
Yeovil Services & Asset Devolution

Executive Member(s): Cllr Bill Revans – Leader of the Council

Lead Members: Cllr Federica Smith-Roberts - Lead Member for Communities, Housing and Culture and Cllr Ros Wyke – Lead Member for Economic Development, Planning & Assets; Cllr Theo Butt-Philip - Lead Member for Transformation and Human Resources

Local Member(s) and Division:

- Yeovil East - Cllrs Tony Lock, Graham Oakes
- Yeovil Central - Cllrs Andy Kendall, David Woan
- Yeovil South - Cllrs Faye Purbrick, Andy Soughton
- Yeovil West - Cllrs Evie Potts-Jones, Wes Read
- Brympton - Cllrs Peter Seib, Jeny Snell

Lead Officer: Liz Dawson, Service Director - Cultural Services, Dan Webb, Strategic Culture

Contact Details: elizabeth.dawson@somerset.gov.uk

1.0 Summary / Background

- 1.1** This report is to advise members on the devolution of operations, services and assets to Yeovil Town Council. It outlines the scope of the devolution programme, and the timescale and nature of the transfer agreement between Yeovil Town Council (YTC) and Somerset Council for the services, staff and assets (as indicated in section 18 below) that will be transferred on or after 1st August 2024. The report also details transitional arrangements for a transition handover period during the months that follow.
- 1.2** As a result of the declaration of Somerset Council's Financial Emergency, and the Medium-Term Financial Plan (MTFP) for 2024/2025, which included decisions to devolve services and assets to City, Town and Parish Councils, proactive discussions commenced between the Council and YTC to understand the ambition of the Town Council to deliver services and take responsibilities of asset for its community. In December 2023, YTC agreed in principle to receive ownership and responsibility for a set of assets and services, and since then work has been underway to implement this decision.
- 1.3** These devolution discussions sit alongside the exploration of options for the future of the Octagon Theatre Capital Project. The Council are working in partnership with YTC as part of the Octagon business case and funding solution.
- 1.4** Devolving services to YTC will help to protect those services for the communities they serve.

2.0 Recommendations

2.1 That the Executive resolve to:

- a. Devolve the operational services and staff relating to the following Somerset Council assets
 - Yeovil Recreation Centre (and Café)
 - Yeovil Country Park (and Nine Springs café)
 - Westlands Entertainment Venue
 - South Somerset Heritage Collection(the Devolved Services) to Yeovil Town Council, in line with the Council's adopted Asset and Services Devolution Framework from 1st August 2024.
- b. Transfer existing equipment used by Somerset Council to deliver the Devolved Services which will become surplus to Somerset Council requirements as a result of the devolution to Yeovil Town Council from 1st August 2024, unless they have indicated they do not want it.
- c. Delegate authority to the Service Director, Strategic Asset Management, in consultation with the Lead Member for Economic Development, Planning and Assets and the Executive Director (Communities) to agree the transfer of or grant of rights over the following land and property assets on appropriate terms as soon as practically possible on or after 1st August 2024, provided the Interim Head of Legal Services is satisfied that all relevant legal requirements have been met:
 - Land at Milford Road (freehold transfer)
 - Former Monmouth Hall Store (freehold transfer)
 - Yeovil Recreation Centre (and Café)
 - Yeovil Country Park (and Nine Springs café)
 - Westlands Entertainment Venue (sub-lease)
 - Part of Lufton Depot housing the South Somerset Heritage Collection (lease)
- d. Grant such licences to Yeovil Town Council to occupy the land and premises currently used by Somerset Council to deliver the Devolved Services at:
 - Yeovil Recreation Centre (and Café)
 - Yeovil Country Park (and Nine Springs café)
 - Westlands Entertainment Venue
 - South Somerset Heritage Collectionas will enable them to deliver the Devolved Services as if they were the owners of that land and premises.

3.0 Reasons for recommendations

3.1 Executive Members support the principle for devolution of assets and services to Town, City and Parish Councils.

3.2 Officers have worked collaboratively with Yeovil Town Council.

- 3.3** Due diligence has been carried out for the disposing authority (Somerset Council) and also for Yeovil Town Council
- 3.4** Any further devolution of assets and services will be subject to a separate decision-making process.
- 3.5** As part of the 2024/5 budget setting process Full Council supported the principle of devolution in preference to service reductions at Yeovil Recreation Centre and Yeovil Country Park by 1st August 2024.
- 3.6** All transfers are based on the condition at the transfer date and offered at nil consideration.

