

**Subject:               ADDENDUM PAPER - Change to approved Service Devolution & Asset Transfer Package re Devizes' Market Place**

**Cabinet Member:   Councillor Richard Clewer – Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism**

**Key Decision:        Non Key**

### **Purpose**

The purpose of this paper is to seek approval for a change to the agreed Service Devolution and Asset Transfer (SD&AT) Package for Devizes, originally presented to and approved by Cabinet on 15<sup>th</sup> January 2019 (Report attached for reference at Appendix 1.)

This Addendum affects only the provisions of the original report in so far as they relate to the market place in Devizes. The original report stands correct in every other respect.

Following representations from Devizes Town Council (DTC) and from the citizens of Devizes directly, this addendum now presents four options in respect of Devizes market place for Cabinet to review, including a preferred option. This preferred option was first set out in a letter from DTC to Wiltshire Council (WC) dated 22<sup>nd</sup> February and attached hereto as Appendix 4

Cabinet is requested to review & note the four options set out below, notably the preferred option, and delegate the negotiation of the final agreement and its implementation to Alan Richell, the Growth & Investment Director in consultation with the Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism, Cllr Richard Clewer.

### **Background & Context**

#### **Policy**

- In November 2017 Cabinet agreed a policy for Service Devolution & Asset Transfers. This policy built on the increasing demand for services to be delivered locally and their associated assets transferred to the Town & Parish Councils. It also incorporated several lessons learned from the Salisbury City Council SD&AT Package Transfer.
- One of the principles in the policy is that any assets deemed strategic or income generating, such as commercial property and chargeable car parks

are not eligible for devolution or transfer and as such cannot be included in any SD&AT package.

### **DTC SD&AT Package**

- Cabinet approved the SD&AT package for Devizes in January 2019. (Appendix 1). Included in the package, and perhaps DTC's biggest ambition from this programme was to have the Market Place freehold transferred from WC to DTC. Currently the market place in Devizes offers free 30-minute parking and holds a weekly market.

### **Parking Review**

Separately a parking review undertaken by Wiltshire Council in late 2017, presented a report to Cabinet which proposed the introduction of charging in many of remaining free carparks in the County, one of which was Devizes market place car park. Cabinet accepted the report and agreed to its implementation. The Cabinet Papers relating to amendments to the Wiltshire Local Transport Plan (LTP) 2011-2026 - Car Parking Strategy are attached to this Addendum at Appendix 3. It was estimated that an additional £95k per annum revenue could be achieved from Devizes market place as a chargeable car park

As such, the Devizes market place car park was not initially eligible for transfer, and was not included in the list of assets offered to DTC. However, after initial discussions and representations from DTC it was then proposed that the freehold of the market place would transfer to DTC subject to it being closed to all parking and reserved for community use only. Wiltshire Council revenues of £95k estimated would be earned from parking displaced to other pay & display (P&D) car parks in the town.

The agreement with DTC was reached on this basis, i.e: that all chargeable parking in the market place would be decommissioned and the space pedestrianised and used for community events.

Following the announcement of this decision DTC has been subject to a significant amount of public objection to the planned loss of the free parking in the Town Centre. Furthermore, an e-Petition has been submitted to Wiltshire Council which has received 717 signatures.

Because of the unexpected weight of public opinion DTC have proposed an amendment to the restrictions imposed in the initial report. The request is that we continue with the full title freehold transfer of the Market Place as agreed but only decommission a proportion of about 50% to be permanently reserved for community use. The remaining area would be leased back to Wiltshire Council for use as a **chargeable** car park. Whilst Wiltshire Council would take responsibility for setting up the P&D car park, collecting revenues, and enforcing the regulations, DTC acknowledge that they take responsibility for all the maintenance and upkeep costs over 100% of the market place area, including the Wiltshire Council P&D car park area.

## **Options**

Officers from the programme team have considered the request carefully and propose the following four options for review, with an indication from DTC and the local Area Board as to which option is preferred:

- 1) Continue with the transfer as originally agreed in the January 2019 report – full decommissioning of all chargeable parking. – Revenue will be achieved through displaced parking.
- 2) (PREFERRED) Agree to DTC's request to convert a proportion (c.50%) to community space with the remainder run by Wiltshire Council as a P&D car park. Whilst the freehold of the market place will still transfer to CTC as originally envisaged, a proportion will need to be leased back to WC on which a chargeable car park will be set up and run. It is believed that similar revenues of c.£95k to Wiltshire Council will be achieved from a percentage P&D on site, and the remaining amount from displaced parking.
- 3) Proceed with the freehold transfer of the market place to DTC and remove all parking restrictions on the whole site, thereby allowing DTC to provide parking as required. This price of WC removing these restrictions would be an annual fee payable by DTC to WC in proportion to the number of spaces required to cover the income lost. Revenue to Wiltshire Council will then be achieved from a proportion of displaced parking and the flat fee.
- 4) Remove the Market Place from the current package, retain ownership and manage as a 71 space pay & display carpark - Revenue will be achieved as a Council owned P&D carpark.

Finally, and for the avoidance of doubt, we ask that Cabinet acknowledge this decision is outwith the SD&AT Policy guidelines, albeit acceptable as an exception in this context only when it is appropriate to the circumstances that exist in this matter alone.

## **Proposals**

### **That Cabinet:**

Review and note the above options, notably the preferred option, and delegate the negotiation of the final agreement and its implementation to Alan Richell, the Growth & Investment Director in consultation with the Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism, Cllr Richard Clewer.

**Alan Richell**  
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## Background Papers

The following documents have been relied on in the preparation of this report:

None

## Supporting document

Appendix 1 – SD&AT – Devizes Cabinet Paper

Appendix 2 – Service Devolution Policy

Appendix 3 – Jan 2018 - Amendments to the Wiltshire Local Transport Plan (LTP) 2011-2026 - Car Parking Strategy

Appendix 4 – Letter from Devizes Town Council

## Appendix 1

Cabinet paper relating to Service Devolution & Asset Transfer for Devizes:



Devizes CAB paper  
0119.pdf

## Appendix 2

Service Devolution & Asset Transfer Policy



Service Devolution  
Asset Transfer Policy.pdf

## Appendix 3

Cabinet Papers relating to Amendments to the Wiltshire Local Transport Plan (LTP) 2011-2026 - Car Parking Strategy



Public reports pack  
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## Appendix 4

Letter from Devizes Town Council



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Clewer.pdf