

# Decision Report – Non-Key Decision / Key Decision

Forward Plan Reference: FP/23/02/08

Decision Date - 15/03/23

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## Taunton Town Council Asset Transfer

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

Local Member(s) and Division: Taunton Divisions

Lead Officer: Chris Hall

Author: Chris Hall

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### 1 Summary / Background

- 1.1 This report clarifies the list of asset and service transfers from Somerset Council to Taunton Town Council from 1<sup>st</sup> April 2023.
- 1.2 This is required as the previous decision stipulated that the final list of asset and services for transfer be brought back to Somerset County Council Executive following collaboration between Somerset West and Taunton Council and Somerset County Council.
- 1.3 The list has not altered following the necessary due diligence and collaboration.

### 2 Recommendations

#### That the recommendations approves

- 2.1 The list at set out at 11.3.1 through to 11.3.3 for transfer to Taunton Town Council as soon as practical from 1<sup>st</sup> April 2023.
- 2.2 Delegation to Head of Property to conclude terms and execute the transfers.

### 3 Reasons for recommendations

- 3.1 Executive Members supported the principle of these transfers on 21 September 2022, the following is the record of the decision from that Executive meeting:  
*"Agreed in principle, subject to the County Council making the Order, to use a phased approach to transfer the assets and services to the proposed new Taunton parish/town council starting with those identified in Appendix I, where reasonably practicable on 1 April 2023 and that officers from the County Council and Somerset West and Taunton Council work collaboratively ahead of vesting day to finalise the proposed assets and services to transfer for consideration and approval by the Executive."*
- 3.2 Officers have worked collaboratively and the list remains unchanged from that presented at the September meeting.

- 3.3** Due diligence has been undertaken for the disposing authority (Somerset Council) however due diligence cannot be undertaken by the Town Council prior to their existence, and preparation with the operational teams and contractor is underway.
- 3.4** Any further devolution of assets and services will be subject to a separate decision-making process.
- 3.5** In anticipation of the transfer and with the government imposed deadlines for council tax setting, the Council tax base for Somerset Council has been revised to take account of the change in financial responsibility that moves with the assets and services. The equivalent budget has been added to the base precept for the to be created Taunton Town Council. Neither the Somerset Council nor the Taunton Town Council are financially disadvantaged by the transfer.
- 3.6** All transfers are based on the condition at the transfer date and offered at nil consideration.
- 3.7** The proposed approach identifies transfers of a leasehold and freehold nature. The rationale for this is to ensure any transfer does not disadvantage Somerset Council in managing its retained property. There are a number of sites where there will need to be a transfer of part of an asset leaving land which will be retained by Somerset Council, these assets will require transfers of part to secure the necessary rights and reservations and protect the future options and opportunities for Somerset Council's retained land. There are also several assets that will be transferred under a lease of up to 30 years.

#### **4 Other options considered**

- 4.1** The transfers of the assets and services from the unitary Council to Taunton Town Council will take effect from 1<sup>st</sup> April 2023 as ordered by Somerset County Council in the Somerset (Somerset West and Taunton) (Reorganisation of Community Governance) Order 2022 (RCGO) on 5<sup>th</sup> October 2022. The RCGO is legally effective and therefore the only alternative would be for the order to be revoked and other arrangements made.

#### **5 Links to County Vision, Business Plan and Medium-Term Financial Strategy**

- 5.1** The Community Governance review for the unparished area of Taunton was set out in the One Somerset Business Case agreed by the County Council and also the Local Government Reorganisation Implementation Plan. This paper seeks to conclude the decision making process for the initial asset and service transfers.

#### **6 Consultations and co-production**

- 6.1** Considerable consultation has been undertaken in support of the Community Governance review.

## **7 Financial and Risk Implications**

- 7.1** The financial implications were considered as part of the decision on 21 September, no new risks have been identified through the due diligence and title report preparation.
- 7.2** The buy back arrangements reduce operational risks to the both Somerset Council and the to be created Taunton Town Council, they provide service continuity and remove any TUPE transfer requirements at this stage.

## **8 Legal and HR Implications**

- 8.1** The contract with the current external provider remains unchanged.
- 8.2** There are no TUPE transfer implications identified for this stage.

## **9 Other Implications**

### **9.1 Equalities Implications**

- 9.1.1 On transfer the public body with responsibility alters, but the services provided do not change. There is no alteration in assets accessibility or change in service provision as a result of the transfer and therefore no equality impacts have been identified.
- 9.1.2 Any future changes to accessibility would need to be consider and consulted upon by Taunton Town Council as the asset owners and operators. Any costs associated with accessibility would fall to the asset owners (TTC). TTC will also be responsible for maintaining current levels of accessibility.