4.0 Other Options Considered

- 4.1**
- a. Do nothing - do not progress with Devolution to YTC.
 - b. Sale of the assets - selling the assets / sublease on the open market rather than transferring the assets at an undervalue.
 - c. Reduce the level of service provision
- 4.2** The above options have been dismissed. In the current financial situation, the Council does not have the option to 'do nothing'. Sale of the assets at a commercial value is likely to result in valued services and community facilities being lost, and (given the low level of likely capital receipt) is not considered to represent best value for the Council and communities in Somerset. Any reduction in service provision within a retained service delivery model would not achieve the level of savings achieved through full devolution and is likely to lead to unsustainable levels of service provision which could ultimately impact communities and employment levels.
- 4.3** Devolvement of services to another local government body who maintains the continuity of such valued community services and employment security is the best solution for our communities.

5.0 Links to Council Plan and Medium-Term Financial Plan

- 5.1** Devolution of services is part of Somerset Council's plan, and the Asset and Services Devolution Framework was adopted in January 2024.
- 5.2** Some of the services / assets within the devolution 'package' were also included as part of Somerset Council's MTFP savings / budget-setting decisions in February 2024 (for 2024/25 onwards).
- 5.3** A Flourishing and Resilient Somerset
City, Town and Parish Councils are well placed to understand their local communities and run their services to support this. Devolution of services to City, Town and Parish Councils give these organisations the freedom to invest in their key open spaces and high streets to support the existing economy, increase the number of events and encourage visitors. A stated priority for Somerset Council is to reduce the inequalities that cause these disparities, so that everyone in Somerset can live their lives as they choose.

Insourcing operations, either through Somerset Council or City, Town and Parish Councils, contributes to economic stability by managing costs effectively. It supports the development of a skilled workforce and local opportunities, aligning with the Council's goal of promoting a stable and flourishing economy.

6.0 Financial and Risk Implications

6.1 Officers have been able to estimate that devolution of services to YTC will bring a full year saving of circa £500,000 per annum for Somerset Council. This is slightly higher than the anticipated savings approved in February's budget setting. The MTFP included the following:

MTFP Ref	Title	2024/25	2025/26
TSIGP-2425-CMS-054	Devolve Yeovil Country Park to Yeovil Town Council	-80,000	-40000
TSIGP-2425-CMS-026	Devolve Yeovil Recreation ground to Yeovil Town Council	-110,000	-55000
TSIGP-2425-CMS-050	Westlands Entertainment Venue - changes to operation of service	-115,800	0
Total MTFP Savings		-305,800	-95000

Since February work has continued to identify further savings to be in-scope for the Yeovil Devolution programme, as work continues it is anticipated that further savings could be identified.

The savings is mainly made up of salaries, operational costs such as waste disposal, consumables and general maintenance, plant and machinery maintenance. These estimates consider the current budget position, but Members should be aware that like other demand led services income can fluctuate. As devolution is happening part way through the year the actual saving in 2024/25 will be lower, but a full year of savings is anticipated in 2025/26.

6.2 The service will work with the finance team to ensure the appropriate adjustments are made to budget monitoring forecasts in 2024/25 and reflected in budgets from 2025/26 and beyond. There will be costs to Somerset Council in achieving these transfers, but these costs will be met by the savings.

7.0 Key Risks

7.4.1 Reduced Capacity and resources

As a smaller council, YTC may not have access to the same resources or scope of expertise as a unitary authority. This could potentially lead to an increase in pressure to maintain the same or achieve improved quality of service delivery, or issues in addressing community needs.

Likelihood	2	Impact	4	Risk Score	8
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Somerset Council staff are working with YTC colleagues to understand budget, staffing and service requirements in detail. Most of the Operational Services teams are being transferred (TUPE) to YTC which will enable service continuity, and Somerset Council will also support handover to YTC working in partnership.

