



## Meeting Agenda

**Policy Development Scrutiny Committee (Call – in),  
Town Hall, Lytham St. Annes  
Monday 21 February 2011, 7:00pm**

**The main doors to the Town Hall will be open to the public at 6:45pm**  
The maximum capacity for this meeting room is 60 persons –  
once this limit is reached no other person can be admitted.

# **POLICY DEVELOPMENT SCRUTINY COMMITTEE MEMBERSHIP**

CHAIRMAN	Fabian Craig-Wilson
VICE-CHAIRMAN	Kiran Mulholland

## **Councillors**

Brenda Ackers	Ben Aitken
George Caldwell	Frank Andrews
Patricia Fieldhouse	Richard Fulford-Brown
Craig Halewood	Leonard Davies
John Davies	Karen Henshaw JP
David Chedd	Elizabeth Oades
Elaine Silverwood	Heather Speak

Contact: Annie Womack, St. Annes (01253) 658423  
Email: [anniew@fylde.gov.uk](mailto:anniew@fylde.gov.uk)



## **Our Vision**

*Fylde Borough Council will work with partners to provide and maintain a welcoming, inclusive place with flourishing communities.*

## **Our Corporate Objectives**

- To Promote the Enhancement of the Natural & Built Environment
  - To Promote Cohesive Communities
  - To Promote a Thriving Economy
- To meet the Expectations of our Customers

## **The Principles we will adopt in delivering our objectives are:**

- To ensure our services provide value for money
- To work in partnership and develop joint working



## AGENDA

### PUBLIC PLATFORM

*To hear representations from members of the public in accordance with Committee procedure rules*

ITEM	PAGE
<b>1. DECLARATIONS OF INTEREST:</b> <i>If a member requires advice on Declarations of Interest he/she is advised to contact the Monitoring Officer in advance of the meeting. (For the assistance of Members an extract from the Councils Code of Conduct is attached).</i>	4
<b>2. SUBSTITUTE MEMBERS:</b> <i>Details of any substitute members notified in accordance with council procedure rule 26.3</i>	4
<b>3. CALL-IN REQUEST – TRANSFER OF ASSETS TO TOWN AND PARISH COUNCILS</b>	7

**Personal interests**

**8.—(1)** You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—
  - (aa) exercising functions of a public nature;
  - (bb) directed to charitable purposes; or
  - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (i) any employment or business carried on by you;
  - (ii) any person or body who employs or has appointed you;
  - (iii) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
  - (iv) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
  - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
  - (vi) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
  - (vii) any land in your authority's area in which you have a beneficial interest;
  - (viii) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
  - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision;

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

**Disclosure of personal interests**

- 9.—(1)** Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
  - (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
  - (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(d).

#### **Prejudicial interest generally**

- 10.—**(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
  - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
  - (c) relates to the functions of your authority in respect of—
    - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
    - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
    - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
    - (iv) an allowance, payment or indemnity given to members;
    - (v) any ceremonial honour given to members; and
    - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

#### **Prejudicial interests arising in relation to overview and scrutiny committees**

- 11.—** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

#### **Effect of prejudicial interests on participation**

- 12.—**(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your authority's standards committee;
  - (b) you must not exercise executive functions in relation to that business; and
  - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
DEMOCRATIC SERVICES	POLICY DEVELOPMENT SCRUTINY COMMITTEE	21 FEBRUARY 2011	3

## CALL-IN REQUEST – TRANSFER OF ASSETS TO TOWN AND PARISH COUNCILS

### Public Item

This item is for consideration in the public part of the meeting.

### Summary

Ten members of the council have invoked the recovery and call-in procedure to question a cabinet decision made on 19 January 2011 relating to the Transfer of Assets to Town and Parish Councils, in particular that the recommendations of the Policy Development Scrutiny Committee were rejected or amended. The recommendations related in particular to conditions applying to transfer of assets to Kirkham Town Council, and the budgetary and governance implications of open space transfers and strategic assets. *Members of the committee must therefore consider whether the decision made is not in the interests of the inhabitants of the borough and ought to be reconsidered.* If they believe that the decision made is not in the interests of residents, they may refer it back to Cabinet or to the full council for further consideration.

### Recommendations

Members are invited to discuss whether the information provided illustrates that the decision taken by Cabinet on 19 January 2011 was not made in the interests of the inhabitants of the borough.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Leisure and Culture – Councillor Susan Fazackerley

Continued....

## **Report**

1. If ten councillors feel that a decision taken by or on behalf of the Cabinet is not in accordance with the interests of the inhabitants of the Borough, they can ask for it to be 'recovered'. A recovered decision cannot be implemented until the Policy Development Scrutiny Committee has decided whether to call it in or not. Ten councillors have made such a request relating to the decision made by Cabinet on 19 January 2011, regarding Transfer of Assets to Town and Parish Councils. Therefore at this stage the decision in relation to this issue is termed as being recovered; that is, that it cannot be implemented.
2. The recovery request from the Councillors, the relevant Cabinet minutes and related report are attached as appendices.
3. The Policy Development Scrutiny Committee has three options.
4. The first is to call-in the decision by asking the Cabinet to reconsider it. The second is to call-in the decision by asking the full council to look at it. Full council could then decide to ask Cabinet to reconsider the decision if it feels it appropriate. The committee could take either of these two options if it felt that the decision being questioned is not in the interests of the inhabitants of the Borough and ought to be reconsidered. The third option is for the committee to take no further action, in which case the decision can be implemented.
5. It is suggested that the meeting is conducted in the following order:
  - Councillor Elizabeth Oades is invited to outline why she and her fellow councillors feel that the decision of Cabinet taken on 19 January 2011 was not made in the interests of the inhabitants of the borough
  - A representative of the Cabinet is invited to respond (usually the Portfolio Holder - in this case Councillor Susan Fazackerley)
  - Policy Development Scrutiny Committee members to question both members and officers, and any other witnesses which they may call to aid them in their judgement
  - Conclusion reached on whether to call-in the decision or otherwise
  - If it is decided not to call-in the decision the committee is requested to state its reasoning in reaching this decision
  - If it is decided to call-in the decision the committee should decide where the matter should be referred and set out its concerns, which the Cabinet or council should have regard to. An alternative recommendation can form part of the committee's deliberations.
6. Under the council's code of conduct, a member must regard himself as having a personal and prejudicial interest in the consideration by a scrutiny committee of a decision made by a council body of which he is a member. As this decision was taken by the Cabinet collectively, all members of the Cabinet have a personal or prejudicial



IMPLICATIONS	
Finance	None arising directly from this report
Legal	None arising directly from this report
Community Safety	None arising directly from this report
Human Rights and Equalities	None arising directly from this report
Sustainability	None arising directly from this report
Health & Safety and Risk Management	None arising directly from this report

Report Author	Tel	Date	Doc ID
Annie Womack	(01253) 658423	11 August 2010	Call-in report - Parking charges - North Beach Car Parl

List of Background Papers		
Name of document	Date	Where available for inspection

#### Attached documents

1. Call in request
2. Relevant report
3. Relevant individual cabinet member decision

### CALL IN

We, the undersigned, wish to 'Call In' the Cabinet decision made on Wednesday 19 January 2011, to not accept the recommendations of the Policy Development Scrutiny Committee with regard to transfer of assets to town/parish councils and instead to substitute its own modified wording.

We believe that the Cabinet failed to properly consider the recommendations made by the Policy and Service O&S, there did not appear to be an in-depth discussion of the recommendations and, as a result, other councillors and residents are unaware of the reasons for the decision.

We also believe that the decision made by Cabinet was not in the best interests of all the residents of the Borough, particularly those residents of Kirkham.

Proposed E A Oades

E.A. Oades

Seconded E Silverwood

E Silverwood

M CHEW

M. Chew.

~~R~~ HARPER

R Harper.

K. HOPWOOD

K Hopwood

BARBARA PAGETT

Barbara Pagett.

PAUL HATCHURST

Paul Hatchurst.

Linda Nulty

L.S. Nulty

J. OWEN

J. Owen.

Louis Rieck

Louis Rieck

Dated : 27 January 2011

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
COMMUNITY SERVICES	POLICY DEVELOPMENT SCRUTINY COMMITTEE	6 JANUARY 2011	-

## TRANSFER OF ASSETS TO TOWN / PARISH COUNCILS

### Public Item

This item is for consideration in the public part of the meeting.

### Summary

The report provides a detailed analysis of the opportunity to transfer community assets in Kirkham and St Annes to the Town Councils.

### Recommendation

1. That Members of the committee comment upon the report and make recommendations for consideration by Cabinet.

### Reasons for recommendation

To ensure Members are aware of the issues associated with any transfer of assets and the committee can advise Cabinet.

### Alternative options considered and rejected

None – this is a report detailing the opportunities and risks associated with any transfer of open space assets to the town councils.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Leisure and Culture - Cllr Susan Fazackerley

### Report

1. Cabinet has previously indicated its 'in principle' desire to transfer open space assets currently owned and maintained in Kirkham and St Anne's to the respective town councils.

Continued....

2. Jennifer Cross of X Associates LLP was commissioned to assist all parties in progressing the transfer of assets and identifying the key financial, operational and legal implications of such a transfer. The draft report is attached at Appendix A.
3. Members are requested to consider the report and make recommendations to Cabinet about how the issue should be progressed.

