head of Support Services, be authorised to sign any forms to apply to the Area Board under the Community Assets Transfer Scheme, subject to the application making clear that there were reserved matters to be determined before final approval could be given.
- (vi) A report be presented to Strategy & Resources Committee on the proposed Heads of Terms for this devolution once all the issues identified in this report have been addressed.
- (vii) No binding contractual commitment be entered into without the further report referred to in (vi) above.

C.N.A Williams  
Head of Support Services

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Clerk & Chief Executive