There is confirmation of a new service structure emerging and management recruitment has been completed and will be in place by the 15th of July 2024 which will provide robust continuity to such services. Corporate support is being developed as part of the new structure at YTC and Somerset Council will provide necessary support until this is developed and in place.

Town Councils also have no cap on their council tax, so have the ability to raise their precept if required to allow wider expansion or more investment in services.

7.4.2 Delayed Transfer of Asset Ownership

With a growing devolution programme, there is pressure on Asset and Legal services to complete asset transfers. This may result in a delay of an asset transfer to YTC which in turn may have an impact on the working relationship between the two Councils.

Likelihood	3	Impact	4	Risk Score	12
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There is a £600k fund being made available from reserves to support the devolution process which can be used to increase legal resources where required. The intention is to conclude leases for SSHC and Westlands if possible for 1st August, or as soon as possible after.

7.4.3 Title impediments / consents required for freehold transfer, or inability to agree terms meaning that asset transfers do not conclude

Detailed terms for the transfer of the assets set out in paragraph 18.3 below have not been agreed, and in some cases are dependent on consents being obtained from third parties that are not within the control of Somerset Council or Yeovil Town Council. The ongoing transfer of services is linked to the transfer of assets with indemnities proposed in favour of Yeovil Town Council to protect their position if assets do not transfer. In a worst case scenario, failure to complete the asset transfers could result in the closure of the various services.

Likelihood	1	Impact	4	Risk Score	4
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Whilst asset transfers and lease agreements are being progressed with a target date of 1st August, the legal agreements relating to the transfer of staff and service operations are designed to work in conjunction with short term licence arrangements to enable occupancy of premises where assets have not transferred by this date. Regular meetings and discussions between officers and legal representatives for both parties and early engagement with third parties where consents are required will help to mitigate this risk. Should Secretary of State approval be required, timescales for transferring assets could be significantly lengthened and the likelihood of this risk would increase.

8.0 Legal Implications

8.1 There are a number of legal implications arising from this report, including a number of statutory requirements that must be complied with in order to protect Somerset Council and this devolution proposal from legal challenge and/or challenge by the Council's auditors. In addition, the Council also needs to ensure it has considered how this proposal contributes to its best value duty to

make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

The key implications, the risks attached and the mitigation are described below.

Background

8.2

All of the Council's devolution projects involve the transfer of responsibility for aspects of local government services from Somerset Council to the local (city, town and parish) councils of Somerset. Sometimes this will also involve the transfer of equipment and property (assets) on appropriate terms and sometimes it will not. Because of the different legal requirements that apply across the range of projects, template devolution transfer agreements are being prepared to ensure, where possible, consistency of approach across Somerset. The devolution transfer agreement will include (i) details of Somerset Council's powers to devolve and the local council in question's powers to accept and deliver; (ii) baseline provision to ensure compliance and co-operation around information governance (data protection/freedom of information/environmental information) requirements (which may need augmentation depending on what is being transferred); (iii) provisions in respect of reporting requirements, publicity, dispute resolution, termination of the arrangements (in whole or part) and the like.

Devolution Transfer Agreement

8.3

This proposal includes transfers of services, staff, volunteering arrangements, land and buildings, and equipment, all of which will form part of the transfer agreement arrangements. In addition to this agreement, other documentation will be required to give proper legal effect to other aspects of this devolution, such as information sharing and transfers of land and equipment. **Note:** the transfer of staff under the TUPE regulations takes place by operation of law and does not require a specific agreement.

Information Sharing

8.4

This transfer will require the sharing of both personal and commercially sensitive information with Yeovil Town Council (for example, details of staff and volunteers, customer and supplier lists and the like), so an Information Sharing Agreement which sets out the lawful basis and an agreed framework for sharing such data in compliance with the relevant legislation, including the Data Protection Act 2018 and the General Data Protection Regulations has been drawn up. Without such arrangements in place, third party information is not properly protected and all involved are vulnerable to civil and criminal enforcement action.

Transfers of Land and Equipment

8.5

Before any transfers of land can take place, title must be deduced, any restrictions on title (which might include a requirement to obtain third party consent under a variety of guises) must be addressed and the terms of the

transfer negotiated, which can be a complex process. For local authorities, there are additional regulatory requirements which must be complied with, including statutory provisions in respect of disposals at an undervalue and a requirement to advertise any proposed disposal involving public open space.