### **9.2 Any other relevant Implications**

- 9.2.1 Where services are delivered by an in-house workforce these teams, and the appropriate LGR workstream have been engaged. Where services are delivered by an existing contract this will continue with Somerset Council being the client for these services contractually but paid for via the Town Council. The process of the Town Council purchasing certain services from Somerset Council has been referred to as a buy back arrangement.
- 9.2.2 The buy back arrangements as described above will continue for up to 24 months. In the event of a contract termination or expiry prior to the 24 month period the buy back requirements will terminate at that point.
- 9.2.3 The Town Council will have future options for the delivery of services which may include a renewed buy back arrangement, in sourcing, or a contract commissioned directly by them. There will be future TUPE considerations.
- 9.2.4 Transfers are to be made from 1<sup>st</sup> April with the responsibility for operation of the assets and services being undertaken by the Taunton Town Council from this date regardless of the final transfer date.

## **10 Scrutiny comments / recommendations:**

**10.1** As a follow up report with no new recommendations or risks this has not been to a Scrutiny committee.

## **11 Background**

**11.1** In creating the Town Council for Taunton there was a strong desire from the Member Working Group put in place by Somerset West and Taunton Council for the Town Council to have control of assets and services from day one.

**11.2** Consideration was given as to which assets and services would be appropriate for transfer along with the ability of the Town Council to deliver the associated responsibilities with an initially limited resource.

**11.3** The list below was identified in the September report and remains unchanged for this approval:

### **11.3.1 Parks**

Victoria Park (including pavilion and public conveniences)  
French Weir Park  
Galmington Park (including pavilion and public conveniences)  
Greenway Recreation Ground  
Hamilton Gault Park (including pavilion and public conveniences)  
Hawthorn Park  
Lyngford Park  
Priorswood Park  
Taunton Green (including pavilion)  
Goodland Gardens (including café)  
Comeytrowe Park

### **11.3.2 Public Conveniences**

Castle Green - (leasehold transfer of PCs as they are within a larger building with shared structure)  
Cannon Street - (leasehold transfer of PCs as they are centrally placed within a larger site and the Council needs to retain control of the access and any potential redevelopment)  
Victoria Street - (attached to pavilion building, transferred with Park freehold, see above) Vivary (in park café building)  
Hamilton Gault - (in pavilion building, transferred with Park freehold, see above)  
French Weir - (in COACH facilities, transferred with Park freehold, see above)  
Priorswood Place - (leasehold transfer of PCs as they are within a larger building containing shops and flats with shared structure)

11.3.3 **Services** – Included in the transfer of Parks are all services and responsibilities that occur within the boundary of the facility. These differ from site to site but include responsibilities such as:

- Grass cutting
- Tree inspection and maintenance
- Planting and shrub maintenance
- Play area provision, replacement, inspection, and maintenance
- Sports pitch markings and bookings
- Benches and street furniture
- Litter and dog bin provision, replacement and emptying
- Litter picking, fly tip waste removal, glass, needles etc.
- All buildings and structures
- Compliance responsibilities, legionella, gas safe, electrical
- Utilities costs
- Public liability insurance
- Stream / watercourse maintenance
- Third party leases
- Trustee responsibilities

**11.4** Excluded from the need for approval are the allotment assets which will transfer on 1<sup>st</sup> April 2023 by operation of the law.

## 12 Background Papers

**12.1** Community Governance Review of the unparished area of Taunton and the eight neighbouring parishes – report on the second stage consultation and final recommendations 21<sup>st</sup> September 2023. [Somerset County Council](#)

**12.2** Appendix I of the above report is specifically referenced in the September decision, section 2.5 through 2.9 identifies the list of transfers. [Appendix I - Budget and Council Tax.pdf \(somerset.gov.uk\)](#)

### Report Sign Off

		Date completed
Legal Implications	Tom Woodhams	27/02/23
Governance	Scott Wooldridge	27/02/23
Finance	Jason Vaughan	06/03/23
Customers, Digital and Workforce	Chris Squire	06/03/23
Property	Oliver Woodhams	27/02/23
Lead Member	Cllr Bill Revans – Leader of the Council	27/02/23
<b>Consulted on report</b>		
Opposition Spokesperson	Opposition Spokesperson – Leader – Cllr David Fothergill	06/03/23

Scrutiny Chair	Scrutiny for Policies and Place Committee – Cllr Gwil Wren	06/03/23
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