Report Author	Tel	Date	Doc ID
Clare Platt Jennifer Cross	(01253) 658602	6.01.11	6.01.11 Open Space Transfer

List of Background Papers		
Name of document	Date	Where available for inspection
Cabinet Agenda & Minutes	April 2010	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>
Cabinet Agenda & Minutes	January 2010	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>
Cabinet Agenda & Minutes	May 2009	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>
Cabinet Agenda & Minutes	November 2008	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>

### Attached documents

Appendix A – Community Asset Transfer Review

IMPLICATIONS	
Finance	As detailed in the report.
Legal	As detailed in the report.
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	As detailed in the report.

# Community Asset Transfer Review



Jennifer Cross

XAssociates LLP

### **Acknowledgements - Project Team**

Grateful thanks are well deserved by the project team for their commitment and contributions towards the development of this Asset Transfer review. The team members were:

Clare Platt	Director of Community Services
Darren Bell	Head of Parks and Leisure Services
Mark Wilde	Parks & Leisure Manager
Gary Sams	Principal Estates Surveyor
Paul O'Donoghue	Head of Finance
Nicol McLellan	Senior Accountant
Derek Appleton	Senior Accountant

Logistics Support was superbly provided by Sandra Connell, PA to the Executive Board

Thanks to Kirkham and St Annes Town Councils for the opportunity to hold informal discussions and for their constructive comments.

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- A. The scope of the review
- B. The financial journey over the last four years for Fylde BC
- C. Estimated annual service turnover 2011/12
- D. Land assets potentially transferrable to Kirkham Town Council
- E. Land assets potentially transferrable to St Annes Town Council
- F. Land assets potentially transferrable to a new Council for Lytham with Ansdell
- G. Analysis of the changes to Special Expenses and levels of Council Tax across the Borough as a consequence of these proposals
- H. Schedule of capital works for Kirkham community assets
- I. Analysis of risks and opportunities
- J. List of partnerships, bodies or programmes that offer peer review opportunities

## Community Asset Transfer Review

### 1.0 EXECUTIVE SUMMARY

#### 1.1 Overview

1.1.1 In June 2010, Fylde Borough Council, assisted by the North West Improvement and Efficiency Partnership, appointed XAssociates to evaluate opportunities for the future ownership and operation of the Council's Community Assets by the town councils<sup>1</sup>. The Council is considering retaining a more strategic role as set out in the Council's approved Destination Plan.

1.1.2 This review has been developed with the assistance of a joint project team from Fylde Borough Council and detailed consultation with Kirkham and St Annes town councils.

1.1.3 Views on the creation of a new local Council in Lytham have been considered using the powers in the Local Government and Public Involvement in Health Act 2007, to carry out community governance reviews and to put into place or make changes to local governance arrangements. The opportunity to create a new Town Council for Lytham was carefully considered, but has not been agreed at this time. However, this review includes the work of evaluating assets in Lytham with Ansdell, so that if the position changes at some time in the future, the transfer of assets will be a simple procedure to put into place, if the Council wishes.

1.1.4 The review presents sound reasons to change from the status quo and identifies a range of benefits and opportunities from doing so; ranging from safeguarding choice, value for money, democratic control and flexibility, through to the potential for service innovation.

1.1.5 A review of all land assets owned by Fylde BC has lead to the identification of strategically important assets and the identification of appropriate community assets which could be managed at a local level. The cost of managing those assets has been calculated, so that both the Borough Council Special Expenses budgets and the Town Council precepts can be revised for 2011/12, if transfer is agreed. A three year transitional phase via an administration agreement has been suggested to ensure the transitional costs are minimised. This three year transitional phase also enables the town councils to fully understand the nature of the current operations, to prepare tender documentation and comply with good governance arrangements.

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<sup>1</sup> Appendix A - Brief to Consultants



## **1.2 Managing transition**

1.2.1 The over-arching objective of the review is the provision of a stable, responsive and cost effective service model, capable of enhancing service delivery and future development.

1.2.2 Whilst acknowledging that making savings may not be the prime motivator, the review also identifies that the proposals will provide both the opportunity and means to improve cost effectiveness. This will range from the opportunity of immediately reducing the Council's budget requirement, or providing headroom within the current capping regime, to enable other existing services to be sustained in the face of further national restraint on public expenditure, to the opportunity for town councils to further enhance the strong sense of localism and deliver efficiencies through revised arrangements over time.

1.2.3 The review also considers improved operational potential and the future transformation of management and support services as the Council moves towards a smaller enabling role.

## **1.3 Conclusion**

1.3.1 In conclusion, the proposal to transfer assets provides an exciting opportunity to promote the Council's strategic aims, and is complementary to national policy, enabling the development of value for money services within a strong culture of local service delivery.

1.3.2 The review provides a robust analysis of the risks and opportunities, with strong operational and financial controls to fairly promote and protect the interests of all parties, and provides advice on the transition.

1.3.3 The assets will undoubtedly be capable of further development by high performing, quality town councils. This will require further capacity development within those councils during the transition phase.

## 2.0 PURPOSE OF THE REPORT

2.1 This report examines the viability of transferring community assets to town and parish councils in Kirkham, Lytham with Ansdell and St Annes; should the creation of a Lytham with Ansdell local council arise in the future.

## 3.0 FIT WITH NATIONAL STRATEGIC POSITION

3.1 The national government position relating to local government services centres on a localism approach, consistent with devolving appropriate assets and services to the level closest to the community. Many local authorities are considering alternative approaches to managing and financing their public spaces. The Council has indicated its 'in principle' desire to transfer the community assets currently owned and maintained in Kirkham and St Annes to the town councils in those areas. This approach would be consistent with that taken in other parished areas of the Borough.

3.2 The Commission for Architecture and the Built Environment (CABE) has carried out much research into the impact of community assets on areas. Taking a strategic view of parks, green spaces, public squares, streets, woodlands and waterways, it is clear that they link up to create networks of public spaces that provide benefits to local communities beyond just those who use the individual spaces, in addition to sport, providing walking and cycling routes, absorbing and storing storm water, helping to filter polluted air, providing corridors for wildlife and critically they can boost the local economy by improving people's perceptions of an area, encouraging business and visitors. The tourism issue is particularly important to Fylde, therefore ensuring a sustainable approach is achieved is essential.

3.3 CABE urges local authorities and communities to consider how to protect and maximise the broader benefits. In Fylde, these already feature as part of the local development framework, ensuring such green spaces accompany new development. Arrangements for the adoption and management of future green spaces developed alongside new housing are set out later in the report.

3.4 Over the last four years the Council has reduced its expenditure by 25%<sup>2</sup>. The national position of reducing Local Government Support by around 29% over the next four years brings further pressures in this regard. Given the financial imperatives, it has been agreed that an emphasis on the commissioning model, which sees councils source and secure the most cost effective service delivery option, would be examined. Therefore it is an appropriate time to consider any potential asset transfers before commencing any further changes arising from that wider work.

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<sup>2</sup> Appendix B Graph of Fylde budgets over last four years

3.5 The Council could consider transferring assets individually to community groups, if there were any such organisations that wished to take them on. However the risks would also be far greater in relation to the capacity of volunteers to manage the assets and the financial sustainability would be far weaker without the powers to precept underpinning them. In addition the loss of democratic control makes it a less attractive option. Due to the Council's previous resolution and the clear disadvantages in relation to the objectives of the review, this option has not been considered further at this time.

## **4.0 LOCAL CONSIDERATIONS**

### **4.1 Consistency with Fylde's strategic aims**

4.1.1 Members have expressed a wish to retain a strategic role in relation to asset management and have provisionally identified a number of land holdings which fall outside that category. Hence the ownership and provision of the service relating to the community assets, is the subject of this report, with a view to enabling the impact of any potential transfer to be understood by all parties.

4.1.2 Fylde's Parks and Open Space Strategy defines open space to include: parks and gardens, natural and semi-natural urban green spaces, including woodlands, amenity green space and outdoor sports facilities. The assets referred to in the strategy cover 197 hectares. Within that, the community assets cover almost 50 hectares of land. Schedules of assets potentially transferrable to Kirkham and St Annes town councils, and Lytham with Ansdell are set out in the Appendices<sup>3</sup> at the back of this report.

4.1.3 Research shows that Parks and Open Spaces are an important part of Fylde's tourism product, the majority of visitors think very highly of them. This is particularly so with regard to those sites located within the primary and secondary tourist zones along the coastal strip: Lytham Green, Lowther Gardens, Fairhaven Lake, St Annes Promenade and Ashton Gardens. The tourism attraction of these beautiful amenities cannot be underestimated. As tourism is an essential component of the local economy, Members have reached a provisional view and appropriately deemed these high profile assets as being of significant strategic importance to the whole Borough. A few other smaller sites are also strategically important; for example because of their current economic benefit for major events management, or for their future development potential. These sites are also therefore to be retained. Hence those sites identified as strategic assets are:

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<sup>3</sup> Appendix D – Kirkham community assets, Appendix E - St Annes community assets, Appendix F -Lytham with Ansdell community assets

## **Parks / Gardens / Open Spaces**

Ashton Gardens  
St Anne's Square & Wood Street  
Promenade Gardens including Denford Ave)  
Blackpool Road Playing Fields  
Fairhaven Lake & Grannies Bay  
Lytham Green  
Park View  
Lowther Gardens

## **Car Parks**

St Albans Road  
Lytham Station  
Pleasant Street  
Mill Street

The estimated ongoing cost of maintaining these strategic assets for 2011/12 is £933,120.

4.1.4 It is also worthy of note that the Commission for Architecture and the Built Environment (CABE) have carried out extensive research, establishing the clear link between the quality of the assets in an area and maintaining a strong social pride and a culture amongst residents and visitors of valuing the area - thus significantly reducing levels of abuse, decline and the social problems that follow, such impacts are apparent elsewhere. This places a high level of importance for Fylde on finding a solution that ensures the continuation of good maintenance and development standards.