8.6 Disposal of land at an undervalue - Somerset Council has power to dispose of land (not held for housing or planning purposes) in any way it sees fit, providing it complies with the provisions of section 123 of the Local Government Act 1972. Section 123 requires the Council to obtain the consent of the Secretary of State before disposing of land for a consideration less than the best that can reasonably be obtained (the sole exception being the grant of a lease not exceeding seven years).

8.7 The Secretary of State has issued a General Disposal Consent (GDC) (see **Circular 06/03: Local Government Act 1972 general disposal consent (England) 2003 disposal of land for less than the best consideration that can reasonably be obtained**). Under the GDC, a council may dispose of land at an undervalue not exceeding two million pounds if it considers that the purpose for which the land is to be disposed is likely to contribute to the promotion or achievement (i) economic well-being; and/or (ii) social well-being; and/or (iii) environmental well-being; in respect of the whole or any part of its area, or for all or any persons resident or present in its area. If the undervalue is more than two million pounds, express advance consent is required. The GDC strongly advises local authorities, before they dispose of any interest in land for a price which may be less than the best consideration reasonably obtainable, to ensure that they obtain a realistic valuation of that interest, following the advice provided in the Technical Appendix to the GDC. **Note:** where disposal of more than one piece of land to the same recipient is proposed, it is the aggregated undervalue that needs to be valued.

As the proposed transfers will be at less than best consideration, the proposals are being valued to enable Somerset Council to determine if consent is deemed to be granted under the GDC or express consent is required.

Note: the contribution of the proposed disposal to the promotion or improvement of the economic, social or environmental well-being of the whole or part of Somerset or any or all persons resident or present in Somerset is considered elsewhere in this report, in particular in paragraph 16 below.

8.8 Disposal of public open space land - in addition to the restriction on disposal at an undervalue, section 123 also contains public advertising requirements in respect of proposed disposals involving public open space, to give members of the public an opportunity to object and have their objections considered in accordance with section 123. Yeovil Recreation Ground and Yeovil Country Park are public open space and have been advertised accordingly. No representations have been received in respect of the Yeovil Recreation Ground, but the advertisement for the Country Park is live until 11 July.

8.9 These requirements make it very unlikely that any land will transfer before 1 August 2024, which is the date on which services will transfer. To address this issue, licences to occupy will be given to Yeovil Town Council so that they can take responsibility for the land and buildings in question and are enabled to start service delivery from 1 August. If the Council subsequently has to terminate any of these licences or something arises which impacts on the ability of Yeovil Town Council to continue provision, the intention is for the land together with any linked employees and contracts to revert to Somerset Council. Suitable provision and protections for both Councils will be incorporated in the transfer agreement.

8.10

Transfer of Equipment

Equipment forming part of the land and property will transfer as part of those transfers, but separate arrangements will be required for equipment (assets) used to provide the services being transferred (for example, a coffee machine). These assets could be owned outright by Somerset Council or leased by them and proper arrangements will need to be put in place to ensure full responsibility for them transfers to Yeovil Town Council.

8.11

Novation of Contracts

Because of the nature of the services being transferred, a number of contracts between Somerset Council and third parties will need to be novated (passed to) Yeovil Town Council to enable them to take full responsibility for the services. Particular care will need to be taken if any of these contracts fall within the scope of the Public Contracts Regulations.

8.12

Other Issues

8.13

Subsidy Control - subsidy control implications may arise in connection with both devolution activity and disposals. If assets are not disposed of at the best price reasonably obtainable, or competitive processes are not used, compliance with the **Subsidy Control Act 2022** must be assessed and, in certain circumstances, (depending on value), the Council must refer a proposed subsidy to the Subsidy Advice Unit for a review prior to entering into any arrangements. Disposal and devolution proposals are capable of being a subsidy and will need to be valued in accordance with the **Subsidy Control (Gross Cash Amount and Gross Cash Equivalent) Regulations 2022**. In valuing the proposed subsidy, any other subsidies that have been provided to the other party in the current and the two immediately preceding financial years will need to be considered, even if they were not connected to the devolution proposal. Once the value of any subsidy (the undervalue) has been calculated, Somerset Council must determine which Subsidy Control Act 2022 rules apply and satisfy those statutory requirements.

