

TEIGNBRIDGE DISTRICT COUNCIL

EXECUTIVE PART 1

07 JANUARY 2019

Report Title	TOWN & PARISH COUNCIL SERVICE DEVOLUTION AND ASSET TRANSFER POLICY
Purpose of Report	To provide an update on progress to deliver the outcomes required by the Council's Asset Management Strategy
Recommendation(s)	That the Executive resolve to: 1) adopt the 'Town and Parish Council Service Devolution & Asset Transfer Policy' 2) make the application process available on-line as well as in paper format

Financial Implications	<p>There are no direct financial implications as indicated in 2.2 however adoption of the policy will allow some flexibility to review the use of assets held and the on-going financing of their use in the future.</p> <p>Martin Flitcroft, Chief Finance Officer Tel: 01626 215237 Email: martin.flitcroft@teignbridge.gov.uk</p>
Legal Implications	<p>The Policy will help the Council ensure that it complies with the requirements of the Local Government Act (1972). In addition, with the introduction of due diligence, it will ensure that health and safety matters are considered prior to any transfer.</p>
Risk Assessment	<p>Tony Watson Tel: 01626 215828 Email: tony.watson@teignbridge.gov.uk</p> <p>There is not considered to be any significant risk in adopting the policy. However, it should help mitigate the risk of transfers made without the transferee having first been made aware of and having considered the full implications of taking on the delivery of a service and/or associated premises.</p>
Environmental/ Climate Change Implications	<p>No specific implications relating to climate change or the environment</p>
Report Author	<p>Tony Watson</p> <p>Tel: 01626 215828 Email: tony.watson@teignbridge.gov.uk</p>
Portfolio Holder	<p>Councillor Alan Connett Portfolio Holder for Corporate Resources</p>
Appendices	<p>A: Draft Town and Parish Council Service Devolution & Asset Transfer Policy</p>
Background Papers	<p>Asset Management Strategy Executive Report 4th December 2018</p>

1. PURPOSE

Provide progress update on the delivery of the Council's Asset Management Strategy and the tenanted portfolio.

2. REPORT DETAIL

2.1 Background

In December 2018, the Council adopted an Asset Management Strategy. The following supporting policies were also adopted at this time:-

- Land and Buildings Disposal Policy
- Land and Building Acquisition Policy

Members also considered a draft “Town and Parish Council Service Devolution & Asset Transfer Policy” for comment prior to consultation with the Teignbridge Association of Local Councils (TALC). This policy is now being considered for adopted under a separate report.

The draft policy was introduced at the TALC meeting on 7th February 2019 and comments were invited. No changes have been made to the draft following the consultation as no comments were received. However, in the interim, the application process has been piloted by a number of councils and this has proved successful.

The Policy

The Council recognises that the devolution of assets and associated services to town and parish councils can make a significant contribution to enabling them to be a stronger, more resilient and sustainable local communities. This is not a new concept and the Council has already supported local communities by undertaking such transfers in the past.

The Council has a requirement to be able to balance the aspirations of local communities to take on the guardianship of public property assets and delivery of services, with the duty of care it must have in safeguarding the best interests of Teignbridge residents. The introduction of this policy and application procedure set out within this policy is intended to establish a clear approach and governance to service devolution and asset transfer.

2.2 Financial

There is no direct financial impact in adopting the Policy.

2.3 Legal

The Policy will help the Council ensure that it complies with the requirements of the Local Government Act (1972). In addition, with the introduction of due diligence, it will ensure that health and safety matters are considered prior to any transfer.

2.4 Risks

There is not considered to be any significant risk in adopting the policy. However, it should help mitigate the risk of transfers made without the transferee having first been made aware of and having considered the full implications of taking on the delivery of a service and/or associated premises.

2.5 Environmental/Climate Change Impact

There is not considered to be any environmental/climate change impact based on the recommendations of this report.

3. OPTIONS

- Adopt a policy and associated application process to support the transfer of services and/or assets to town and parish councils.

- Do not adopt a policy and associated application process in relation to the transfer of services and/or assets to town and parish councils.

4. CONCLUSION

The recommended course of action is as follows:

- 1) Adopt the 'Town and Parish Council Service Devolution & Asset Transfer Policy'
- 2) Make the application process available on-line as well as in paper format.