## **4.2 Analysis of the current position**

4.2.1 The whole of the current service directly employs 25 full time equivalent operational employees, plus management and support staff. The annual turnover of £1.62 million<sup>4</sup> makes this function on a par with many thousands of businesses across the nation. The community assets account for £0.55

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<sup>4</sup> Appendix C – Estimated Special Expenses 2011-12 – Analysis of turnover.

million of that turnover. Maintenance of this volume of land and management of this level of expenditure is a sizeable undertaking and the appropriate knowledge and skills to plan for effective management and maintenance, through good horticultural and arboriculture care, is intrinsic to this evaluation.

4.2.2 In respect of the analysis of the case for the transfer of community assets, the following evaluation has been completed:

- Site plans for each asset have been prepared and verified against the title held by the Council.
- Each asset the Council owns has been valued, covenants affecting their use have been identified and an assessment made of future development potential. The valuation reports and plans have been provided to the town councils as part of the consultation process.
- Most assets proposed for transfer have been assessed as having a nil value against current local plan development criteria. The risk that this might change is taken into account in the risk assessment attached to this report and appropriate terms in the transfer agreement will ensure good governance of this risk.
- The exception is School Lane allotments in Kirkham, which has a valuation of £2,000 and two sites in Lytham with Ansdell. In respect of School Lane allotments, it is proposed that the Borough Council sell that asset to the Town Council at the assessed value and offset that against the agreed capital works expenditure. The Lytham sites would need further negotiation with a new council at the time of any proposed transfer.
- Analysis of expenditure and income currently accounted for by the Borough Council has enabled detailed information to be provided to the town councils.
- A detailed schedule of the work which is involved in managing and maintaining the transferring assets has been prepared and shared with the respective town councils.
- A risk and opportunities assessment<sup>5</sup> has been prepared, with input requested from town councils; ways to manage those risks, or take opportunities, have been identified to ensure all are properly addressed.
- A visual survey of the community assets has been completed in relation to Kirkham assets and the estimated costs of the work required, which is urgent or essential to bring the assets to a consistent and good standard prior to transfer, has been assessed; the results of this are included in the affordability section of this report and Appendix H<sup>6</sup>.

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<sup>5</sup> Appendix G – Risk and Opportunities assessment

<sup>6</sup> Appendix H – Condition survey

4.2.4 The current arrangements have much to commend them in terms of the consistent standard of service across all of the assets, avoiding a patchwork quilt of high and low level maintenance regimes, as well as the benefits of economies of scale. Therefore this proposal has looked at keeping maintenance standards irrespective of ownership, by including maintenance arrangements currently carried out by the Borough Council on land owned by others as part of the transfer agreement arrangements. If the transfer does not proceed the Borough Council could consider differential maintenance regimes to help to balance the budget.

4.2.5 Significant development work has taken place in recent years, to bring many of the assets up to a high standard, enhancing them considerably in the process and adding to the environmental value they undoubtedly hold.

## **5.0 THE CASE FOR CHANGE**

### **5.1 Strategy delivery**

5.1.1 The proposed transfer devolves responsibility to a local level; town councils have powers to operate such assets and to precept to provide financial sustainability to the service. The retention by Fylde of strategic assets ensures the high profile tourist attractions can be managed for Borough-wide benefit.

### **5.2 Service innovation, flexibility and value for money**

5.2.1. The proposal to transfer community assets may open up opportunities to develop services and to operate in a different way, for example: some larger quality town and parish councils employ lengthsman; their role has great variety combining litter picking, verge and footpath maintenance with grass cutting, weed control, etc. This does require training to ensure high standards are maintained.

5.2.2. Town councils may want to find innovative solutions at a local level, by piloting various service options. They may also develop Parish Plans, which include developing community events or more play areas for example, using these local land assets to achieve those plans.

5.2.3. Despite the Borough Council potentially suffering some loss of economies of scale from the proposals, employees remain optimistic that further external contract work can be won to use any spare capacity to good effect, should future tendering exercises transfer management and maintenance of these services to the private sector. There is strong staff support for making these changes now, as part of the programme of reviews agreed under the Council's Destination Plan.

5.2.4 Both tiers of councils treat their employees fairly and consistently in an atmosphere of openness and honesty and, in turn, the employees take a pride in the services they deliver.

### **5.3 Customer and community focus**

5.3.1. The focus of both tiers of local government is to serve the community by providing high quality, value for money services. Public satisfaction is high; any new arrangements therefore must aim to ensure that continues by ensuring high maintenance standards.

### **5.4 Democratic control and accountability**

5.4.1 A key advantage of the proposal is that the ownership remains under democratic control ultimately answerable, via Members, to the electorate of the area for the standard of community assets provided.

## **6.0 CONSULTATION**

6.1 The implementation of any community asset transfers will need the co-operation of all organisations that are party to the proposals. Both Kirkham Town Council and St Annes on the Sea Town Council have indicated their interest in pursuing the arrangement. Further discussions have taken place with those councils to see if mutually acceptable proposals can be agreed. This report takes account of those discussions. Final decisions from those councils are currently awaited.

6.2 In establishing the scope of community and strategic assets and subsequently preparing the analysis with the assistance of the project team, initial discussions were held with Informal Cabinet and town councils respectively. Care was taken to ensure employees were fully briefed and their comments were included in the report accordingly. Similarly, concerns raised by Members and community groups have been taken into account.

6.3 There is a requirement under the Local Government Act 1972, Section 123(1) to consult publically on the potential decision to dispose of any open space assets. Accordingly, the potential disposal of 14 areas of land in St. Annes to St. Annes on the Sea Town Council and 16 areas of land in Kirkham to Kirkham Town Council, with the proviso that it is to be kept as public open space was advertised in accordance with statutory requirements.

6.4 One consultation response was received from a resident by the due date, this is addressed below.

6.4.1 The resident welcomes the fact that there is no proposed loss of open space, but objects to the proposed transfer of assets as follows:

1. That no statutory grounds of objection were stipulated.
2. A Freedom of Information Act request for data related to the proposed transfer was not provided within the timescale for objections to be made, nor was an extension to that timescale provided. There are, I believe, further arguments to be made about reduction in value for Fylde

taxpayers that the information I have requested would detail. However in the absence of willingness of the Council to provide this information in time, or to extend the deadline for receipt of objections, I am denied the opportunity to make such objection.

3. Although the advertisement indicates the areas would be retained as public open space, there is no indication as to whether any change to the nature of the open space is proposed.
4. The Borough Council has said that if the transfer is effected, the cost of maintaining these sites will fall to town and parish council precepts. The proposed transfer will thus lead to less good value for me and other taxpayers in Fylde. Fylde Council raises approximately 50% of its net expenditure from local tax and 50% from NNDR and Government Grants. Parish councils are not eligible for NNDR and Government Grant. Thus every £1 spent by a Town or Parish Council costs local taxpayers £1 - whereas it costs local people only 50 pence in the pound in Council Tax or Special Expenses when the costs fall to the Borough Council. The effect of the proposal would therefore be to double the costs of maintenance raised via Council Tax from residents such as myself in the transfer areas, even for exactly the same level of service.
5. The transfer will create confusion for the public in St Annes because only a proportion of the public open space areas in St Annes are proposed for transfer. Some will be retained in the ownership of, and be managed by, the Borough Council. The proposal will mean two separate autonomous bodies maintaining public open space areas within the same town. This will create administrative confusion for the public as to who is responsible for which area, and will thus diminish the accountability of both organisations. It could also lead to loss of economies of scale and thus further increase costs.

6.4.2 Consideration and response to the objection is set out below in the same order:

1. There are no stipulated grounds for an objection given within the act therefore none can be given.
2. The Council has a statutory timeframe for the consultation, this was adhered to. The Freedom of Information Act request will be met as soon as possible.
3. There will be no change to the nature of the open spaces as a result of this transfer, though both the Borough and Town Council are committed to an ongoing programme of enhancement of amenity sites.
4. The cost of maintaining these community assets is currently fully charged to residents via Special Expenses, this will be replaced by the parish precept. There will be no change in the cost to residents from this decision.
5. Only community assets will transfer in St Annes, due to the strategic importance of the major tourism assets in the Borough; these will remain a Borough responsibility. This is the same position as for other parishes, who currently maintain their open spaces via precept, and significant confusion has not arisen.



## **7.0 MANAGING TRANSITION – ACHIEVABILITY**

The brief required an appraisal of the various potential impacts on workload on all affected services throughout the Council.

### **7.1 Parks development**

7.1.1 The parks development staff currently provide a unique and vital service, such as making heritage lottery and other external funding bids for major renovation works, promoting and supporting Friends of the Parks groups, and the strategic planning of open space and related asset provision. This work has been particularly successful over recent years. The cost of the development staff is currently funded via the capital schemes they have developed and also by special expenses. The service can continue to be funded this way for the duration of the three year administration agreement.

7.1.2 There is currently one development scheme which relates to the community assets in Kirkham – the renovation of Kirkham Memorial Gardens; where work is due to begin on site in January 2011.

7.1.3 There are four such schemes in St Annes: Waddington Road playing field – where work is underway; Hope Street – where the scheme is still in the funding strategy stage; King George V playing field – where the first scheme is complete but there is a need for further schemes in the future; and West End Field, Ramsgate Road - which is in the early planning stage.