9.0

HR Implications

9.1

Under Transfer of Undertakings and Protection of Employment regulations (TUPE), the Council as the current employer is obliged to identify posts that

are subject to a TUPE transfer to the new employer. A consultation process is underway with relevant trade unions and those staff who are impacted, and timeline for the consultation has been prepared and shared with YTC.

9.2 In total, 32 permanent jobs will be transferred from Somerset Council to Yeovil Town Council on 1st August 2024 via TUPE arrangements (and approx. 80 - 90 casual staff will also be offered continued casual employment with YTC). Somerset Council is not making any role that is subject to TUPE protections redundant.

9.3 A number of volunteers also undertake roles as part of some of the services being transferred, i.e. Yeovil Country Park – Rangers (23); South Somerset Heritage Collection (7); and the Westlands Entertainment Venue (& Octagon Theatre prior to closure) has The Foyer Club (c.60 volunteers). These numbers are subject to change, and although the volunteers are not part of the formal TUPE transfer process, they have been informed about the transfer to Yeovil Town Council.

10.0 Consultations and Feedback

10.1 There has been on-going consultation and engagement with YTC since October 2023. YTC formed a Devolution Working Group (Officers and elected Members) and feedback has been shared by the YTC Clerk with the SC Yeovil Devolution programme team.

10.2 A statutory consultation regarding the potential transfer / disposal of public open spaces (through the S123 notice process) is underway for the Yeovil Recreation Centre and Yeovil Country Park. Representations received during this process will be considered in a separate and subsequent decision on the potential transfers of these assets.

11.0 Equalities Implications

11.1 Equality impact assessments have been completed and are attached to Appendix 2.

12.0 Community Safety Implications

12.1 No negative Community Safety impacts have been identified from the proposed transfer. Yeovil Town Council will continue to maintain and protect assets as the local authority have done in the past.

13.0 Climate Change and Sustainability Implications

13.1 Devolution of the key urban open spaces does give Somerset Council less control over key urban sites, and consistency on nature friendly grassland management, tree planting and optimal habitat management of priority species may be reduced. This could lessen the Council's wider impact on nature recovery. However, the Council's Climate Emergency Strategy, Tree Strategy and Local Nature Recovery Strategy identifies City, Town and Parish councils as key partners in the delivery of these agendas.

Part of the proposed devolution includes Yeovil Country Park which is a designated Country Park with accreditation by Natural England.

Yeovil Country Park is a 'Green Flag' award winning haven for wildlife and has seven key areas of country park designated as Local Wildlife Sites (LWS) identified as natural and semi natural areas with low intensity management, containing habitats, plants and animals of regional significance.

Yeovil Country Park is ecologically important with five distinct areas that make up the country park, each one has its own character and wildlife to match. From a small orchard on Pen Hill, to wildflowers on the flood plain at Riverside, there are rich habitats that are recognised by its designation especially due to its botanical richness, diversity of invertebrates and importance of birds with over 2,500 species of plants and animals recorded to date, including some Habitats Directive Annex IV protected species such as all bat species but notably Barbastelle, Noctule and Lesser Horseshoe bats, all found to be present at Yeovil Country Park.

Yeovil Country Park provides green space around the more sensitive areas and allowing movement of species between them as well as accessible paths and social / well-being spaces for our visiting public.

Yeovil Country Park also includes Freshwater habitats that have identified active water vole burrows, including Dodham Brook and the River Yeo. These waterways are also used by otters. Water vole burrows and the animals themselves are protected by section 9 of the Wildlife and Countryside Act, Schedule 5. As a result, freshwater habitat management must be carried out by professionally trained and experienced rangers leading volunteers.

There is a five-year management plan for Yeovil Country Park, which has detailed prescriptions tables to ensure appropriate management of the country park for wildlife and people. This should be adhered to by Yeovil Town Council in their forward management of the country park, with a refresh at the end of the plan by someone with an ecological and parks management background.

