

Asset Transfer update report May 22

EDDC update

Following the PC meeting 13th April and subsequent email conversations, I contacted EDDC to ask a number of questions.

1. I have asked the CEO and legal officer if the BPC could make a decision to delegate its decision-making authority to the community through a Parish Poll.

CEO response

The timing of a poll is set down in the relevant rules. It's not an election and is advisory only so not binding on the parish council. I think there is merit in debating the wording of any poll question. At the end of the day a parish poll is just a consultation exercise so it is important that the community understands the context of the poll with objective information.

On this basis whilst it would be strange and questionable if the PC did not abide by the poll result it would not appear to be binding on the council.

2. I also put forward the idea of the Parish Meeting and subsequent poll being brought forward to the earliest possible time, once the results of the viability study were available. This would almost certainly mean that only the current draft HoT (v12) would be available along with all other documentation. The advantage of this to the PC would be to get the matter resolved sooner and possibly save PC time and costs if the residents decided to reject the proposal. The disadvantage would be that EDDC cabinet may make changes to the proposal and that these may then have to be put to the residents again.

The EDDC position is that it will have its legal department review the HoT and for the whole proposal to go back to cabinet for approval. This may be further confused if the proposal is to include capital support for the toilet refurb and the possible removal of Starre Bank from the land assets to be transferred.

While I originally supported the idea of having a Parish Meeting and poll as soon as possible, the added potential for making capital funding for the toilets and changes to the make up of the assets, conditional on acceptance now make it sensible to delay any Parish Meeting until the final terms are agreed by EDDC legal and cabinet.

Starre Bank update

This was originally included in the asset transfer as the environment group wanted to make more of it as a nature reserve. EDDC included it as it has a cost but no direct benefit. If the council now decides it does not want it then it will impact on the current plan and finances as it will not deliver the same value of savings included in the finance model.

Viability Report update

Following the last meeting and proposals to split the scope of work to be undertaken by each specialist consultant, I contacted a number of companies.

1. Land Management Consultants

- a. Lambert Smith Hampton (LSH) they have responded, they will prepare a quote however nothing received yet
 - b. Vickery Holman, they have responded, they will prepare a quote however nothing received yet
 - c. Symonds and Sampson, they have responded, can undertake asset valuations only
2. Legal assessment and conveyancing.
 - a. WBW (was Bevis and Beckinsale) they have responded will prepare an estimate but nothing received yet. EDDC have agreed to share all Stat Valuations they have.
 3. Financial assessment
 - a. Blue Chip Finance (Our current auditors) they have declined the work due to volume of work and professional restrictions on assessing forecasts and costs. They have given a contact with another company.
 4. Cost comparisons for works
 - a. County Grounds Maintenance, declined to tender
 - b. Blackdown Tree Services, awaiting reply.

While the response is disappointing it is not critical as we can ask others for estimates as long as we have estimates available to complete the viability report.

The response to date is disappointing although having answered a number of questions I am confident that the first two land management consultants will return a tender but not in time for this meeting. I am also confident WBW will return an estimate of legal costs.

Annual Meeting in May

There are a number of agenda items for the Annual Meeting in May which relate to the asset transfer – it may not be possible to resolve these matters at the Annual Meeting. If the council establishes an Asset Transfer working-group then this group could consider and debate further and make the recommendations to council. The recommendations could be considered and a decision made by an extraordinary meeting of the council if it was felt that the decisions had to be implemented or conveyed as soon as possible.

Outstanding matters for decision/action:

1. To decide whether capital funding of the toilet refurbishment, as per proposal put to EDDC on the 19/4/22 should be a condition of acceptance of the proposal by BPC.
2. To decide whether Starre bank should be included in the parcel of assets to be transferred.
3. To let viability consultancy works once tenders have been received and analysed.
4. Review all documentation and financial modelling and identify any amendments required.
5. To bring forward the Parish Meeting to the earliest date when the viability study will be complete and available to all, including a 2-week study period.
6. To follow EDDC lead and hold the Parish meeting once all the documents have been reviewed by EDDC legal and the proposal, with any amendments has been approved by EDDC cabinet.

Documents available

HoTv12

Financial models Feb22

Discharge of conditions

Titles and title plans

Toilet proposal

Tender documents for viability study

- Land management

- Finance

- Legal aspects

- Ground maintenance