7.1.4 The schedule of works to be included in the three year administration agreement includes the continuation of this service. The Council will need to bid for the contract with the town councils beyond the initial three year agreement period otherwise, due to the diseconomies of losing scale, there will be residual costs which will need to be managed down or additional external contract work won to support this cost.

7.1.5 There is one scheme in Lytham: Mornington Meadows, where funding has been secured. The position on such schemes varies year to year, therefore parks development schemes in Lytham will need to be considered further should a local council be formed in the future

7.1.6 The responsibilities and conditions of the grant aid for these schemes will need to be passed to the town councils in the transfer agreement terms, as they will have control over the maintenance regimes.

7.1.7 It is a matter of law that the transfer of operational grounds maintenance and leisure functions would include the TUPE transfer of all staff, where the majority of their time is spent directly involved in the delivery of those activities, to any successor organisation at the end of the administration agreement i.e. either the town councils or their appointed contractor.

## **7.2 Parks Operational and Service management**

7.2.1 The operational staff numbers are small and yet the quality of the work they have completed is excellent, providing an environment for residents and visitors, which is a pleasure to enjoy. This service has been recognised in the Britain in Bloom successes. It must be appreciated that the loss of economies of scale will keep having an impact on the service that can be achieved. Another review is underway which looks at the business case for the means of delivering a range of public realm services. This may provide a better long term service solution for both the Borough and Town Councils should the transfer go ahead.

7.2.2 The costs of a proportion of the senior management of the Community Services Directorate are currently allocated to the management and maintenance of the community assets. No doubt during the three year administration agreement term management arrangements may be varied to meet operational needs. These costs may remain with the Council, if TUPE does not apply.

## **7.3 Central support services & overheads**

7.3.1 Within the budgetary provision for community assets there are costs associated with the Council's support services; these are charged directly to the service and indirectly via other departmental management recharges. These include Information Technology, Human Resources, Financial and Legal services and overheads such as accommodation. As assets transfer out of Fylde Borough Council ownership and control, and staff transfer out of FBC employment, some of the costs will reduce where they are directly linked to the number of employees (e.g. payroll costs), other costs will remain, as there will be some diseconomies of scale, unless it can be shown that TUPE applies or there is the opportunity to reduce these costs. As services directly operated by the Borough Council are reduced, so the support costs need to be managed down over the three years of the administration agreement to minimise any residual costs.

## **8.0 MANAGING TRANSITION – AFFORDABILITY**

8.1 In Fylde Borough many of the parish councils already own and precept for the maintenance of the community assets in their areas. In order to avoid double taxation in the parts of the Borough where ownership of community and strategic assets are retained by the Borough Council, the Council has historically applied its Special Expense powers, which results in all of those assets being paid for by the residents in Kirkham, Lytham, Ansdell and St Annes on Sea.

8.2 An administration agreement for three years, as part of any transfer package, will ensure the quality of maintenance continues while alternative service procurement is arranged by the Council taking over responsibility for the assets and to enable time for further appreciation of the complexities of managing this volume and diverse range of assets. This would also have the benefit of giving the Borough Council the opportunity to make the

change to its managerial arrangements and the time for contractual commitments, currently in place, to expire (e.g. supply contracts) minimising the transition costs for the Council.

8.3. Some assets not owned by the Borough Council have been maintained, by agreement with the owner, to a higher standard than would ordinarily have been the case. It is proposed that this would continue for the initial three year administration agreement period, after that it will be for the town councils to agree what additional maintenance, if any, they intend with the owner. Similarly, responsibility for raising Christmas lighting funds in both areas will be a town council responsibility and in respect of Kirkham, continued support for the bowling activities will be a matter for consideration for that town council from April 2011 onwards.

## **8.4 Revenue position**

8.4.1. The over-arching objective for the proposal is the provision of a stable, responsive and cost effective service model; capable of enhancing both service delivery and service development to the benefit of the community. Whilst making savings may not be the prime motivator, it is clear that the combination of changes will certainly provide both the opportunity and means to improve cost effectiveness either immediately or in the medium term.

8.4.2. The impact of the changes to Special Expenses<sup>7</sup> and levels of Council Tax across the Borough as a consequence of these proposals should full implementation of these arrangements be agreed, would have the effect of removing the special expenses component from the Borough Council's council tax calculation in those two areas and an increased precept from the Town Council. As members will know, Lytham and Ansdell remain un-parished parts of the Borough at present and therefore the cost of maintaining community assets in those areas will remain a Special Expense for the foreseeable future.

## **8.5 Capital investment**

8.5.1 The Prudential Borrowing System is a modern, simple and transparent framework that encourages investment in the capital assets that local government needs to improve services and relies on modern accounting concepts, plus professional and self-regulation. It allows local authorities to raise finance for capital expenditure where they can afford to service the debt without extra Government support.

8.5.2 In order to bring the transferring assets up to a fair standard, some investment is needed. Fylde has agreed in principle to fund the scheduled works for Kirkham<sup>8</sup>. It is envisaged that the Borough Council would fund the capital investment, after offsetting the outstanding loan and the purchase

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<sup>7</sup> Appendix I – Impact upon Council tax, Special Expenses and Precepts of Community Asset Transfer

<sup>8</sup> Appendix J- Condition survey - Kirkham

price of the allotments, from borrowing which results in a revenue cost of approx £4,000 per year being the principal repayment and interest charges. This would be funded from the budget headroom created by the transfer.

### **8.5.3 Table 1 - High level financial analysis based upon 2011/12 Estimates (21/12/2010)**

The estimated Special Expenses for Community Assets in Kirkham and St Annes in 2011/12 are set out below in column B; these costs would be borne differently if transfer is agreed, as set out in columns C-E.

A	B	C	D	E
Council	Special Expenses £	Costs billed directly to town councils £	Capital Charges £	Charge to town councils for the maintenance £
Kirkham	172,830	XX	18,630	XX
St Annes	257,255	XX	11,215	XX

**NB A review of all the Council's utility bills is currently being finalised by Fylde BC staff, until that is completed these figures cannot be finalised**

### **8.6 Residual costs**

8.6.1 Previous investment in play equipment at Kirkham Memorial Gardens and Hove Road playing fields, in the pavilion at William Segar Hodgson field and the workshop/store at Hope Street, need to be written out of the accounts. The impact on the revenue account of this treatment is that Capital Charges will no longer apply.

8.6.2 At the end of the three year administration agreement there will be residual staffing costs as mentioned above and set out in the table below. The Council has a three year window to contract for other works to underpin these overheads, or to manage them down. In any event, they do need to be included at this stage in the medium term financial strategy from 2014/15 onwards.

8.6.3. The current estimate of the value of potential residual costs is set out in table 2 below:

**Table 2 - Estimated residual costs at 2011/12 prices**

<b>Current estimates of residual costs arising after the administration agreement ends</b>	<b>St Annes Community Assets transfer £</b>	<b>Kirkham Community Assets transfer £</b>
SM - Parks Strategic Management Team	6,597	6,597
SM - Parks Operational Management Team	17,794	12,390
SM - Parks Service Development Team	34,659	20,928
SM - Parks Arboricultural Team	9,125	9,125
SM - Parks External Contracts Team		3,159
Central Support Services:		
direct	578	1928
indirect	25,477	17118
SS - Accommodation - St Annes Depot	11,379	1,656
Insurance - Public Liability	952	748
<b>Total</b>	<b>106,561</b>	<b>73,649</b>

**NB Central Support Services** includes: Section 151 Officer, Accountancy Services, Finance Administration, Internal Audit, Computer Services, Human Resources Payroll Administration, Property Accommodation Team, Accommodation - Town Hall, LLPG & Projects, Insurance & Risk Management, Procurement Services C&O Directorate Management Team Customer Services Assistant Customer Services Specialists Transformational Services, and Corporate Safety.

## 8.7. Impact of transfer on town councils

8.7.1 The town councils will need to ensure they have the capacity and skills available to manage the transfer and subsequent ownership and management of the open space assets. Fylde will be able to assist initially with support, and information transfer throughout the transition period.

8.7.2 In relation to the management and maintenance of the assets, it is necessary to agree an administration arrangement agreement with each Council in respect of the work undertaken on their behalf; this will be in accordance with the power to trade with other public bodies set out in the Local

Government (Goods and Services) Act 1970. This arrangement is permitted by the Teckal exemption, the town councils will need to make a resolution to this effect and the administration arrangement will form part of the transfer agreement. The town councils will be in a position to fund the management and maintenance of the open spaces in their ownership through the precept they levy on local residents, in lieu of the special expenses currently levied by the Borough Council.

8.7.3 Some costs will be billed directly to the town councils as owners of the assets. Estimates of these have been provided to the town councils to assist them in precepting in 2011/12, these are shown separately in the table 1.

## **8.8 Performance management**

8.8.1. Supervisors are employed to ensure high quality standards are maintained. They are responsible for collating quantitative and qualitative information on performance and it is proposed that they will report performance regularly to the town councils during the administration agreement term.

## **9.0 FUTURE PROOFING**

9.1 The provision of public open space through development is secured by way of policies within the Local Development Framework – interim housing policy. The developer's obligations in relation to the provision of the open space are usually over a time limited period. In some cases open space is maintained by local management companies operating on behalf of the resident management committee. In other cases the local authority is approached to adopt.

9.2 After the community assets transfer in Kirkham and St Annes, most land offered by developers for adoption will be community assets and therefore should be offered to the town councils. However, there may be an occasion where an asset is considered to be strategic and should therefore be adopted by the Borough Council. The Council should keep the options open for future interpretation.