To keep the impact to the country park low, Somerset Council will continue to work closely with Yeovil Town Council during the transition to continue the good working practice in place and to ensure that the adoption of the current management plan is in place for the site moving forward.

14.0 Health and Safety Implications

- 14.1** In this proposal, the Council is handing over the responsibility and risk to YTC. The Town Council are aware of their Health and Safety obligations not only to those staff who are transferring to the Town Council but also towards those members of the public who use the parks and open spaces under their control.

YTC will need to ensure operations conform with legislation, largely but not limited to the Environmental Protection Act 1990 and Health and Safety at Work Act 1974 etc. The Council has the General Power of Competence so does not need to concern itself with other powers available to local councils to take on the services outlined in the Appendix.

Officers have worked closely with colleagues at the Town Council and are assured that YTC are aware of the health and safety impacts and have measures in place to manage any risk.

15.0 Health and Wellbeing Implications

15.1 Somerset Council is committed to a formal and meaningful TUPE consultation process that supports our staff who will be impacted by this devolution. The service and HR are working through this process, alongside the Town Council, to ensure the transfer is successful.

16.0 Social Value

16.1 Although there is no procurement or commissioning process related to this report, there are positive social value implications arising from the devolvement of services to another local government body.

16.2 In addition, asset transfers will be structured to ensure that community benefit is maintained through the transfer of assets and services (as referred to within the 'legal implications' section of this report in section 8). Transferring this land to this Town Council will contribute to the promotion or achievement of the following (in respect of the whole or any part of its area, or for all or any persons resident or present in its area):

- (i) economic well-being - Continuity of employment security will be maintained (as described in section 9, HR implications), as well as the many businesses and organisations that provide services associated with the assets/services being protected by this transfer arrangement
- (ii) social well-being - Continuity of valued community services provided at the facilities being protected by this transfer arrangement will be maintained, which is the best solution for our communities. Further information relating to service users can be found within the Equality Impact Assessments (appendix 2), eg the wide range of clubs, schools and community groups as well as individuals and families
- (iii) environmental well-being - Climate Change and Sustainability Implications are described in section 13, with a particular emphasis on the environmental benefits from Yeovil Country Park, which is an ecologically important site with a five-year management plan to ensure appropriate management of the country park for wildlife and people

17.0 Scrutiny comments / recommendations:

17.1 The Asset and Services Devolution Framework was considered by Scrutiny on 5th December 2023.

17.2 On the 13th June 2024, Communities Scrutiny were provided with a verbal update on progress. Comments / questions raised include:

- A desire to understand the risks / blockers - *Key risks are described in section 7 of this report.*
- What provision is being made for staff being transferred? - *As described in this report.*
- Concern over the level of resources Somerset Council has to manage the transfer process (finance, legal, assets etc). - *Response given acknowledging the resourcing pressures generally and specifically in Assets and Legal.*

- What is proposed to happen to ICT equipment and how are we working with YTC to mitigate any impacts? - *Commitment to continue to work with YTC over the ICT needs and continuity of service at the point of transfer.*
- A desire to understand the consent required for the Westlands lease, the length left on that lease and any programming implications. - *Response given setting out the conversation with Leonardos and the programming.*
- There was also a more general point concerning the transfer of such large services to YTC and the level of due diligence being undertaken to ensure they can cope with the transfers. What happens if YTC (or any town council) ends up in difficulties as a result of devo (if they end up in S114)? - *Response set out what the work officers are doing to support and prepare YTC. It should also be remembered that the current Westlands team will be transferring and so continuity should not be impacted.*

<https://democracy.somerset.gov.uk/mgAi.aspx?ID=6278>

18.0 Background

18.1 As a result of the declaration of Somerset Council's Financial Emergency, and the Medium-Term Financial Plan (MTFP) for 2024/2025, which included decisions to devolve services and assets to City, Town and Parish Councils, proactive discussions commenced between the Council and YTC to understand the ambition of the Town Council to deliver services and take responsibilities of assets for its community.

In December 2023 – January 2024, YTC agreed in principle to receive ownership and responsibility for a set of assets and services, and since then work has been underway to implement this decision.