9.3 A claw back clause within the transfer agreement, to protect the land for community use, is proposed. This would mean that it is transferred with a covenant to retain it as open space and preventing development within 50 years. Should the Borough Council agree to lift that covenant during this 50 year period, an entitlement to a graduated percentage of any enhanced value, reducing gradually over the 50 year period, would follow.

## **10.0 RISK AND OPPORTUNITIES ASSESSMENT**

10.1 There are some risks and opportunities<sup>9</sup> associated with the actions referred to in this report, these are set out in the Appendix. Appropriate arrangements have been made to manage those risks and take advantage of the opportunities through the transfer agreement and future management arrangements.

## **11.0 CONCLUSION**

11.1 There is a strong strategic case for transferring community assets to the town councils. The public have not raised any significant objections to the proposed transfer; therefore the Council is now in a position to move ahead with the transfer of assets on the terms and conditions outlined in this report.

## **12.0 RECOMMENDATIONS**

### **12.1 IT IS RECOMMENDED THAT:-**

12.1.1 Following the agreed advertisement of the land transfers and taking into consideration the one objection, that the assets and maintenance liabilities listed in Appendices D and E are offered to Kirkham and St Annes town councils.

12.1.2 That the land assets listed at Appendix F are advertised prior to any offer to transfer them to a new Council for Lytham with Ansdell, should that Council be formed at some future date.

12.1.3 That such transfers are accompanied by a three year administration agreement for management and maintenance by Fylde Borough Council to enable a smooth transition and to enable the building of capacity within the respective town councils. That a supporting transfer agreement containing provisions ensuring good governance and the proper management of risks and opportunities, and the detailed arrangements set out in this report, is also concluded with each council prior to transfer.

12.1.4 That any responsibilities of Fylde BC in relation to development grants be defrayed by the respective town council, including where this relates to ongoing maintenance standards after transfer.

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<sup>9</sup> Appendix K - Risks and Opportunities Assessment

12.1.5 That the capital expenditure, relevant to Kirkham, after offsetting the outstanding loan and cost of the allotments, is included in the Borough Council's capital programme, funded from borrowing - with repayments financed from the capacity created by the transfer.

12.1.6 That the residual costs in table 2 are monitored during the contract period and included in the medium term financial strategy

12.1.7 That an assessment of capital investment, direct costs, the administration agreement price and any residual costs are made prior to any transfer of the assets in Lytham with Ansdell.



### **The Brief – for the potential transfer of Open Space Assets**

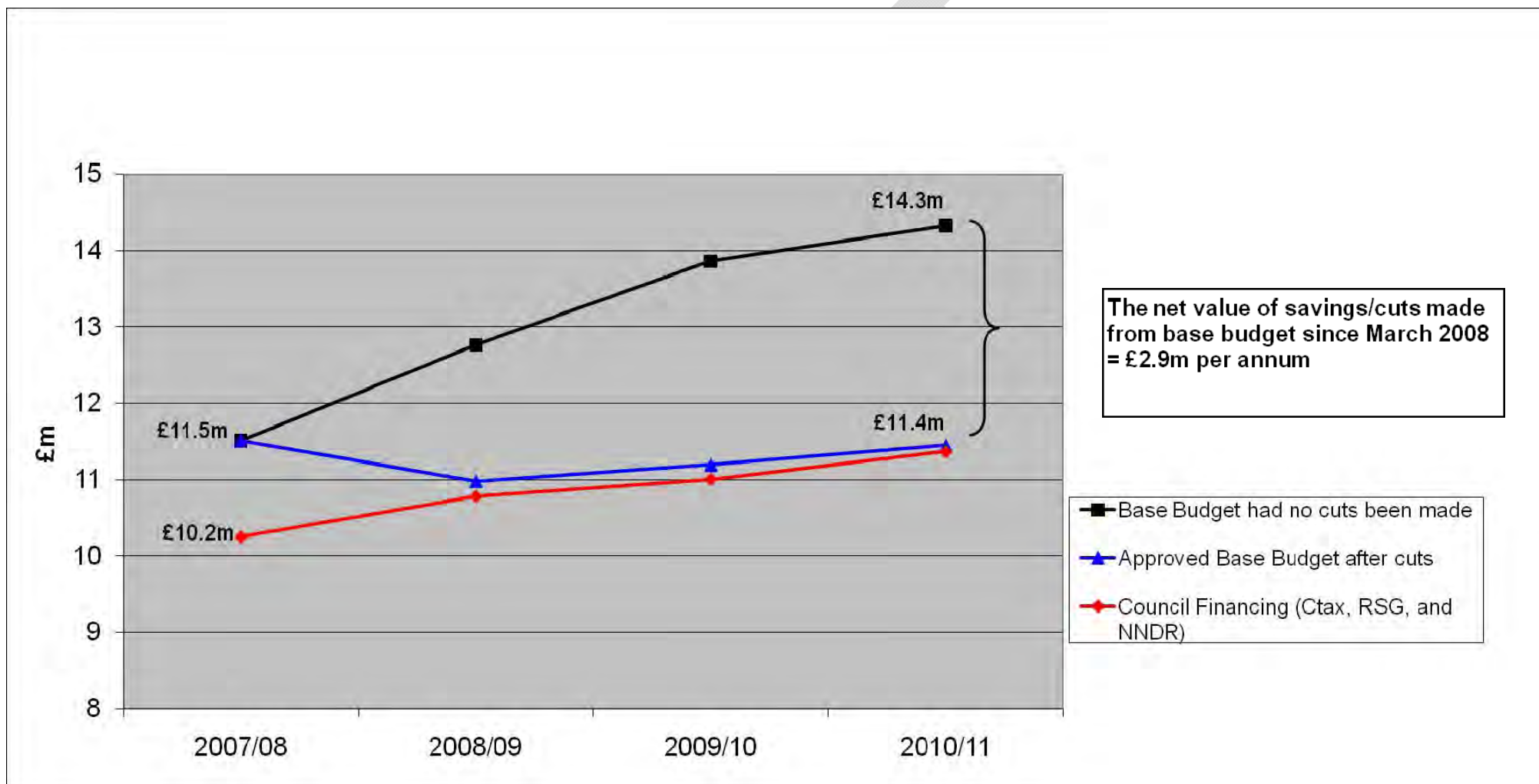
Fylde wishes to adopt a more strategic role in terms of asset management, with the service being delivered at a local level where possible without compromising on quality and responsiveness. The Council wants to understand the implications of doing so.

#### **The review**

The tangible outputs will be the production of a robust review which examines the implications of the potential transfer of open space assets, this will include:

- Assessing the financial, operational and organisational implications of transferring ownership of open space assets to local councils.
- An appraisal of the various potential impacts on workload on all affected services throughout the Council.
- Evaluation of the financial impact of any proposed transfers on the Council's budgets, including the implications for Special Expenses and Council Tax.
- Evaluation of risks and opportunities.
- An assessment of the capacity/training needs of local councils to manage land, to maintain standards and to be responsive to community needs.
- Assessing the necessity for the Borough Council to continue to provide charged for specialist services to the local councils, where they do not possess the resources to undertake the work themselves.
- Where transfer is proposed, working with Fylde to develop an approach for devolving/transferring open space assets.

Graph of Fylde expenditure over the last four years



## Estimated Annual Service Turnover 2011-12 Strategic and Community assets (21/12/2010)

## APPENDIX C

Standard Form Analysis	"BOROUGHWIDE STRATEGIC ASSETS"							"COMMUNITY ASSETS"						Special Expenses
	St.Annes		Lytham				Kirkham	St.Annes		Lytham		Kirkham		TOTAL
	Parks	Leisure	Parks	Leisure	Lowther Parks	Lowther Leisure	Parks	Parks	Leisure	Parks	Leisure	Parks	Leisure	
Direct Employees, Agency & Sup'y Staff (Inc Health & Safety )	224,616	61,714	149,879	84,232	78,232	15,512	611	117,496	19,953	54,605	10,852	72,309	16,317	906,328
Premises Related Expenditure	67,279	18,916	33,431	47,437	23,527	4,634	0	7,780	31,653	17,283	6,904	19,656	9,211	287,711
Transport Related Expenditure	17,761	206	9,573	1,841	9,447	105	0	2,187	109	2,043	157	3,412	106	46,947
Supplies & Services	5,309	1,786	2,161	15,563	1,424	1,572	0	1,075	674	713	785	1,312	1,157	33,531
Support Services	12,390	4,312	6,074	9,184	2,495	1,168	1,263	8,272	3,685	7,990	4,461	2,240	1,344	64,878
Service	12,109	4,748	7,011	3,428	5,808	2,109	0	5,278	1,319	6,149	1,715	5,278	1,319	56,271
Management	12,668	10,556	30,436	30,437	18,647	6,334	0	24,103	10,556	8,091	8,445	12,483	8,445	181,201
Parks Service	1,225	2,803	9,252	7,688	0	0	0	1,955	9,260	0	0	3,050	15,580	50,813
Development	353,357	105,041	247,817	199,810	139,580	31,434	1,874	168,146	77,209	96,874	33,319	119,740	53,479	1,627,680
Capital Charges - Depreciation	-36,584	-50,000	0	-59,212	0	0	0	0		0	-3,695	0	-1,289	-150,780
Total Expenditure	316,773	55,041	247,817	140,598	139,580	31,434	1,874	168,146	77,209	96,874	29,624	119,740	52,190	1,476,900
Customer & Client Receipts	371,814		559,429				1,874	245,355 11,900		126,498 1,206		171,930 900		14,006
Net Expenditure			933,117					257,255		127,704		172,830		1,490,906
Sub totals														
Christmas Lights														
Total Including Christmas Lights														

## APPENDIX D

Kirkham- Schedule 1 - Proposed sites for transfer				
All sites subject to section 123 & 123 (2A) of the LGA 1972 unless stated				
Plan Number	Location	Tenure	Deed Number	Covenants
1.	Barnfield	F	291	None
2.	Calder Close	F	8 & 45	None
4.	Coronation Road	F	41	None
5.	Crofts Close	F	49	None
6.	Freckleton Street	F	12	None
9.	Market Square	F	50	None
10.	Memorial Gardens	F	3	As playground
12.	Park Road	F	343	As public open space
13.	Southlands	F	354	None
14.	St Georges Park	F	387	Pleasure ground/open space
15.	Station Road Island	F	328	Open space

Kirkham- Schedule 1 - Proposed sites for transfer				
All sites subject to section 123 & 123 (2A) of the LGA 1972 unless stated				
Plan Number	Location	Tenure	Deed Number	Covenants
16.	Station Road Woodland	F	328	Open space
18.	The Chimes	F	354	None
19.	The Close	F	32	None
20	Town End	F		Ornamental site/amenity land
21.	William Segar Hodgson p/field	F	38	As playground/recreation area
	Allotments, School Lane	F		To be retained as allotments, value £2000

Kirkham – Schedule 2 - Sites maintained but not owned by FBC			
Plan Number	Location	Type	Comments
No number	Crown Mews bowling green	Recreation	Currently lease from Newfield Jones homes expired (held over), renegotiate lease with Kirkham TC
7.	Gillow Road	Open space	
8.	Kirkgate	Open space	
11.	Orders Lane open space	Open space	
17.	Sunny Bank	Open space	
22.	Wyre Avenue	Open space	
No number	Carr Lane	Highway verge	
No number	Freckleton Street/Blackpool Road (A583) Junction	Highway verge	
No number	Blackpool Rd (A583)/Ribby Rd (A585)	Highway verge/roundabout	
No number	Blackpool Road (A583)/Ribby Road (B5259) Junction	Highway verge	

Kirkham – Schedule 2 - Sites maintained but not owned by FBC			
Plan Number	Location	Type	Comments
No number	Community Centre	Open space	
No number	Dowbridge Floral Displays	Open space	
No number	Kirkgate Floral Displays	Open space	
No number	Kirkham Library Floral Display	Hanging Baskets	
No number	Poulton Street Floral Displays	Open Space	
No number	Preston Street Floral Displays	Containerised Displays	
No number	Public Offices Floral Displays	Containerised Displays	
No number	St. Georges Roundabout	Highway Verge	
No number	Greenacres	Open Space	

## APPENDIX E

<b>St Annes - Schedule 1 - Proposed sites for transfer</b> All sites subject to section 123 & 123 (2A) of the LGA 1972 unless stated				
Plan Number	Location	Tenure	Deed Number	Covenants
1.	Amenity land at Jubilee Way	Freehold	383	Right to buy back - Ideal Homes
2.	Beau clerk Gardens, St. Annes Road East	Freehold	255	Public Park/Gardens
3	Land at The Crescent	Freehold	247	None
4.	Land at Lima Road	Freehold	353	None
5.	King Georges Field, St, Leonard's Road East	Freehold	197	None
6.	Hope Street Recreation Ground	Freehold	186	None
7	Amenity land at Napier Close	Freehold	344	Public Open Space
8.	Amenity land at Anson Close	Freehold	331	Public Open Space
9.	Amenity land at Highbury road East	Freehold	232	None
10.	Amenity land at Frobisher Drive	Freehold	330	Public Open Space
11.	St. Albans Road Playing Field Hove Road.	Leasehold	187	None
12.	West End Field, Ramsgate Road	Freehold	208	None
13.	Waddington Field, Waddington Road	Freehold	203	None
14.	Flower bed, St. Annes Road East	Freehold	272	Lamppost bed /Ornamental Garden



St Annes – Schedule 2 - Sites maintained but not owned by FBC			
Plan Number	Location	Type	Comments
No number	Highbury Road.	Highway verge	
No number	Closed Churchyard		
No number	Christmas lights		
No Number	Garden Street	5 planters	

## APPENDIX F

<b>Lytham with Ansdell- Schedule 1 - Proposed sites for transfer</b> All sites subject to section 123 & 123 (2A) of the LGA 1972 unless stated				
<b>Plan Number</b>	<b>Location</b>	<b>Tenure</b>	<b>Deed Number</b>	<b>Covenants</b>
17	The Glades (Housing amenity land)	Freehold	389	Open Space with scope for development
18	Green Drive ( woodland)	Freehold	252	Open Space
19	Ansdell Institute (amenity land, Part owned)	Leasehold	351	Rest Garden
20	Lansdowne Road playing field	Freehold	185	None
21	Dicky Bush, Denmark Rd, amenity land	Freehold	217	None
22	Oxford Road, amenity land	Freehold	385	Open Space
23	Oakwood Ave - woodland	Freehold	279	None
24	South Park Playing Field	Freehold	212	Play Area
25	Kirton Crescent, housing amenity land	Freehold	280	Open Space
26	Cambridge Road, (dense historic woodland)	Freehold	249	None
27	Moss Hall Allotments	Freehold	242	Statutory Allotments
28	Tennyson Avenue, amenity land (part owned)	Freehold	184	None

<b>Lytham with Ansdell- Schedule 1 - Proposed sites for transfer</b> All sites subject to section 123 & 123 (2A) of the LGA 1972 unless stated				
Plan Number	Plan Number	Plan Number	Plan Number	Plan Number
29	West Cliffe, Lytham, amenity land	Freehold	386	Open Space
30	2 Parks, Ballam Road, Lytham, amenity land	Leasehold	248	Public Walks
31	Park View Playing Fields	Freehold	183	Recreation/Playing Field as to part
32	Mornington Rd, Playing Fields	Freehold	192	None
33	Clifton Square	Freehold	246	None
34	Memorial Gardens, Lytham	Freehold	396	None
36	Cleveland Road, woodland	Freehold	249	None
37	Forest Drive, Housing amenity land	Freehold	342	Open Space
38	Brookfield Terrace, amenity land	Freehold	273	Ornamental Garden
39	Mythop Rd Allotments	Freehold		Statutory Allotments
	Lorne Street			Open space

Lytham with Ansdell – Schedule 2 - Sites maintained but not owned by FBC			
Plan Number	Location	Type	Comments
	Queensway Road		Highway verge
	Woodlands Rd		Highway verge/Floral display
	Preston Road		Highway Verge/open space
	Assembly rooms		Floral displays
	Hastings Place		Floral displays
	Heritage centre		Floral displays
	Market Square/Memorial		Floral displays
	Park Street		Floral displays
	Ansdell Bus Shelter		Floral displays
	Lytham High Street		Floral displays
	Ansdell Rd/Cambridge Rd Juc'n		Shrub beds

## Summary Table

## APPENDIX G

Appendix G1      Current position 2010/11 as agreed at March 2010

**For illustrative purposes only - there are many potential outcomes depending upon the decision taken. The following illustrations cover some examples:**

Appendix G2      Assumes St Annes community asset transfers go ahead & Fylde does not use the budget headroom to help sustain its services. Special expenses continue for strategic assets in St Anne's and for Kirkham and Lytham.

Appendix G3      Assumes Kirkham community asset transfers go ahead & Fylde uses the headroom to help sustain its services. Special expenses continue for strategic assets in Kirkham and for Lytham and St Anne's.

Appendix G4      Assumes Kirkham & St Annes community asset transfers go ahead & Fylde uses the headroom to help sustain its services. Special Expenses continue for strategic assets in Kirkham and St Anne's and for Lytham.

Appendix G5      Assumes Kirkham & St Annes community asset transfers go ahead & Fylde uses the headroom to help sustain its services. The cost of strategic assets in Kirkham, St Annes and Lytham is transferred to the Borough Council Tax

**NB: All examples exclude the County, Police and Fire precepts and use the current precepts for 2010/11 as the underlying position in the absence of data for 2011/12 being finalised by any Council at this time.**

**The ongoing review of utility bills has not yet reported on the impact on Special Expenses therefore these figures remain provisional.**

## Impacts of options on Special Expenses, Council Tax and Precepts

## APPENDIX G

## Composition of Council Tax Bills

## 1. Current position 2010/11 as agreed in March 2010 ( NB: all examples exclude the County, Police and Fire precepts)

Parish or Area	2010/11 tax base	Parish Precept 2010/11	Special Expenses	Fylde Borough Council Tax @ Band D £-p	Parish Precept @ Band D £-p	Special expenses @ Band D £-p	Current Band D Council Tax £-p
Unparished area - Lytham	7738.10	£0	£543,206	139.20	0.00	70.20	209.40
Bryning-with-Warton	1245.07	£42,000		139.20	33.73		172.93
Elswick	434.78	£19,250		139.20	44.28		183.48
Freckleton	2087.85	£96,767		139.20	46.35		185.55
Greenhalgh-with-Thistleton	180.75	£7,000		139.20	38.73		177.93
Kirkham	2270.78	£25,000	£128,860	139.20	11.01	56.75	206.96
Little Eccleston-with-Larbreck	209.39	£6,805		139.20	32.50		171.70
Medlar-with-Wesham	1152.07	£48,622		139.20	42.20		181.40
Newton-with-Clifton	1040.35	£49,290		139.20	47.38		186.58
Ribby-with-Wrea	742.00	£46,050		139.20	62.06		201.26
Singleton	452.47	£13,377		139.20	29.56		168.76
Staining	848.51	£43,864		139.20	51.70		190.90
St Annes	10522.98	£94,520	£738,701	139.20	8.98	70.20	218.38
Treales, Roseacre & Wharles	222.71	£6,456		139.20	28.99		168.19
Weeton-with-Preese	278.01	£13,500		139.20	48.56		187.76
Westby-with-Plumpton	535.43	£8,000		139.20	14.94		154.14
	<b>29961.25</b>	<b>£520,501</b>	<b>£1,410,767</b>	<b>4,170,714</b>			

The detailed analysis that has been undertaken as part of this review has resulted in revised estimated charges for Special Expenses as follows:

Lytham	£687,133
Kirkham	£174,704
St Anne's	£629,069
Total	£1,490,906

This reflects the change in St Annes and Lytham, now that the figures for the actual costs are known rather than using the tax base and has also shown an increase in the total cost of the services charged as Special Expenses by £80,139, to a total of £1,490,906 for 2011/12. The tables that follow reflect this better information.