18.2 The services to be transferred to Yeovil Town Council by 1st August 2024) are:

- Yeovil Recreation Centre (and Café)
- Yeovil Country Park (and Nine Springs café)
- Westlands Entertainment Venue
- South Somerset Heritage Collection

18.3 The transfer of or grant of rights over the following land and property assets on appropriate terms as soon as practically possible on or after 1st August 2024:

- Land at Milford Road (freehold transfer)
- Former Monmouth Hall Store (freehold transfer)
- Yeovil Recreation Centre (and Café)
- Yeovil Country Park (and Nine Springs café)
- Westlands Entertainment Venue (sub-lease)
- Part of Lufton Depot housing the South Somerset Heritage Collection (lease)

Please note – the plans for the assets listed above are found in Appendix 3 (a – e)

18.4 It should be noted that whilst services will devolve on 01/08/2024, the legal transfer of some assets will not follow until afterwards. This is due to capacity and the time required to complete asset transfers, as well as the need to obtain

consents from third parties in some areas. Somerset Council and YTC have agreed that outstanding asset transfers should not hold up the service devolution element.

Under TUPE regulations, the Council as the current employer is obliged to identify posts that are subject to a TUPE transfer to the new employer.

18.5 Asset Management Group (AMG) have considered the assets to be devolved to Yeovil Town Council and advised on the ongoing negotiations. AMG reviewed the Yeovil assets in meetings on 30 January, 16 February, and 14 May 2024, and confirmed their support for the proposed transfer of these assets.

18.6 Octagon Theatre (capital project) - The Yeovil devolution programme across Yeovil and Somerset as part of Tranche One set out to develop a collaboration agreement whereby project costs spent to date on the capital Octagon project would be worked up into an agreement where risk and financial contributions are shared. This will be presented to the project board members for review and sign off once ready.

19.0 Background Papers

19.1 Framework for Asset and/or Service Devolution
<https://democracy.somerset.gov.uk/documents/s18613/Devolution%20Framework.pdf>

19.2 Full Council 20 February 2024 – General Fund Revenue Budget and Medium Term Financial Plan 2024-25. Detailed list of savings proposals (Ref CMS020, and CAP045)
<https://democracy.somerset.gov.uk/documents/s25576/Appendix%207%20-%20Detailed%20List%20of%20Savings%20Proposals.pdf>

20.0 Appendices

1. Presentation slide pack used to provide verbal update to Communities Scrutiny on 13/06/24, which includes information on:
 - Area covered by the devolution
 - Assets, staff and operations covered by the devolution
2. Equality Impact Assessments for devolution of services and assets:
 - 2a) South Somerset Heritage Collection
 - 2b) Westlands Entertainment Venue
 - 2c) Yeovil Country Park
 - 2d) Yeovil Recreation Centre
3. Site Plans:
 - 3a) Land at Milford Road (freehold transfer)
 - 3b) Former Monmouth Hall Store (freehold transfer)
 - 3c) Yeovil Recreation Centre (and Café)
 - 3d) (i-vii) Yeovil Country Park (and Nine Springs café)
 - 3e) Westlands Entertainment Venue (sub-lease)

Report Sign-Off

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	09/07/24
Communications	Alyn Jones	08/07/24
Finance & Procurement	Nicola Hix	11/07/24
Workforce	Dawn Bettridge	04/07/24
Asset Management	Oliver Woodhams	08/07/24
Executive Director / Senior Manager	Chris Hall	08/07/24
Strategy & Performance	Alyn Jones	08/07/24
Executive Lead Member	Cllr Bill Revans – Leader of the Council Cllr Federica Smith-Roberts - Lead Member for Communities, Housing and Culture Cllr Ros Wyke – Lead Member for Economic Development, Planning & Assets	08/07/24
Consulted:	Councillor Name	
Local Division Members		
Opposition Spokesperson	Opposition Spokesperson – Leader – Cllr David Fothergill Opposition Spokesperson for Prosperity, Assets and Development – Cllr Mark Healey Opposition Spokesperson for Communities, Housing and Culture -Andy Dingwall	09/07/24
Scrutiny Chair	Scrutiny for Communities Committee – Cllr Gwil Wren and Scrutiny for Corporate and Resources – Cllr Bob Filmer	09/07/24