**For illustrative purposes only**

**2. Future projections assuming St Annes community asset transfers go ahead & Fylde does not use the budget headroom to help sustain its services.  
Special expenses continue for strategic assets in St Anne's and for Kirkham and Lytham.**

Parish or Area	2010/11 tax base	Parish Precept 2010/11	Additional Parish Precept 2011/12	Special Expenses	Fylde Borough Council Tax @ Band D £-p	Parish Precept @ Band D £-p	Special expenses @ Band D £-p	Current Band D Council Tax £-p	Original Band D Council Tax £-p	Cash Change £-p	Overall% Change %
Unparished area - Lytham	7738.10	£0		<b>£687,133</b>	139.20	0.00	88.80	228.00	209.40	18.60	8.88
Bryning-with-Warton	1245.07	£42,000			139.20	33.73		172.93	172.93	0.00	0.00
Elswick	434.78	£19,250			139.20	44.28		183.48	183.48	0.00	0.00
Freckleton	2087.85	£96,767			139.20	46.35		185.55	185.55	0.00	0.00
Greenhalgh-with-Thistleton	180.75	£7,000			139.20	38.73		177.93	177.93	0.00	0.00
Kirkham	2270.78	£25,000		<b>£174,704</b>	139.20	11.01	76.94	227.15	206.96	20.19	9.75
Little Eccleston-with-Larbreck	209.39	£6,805			139.20	32.50		171.70	171.70	0.00	0.00
Medlar-with-Wesham	1152.07	£48,622			139.20	42.20		181.40	181.40	0.00	0.00
Newton-with-Clifton	1040.35	£49,290			139.20	47.38		186.58	186.58	0.00	0.00
Ribby-with-Wrea	742.00	£46,050			139.20	62.06		201.26	201.26	0.00	0.00
Singleton	452.47	£13,377			139.20	29.56		168.76	168.76	0.00	0.00
Staining	848.51	£43,864			139.20	51.70		190.90	190.90	0.00	0.00
St Annes	10522.98	£94,520	<b>£257,255</b>	<b>£371,814</b>	139.20	33.43	35.33	207.96	218.38	-10.42	-4.77
Treales, Roseacre & Wharles	222.71	£6,456			139.20	28.99		168.19	168.19	0.00	0.00
Weeton-with-Preese	278.01	£13,500			139.20	48.56		187.76	187.76	0.00	0.00
Westby-with-Plumpton	535.43	£8,000			139.20	14.94		154.14	154.14	0.00	0.00
	<b>29961.25</b>	<b>£520,501</b>	<b>£257,255</b>	<b>£1,233,651</b>	<b>4,170,714</b>						



For illustrative purposes only											
3. Future projections assuming Kirkham community asset transfers go ahead & Fylde uses the headroom to help sustain its services. Special expenses continue for strategic assets in Kirkham and for Lytham and St Anne's.											
Parish or Area	2010/11 tax base	Parish Precept 2010/11	Additional precept Transfer of Assets and maintenance	Special Expenses	Fylde Borough Council Tax @ Band D £-p	Parish Precept @ Band D £-p	Special expenses @ Band D £-p	Revised Band D Council Tax £-p	Original Band D Council Tax £-p	Cash Change £-p	Overall% Change %
Unparished area - Lytham	7738.10	£0		£687,133	142.30	0.00	88.80	231.10	209.40	21.70	10.36
Bryning-with-Warton	1245.07	£42,000			142.30	33.73		176.03	172.93	3.10	1.79
Elswick	434.78	£19,250			142.30	44.28		186.58	183.48	3.10	1.69
Freckleton	2087.85	£96,767			142.30	46.35		188.65	185.55	3.10	1.67
Greenhalgh-with-Thistleton	180.75	£7,000			142.30	38.73		181.03	177.93	3.10	1.74
Kirkham	2270.78	£25,000	£172,830	£1,874	142.30	87.12	0.83	230.25	206.96	23.29	11.25
Little Eccleston-with-Larbreck	209.39	£6,805			142.30	32.50		174.80	171.70	3.10	1.80
Medlar-with-Wesham	1152.07	£48,622			142.30	42.20		184.50	181.40	3.10	1.71
Newton-with-Clifton	1040.35	£49,290			142.30	47.38		189.68	186.58	3.10	1.66
Ribby-with-Wrea	742.00	£46,050			142.30	62.06		204.36	201.26	3.10	1.54
Singleton	452.47	£13,377			142.30	29.56		171.86	168.76	3.10	1.84
Staining	848.51	£43,864			142.30	51.70		194.00	190.90	3.10	1.62
St Annes	10522.98	£94,520		£629,069	142.30	8.98	59.78	211.06	218.38	-7.32	-3.35
Treales, Roseacre & Wharles	222.71	£6,456			142.30	28.99		171.29	168.19	3.10	1.84
Weeton-with-Preese	278.01	£13,500			142.30	48.56		190.86	187.76	3.10	1.65
Westby-with-Plumpton	535.43	£8,000			142.30	14.94		157.24	154.14	3.10	2.01
	<b>29961.25</b>	<b>£520,501</b>	<b>£172,830</b>	<b>£1,318,076</b>	<b>4,263,405</b>						

For illustrative purposes only											
4. Future projections assuming Kirkham & St Annes community asset transfers go ahead & Fylde uses the headroom to help sustain its services. Special Expenses continue for strategic assets in Kirkham and St Anne's and for Lytham.											

Parish or Area	2010/11 tax base	Parish Precept 2010/11	Additional precept Transfer of Assets and maintenance	Special Expenses	Fylde Borough Council Tax @ Band D £-p	Parish Precept @ Band D £-p	Special expenses @ Band D £-p	Revised Band D Council Tax £-p	Original Band D Council Tax £-p	Cash Change £-p	Overall% Change %
Unparished area - Lytham	7738.10	£0		£687,133	150.88	0.00	88.80	239.68	209.40	30.28	14.46
Bryning-with-Warton	1245.07	£42,000			150.88	33.73		184.61	172.93	11.68	6.76
Elswick	434.78	£19,250			150.88	44.28		195.16	183.48	11.68	6.36
Freckleton	2087.85	£96,767			150.88	46.35		197.23	185.55	11.68	6.29
Greenhalgh-with-Thistleton	180.75	£7,000			150.88	38.73		189.61	177.93	11.68	6.56
Kirkham	2270.78	£25,000	£172,830	£1,874	150.88	87.12	0.83	238.83	206.96	31.87	15.40
Little Eccleston-with-Larbreck	209.39	£6,805			150.88	32.50		183.38	171.70	11.68	6.80
Medlar-with-Wesham	1152.07	£48,622			150.88	42.20		193.08	181.40	11.68	6.44
Newton-with-Clifton	1040.35	£49,290			150.88	47.38		198.26	186.58	11.68	6.26
Ribby-with-Wrea	742.00	£46,050			150.88	62.06		212.94	201.26	11.68	5.80
Singleton	452.47	£13,377			150.88	29.56		180.44	168.76	11.68	6.92
Staining	848.51	£43,864			150.88	51.70		202.58	190.90	11.68	6.12
St Annes	10522.98	£94,520	£257,255	£371,814	150.88	33.43	35.33	219.64	218.38	1.26	0.58
Treales, Roseacre & Wharles	222.71	£6,456			150.88	28.99		179.87	168.19	11.68	6.94
Weeton-with-Preese	278.01	£13,500			150.88	48.56		199.44	187.76	11.68	6.22
Westby-with-Plumpton	535.43	£8,000			150.88	14.94		165.82	154.14	11.68	7.58
	<b>29961.25</b>	<b>£520,501</b>	<b>£430,085</b>	<b>£1,060,821</b>	<b>4,520,660.00</b>						

## For illustrative purposes only

5. Future projections assuming Kirkham & St Annes community asset transfers go ahead & Fylde uses the headroom to help sustain its services.  
The cost of strategic assets in Kirkham, St Annes and Lytham is transferred to the Borough Council Tax

Parish or Area	2010/11 tax base	Parish Precept 2010/11	Additional precept Transfer of Assets and maintenance	Special Expenses	Fylde Borough Council Tax @ Band D £-p	Parish Precept @ Band D £-p	Special expense s @ Band D £-p	Revised Band D Council Tax £-p	Original Band D Council Tax £-p	Cash Change £-p	Overall% Change %
Unparished area - Lytham	7738.10	£0		<b>£127,704</b>	182.03	0.00	16.50	198.53	209.40	-10.87	-5.19
Bryning-with-Warton	1245.07	£42,000			182.03	33.73		215.76	172.93	42.83	24.77
Elswick	434.78	£19,250			182.03	44.28		226.31	183.48	42.83	23.34
Freckleton	2087.85	£96,767			182.03	46.35		228.38	185.55	42.83	23.08
Greenhalgh-with-Thistleton	180.75	£7,000			182.03	38.73		220.76	177.93	42.83	24.07
Kirkham	2270.78	£25,000	<b>£172,830</b>		182.03	87.12	0.00	269.15	206.96	62.19	30.05
Little Eccleston-with-Larbreck	209.39	£6,805			182.03	32.50		214.53	171.70	42.83	24.94
Medlar-with-Wesham	1152.07	£48,622			182.03	42.20		224.23	181.40	42.83	23.61
Newton-with-Clifton	1040.35	£49,290			182.03	47.38		229.41	186.58	42.83	22.95
Ribby-with-Wrea	742.00	£46,050			182.03	62.06		244.09	201.26	42.83	21.28
Singleton	452.47	£13,377			182.03	29.56		211.59	168.76	42.83	25.38
Staining	848.51	£43,864			182.03	51.70		233.73	190.90	42.83	22.43
St Annes	10522.98	£94,520	<b>£257,255</b>		182.03	33.43	0.00	215.46	218.38	-2.92	-1.34
Treales, Roseacre & Wharles	222.71	£6,456			182.03	28.99		211.02	168.19	42.83	25.46
Weeton-with-Preese	278.01	£13,500			182.03	48.56		230.59	187.76	42.83	22.81
Westby-with-Plumpton	535.43	£8,000			182.03	14.94		196.97	154.14	42.83	27.79
	<b>29961.25</b>	<b>£520,501</b>	<b>£430,085</b>	<b>£127,704</b>	<b>£5,453,777</b>						

**Summary schedule of Capital Works at November 2010**

<b>Cost summary per site for open space capital works</b>			
			<b>Value £'s</b>
1	BARNFIELD		£460.00
2	CALDER CLOSE		£5,564.00
4	CORONATION ROAD		£0.00
5	CROFTS CLOSE		£0.00
6	FRECKLETON STREET		£0.00
9	MARKET SQUARE		£450.00
10	MEMORIAL GARDENS		£27,061.00
12	PARK ROAD		£0.00
13	SOUTHLANDS		£420.00
14	ST GEORGES PARK		£9,431.00
15	STATION ROAD ISLAND		£970.00
16	STATION ROAD WOODLAND		£10,581.00
18	THE CHIMES		£1,100.00
19	THE CLOSE		£892.00
20	TOWN END		£0.00
21	WILLIAM SEGAR HODGSON P/FIELD		£4,580.00
	<b>Total of repair cost estimates</b>		<b>£61,509.00</b>

The detailed analysis of works per site resulting in this summary is held by Mark Wilde – Parks and Leisure.

**Table of risks and opportunities involved in Asset Transfer and ways to manage them**

Risk/opportunities	Possible actions to manage risk or take the opportunity
Town Council may not have the capacity to take over and manage the asset effectively at the start.	<ul style="list-style-type: none"> <li>• The Local Council has shown or agrees to develop, fund and implement an agreed organisational development plan, adopting relevant quality standards such as the Quality Parish Council Charter.</li> <li>• A three year Management and Administration agreement transitional approach is agreed and transfer is conditional upon a review of organisational capacity during the transition phase.</li> <li>• The Council could offer a long leasehold transfer initially, with freehold transferred at a point in time where sound management capacity has been proven.</li> </ul>
The Borough Council will experience a loss of economy of scale which makes it uneconomic to continue to carry out maintenance of dispersed sites, after transfer of the major sites.	<ul style="list-style-type: none"> <li>• Agree a transfer contract which requires the town councils to fund the maintenance of all community assets not owned but maintained by the Borough Council. Those continue to be maintained to current standards under the agreement for three years, during that time the town council would negotiate with the owners the future arrangements.</li> <li>• In the case of closed churchyards, a partnership arrangement whereby the grounds maintenance and inspection is the responsibility of the Town Council but the correction of unstable headstones could remain with the Borough Council.</li> <li>• Cease maintaining sites the Council doesn't own, where that is possible.</li> </ul>
The Borough Council loss of economies of scale results in overhanging management costs and contractual arrangements.	<ul style="list-style-type: none"> <li>• Agree a transitional phase management and maintenance agreement for three years to allow time to manage down the loss of economies of scale and minimisation of overhanging contractual commitments such as leased vehicle costs.</li> </ul>
Town Council cannot raise funding to develop assets (Impact of referendum call by residents experiencing significant Council Tax increase – assuming localism bill continues to include local councils, does not	<ul style="list-style-type: none"> <li>• Borough Council works in partnership with the town councils to identify funders, locally and nationally, to ensure maximum assistance is obtained. This promise is included in an "expectations agreement".</li> </ul>

Risk/opportunities	Possible actions to manage risk or take the opportunity
exempt such capital funding activity and the bill receives royal ascent)	
Assets are not used in the public interest or access to assets is not inclusive.	<ul style="list-style-type: none"> <li>• Councils work together to develop an “expectations document” which forms the basis of an ongoing partnership that outlines their aspirations for the future, including a commitment to promoting equality of opportunity and open, accountable and transparent governance procedures.</li> <li>• Leasehold or freehold documents to include covenants which determine the purposes for which the asset can be used without unduly restricting the Town Council's ability to innovate and exploit the asset.</li> <li>• Inclusion of an asset lock which imposes restrictions on the sale of freehold or leasehold to third parties, such that assets cannot be used for purposes other than those defined.</li> </ul>
Asset becomes developable and the Borough Council faces criticism for having given it away.	<ul style="list-style-type: none"> <li>• Transfers are subject to a sliding scale claw back clause in the event of a future sale within 50 years, i.e. 98% of net sale proceeds in year one and 2% in year 50.</li> </ul>
Opportunity to ease budget pressures	<ul style="list-style-type: none"> <li>• The decision proceeds.</li> </ul>
Loss of key staff at either council	<ul style="list-style-type: none"> <li>• A strongly collaborative or partnership approach should be developed, then changes at either side will be cushioned.</li> <li>• A transitional phase contract will support the initial handover.</li> <li>• Given the significant volume of assets being transferred, internal handovers prior to staff changes will be needed.</li> </ul>
Parks development scheme risks:  Cost over run	<ul style="list-style-type: none"> <li>• Write specification with optional elements</li> <li>• Reduce programme of works to stay within budget</li> <li>• Apply for additional grant aid</li> </ul>

Risk/opportunities	Possible actions to manage risk or take the opportunity
Grant conditions not maintained	<ul style="list-style-type: none"> <li>• Write into the transfer agreement the requirement to maintain grant terms and conditions.</li> </ul>
The Town Council does not have the Information Technology in place to manage the range of services involved effectively.	The three year contract period will give time for the Town Council to develop appropriate systems depending upon how they want to run the service after transfer.

**NB Highlighted text is the recommended option for managing the risks and opportunities**

### **Schedule of other bodies**

Throughout the assignment other partnerships, bodies or programmes have been identified that offer appropriate learning or peer review opportunities.

- The National Association of Local Councils (NALC).
- The Commission for Architecture and the Built Environment.
- The Commission for Rural Communities.
- Individual Quality Parish Councils currently carrying out the required functions.
- The Big Lottery Grants funding body.



## Cabinet



Date	Wednesday, 19 January 2011
Venue	Town Hall, St Annes
Committee members	Councillor Susan Fazackerley (Deputy Leader) Councillors Karen Buckley, Dr. Trevor Fiddler, Cheryl Little, Albert Pounder, Thomas Threlfall
Other Councillors	Councillors Fabian Craig-Wilson, Elizabeth Oades, Linda Nulty, Elaine Silverwood
Officers	Phillip Woodward, Joanna Scott, Ian Curtis, Clare Platt, Andy Cain, Lyndsey Lacey
Members of the public	3 Members of the public were present

### 1. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000. No Members declared any interests.

Councillor Susan Fazackerley declared a personal interest in item 5 in so far as she is a trustee of Lowther Gardens.

### 2. Confirmation of minutes

RESOLVED: To approve the minutes of the Cabinet meeting held on 15 December 2010 as a correct record for signature by the chairman.

### 3. Urgent items

There were no urgent items of business.

### 4. Policy Development Scrutiny Committee - Recommendations

Councillor Fabian Craig-Wilson (Chairman of the Policy Development Scrutiny Committee) presented the recommendations made by the Committee at its meeting held on 6 January 2011 (previously circulated)

Councillor Wilson stated that with the exception of the item below, the other remaining recommendation contained within the report was for noting and required the endorsement of Cabinet.

## **Transfer of Assets to Town / Parish Councils**

### *Recommended for Cabinet approval:*

1. That officers explore Asset Transfers further in relation to Kirkham Town Council, allowing the Town Council to go out to competitive tender for the parks and open space maintenance with outcomes showing localism, and delivering efficiencies and value for money services.
2. That officers be requested to bring forward further reports on:
  - a) Identification of which assets constitute strategic assets
  - b) The budgetary and governance implications of open space transfer to Town Councils, separate to the budgetary options in relation to the strategic assets.

With regard to the above, Councillor Fazackerley made reference to a question that had been submitted by Councillor Oades relating to the transfer of assets which sought clarification on how cabinet intended to act on the above recommendation. Councillor Fazackerley addressed the question in her response.

In her response, Councillor Fazackerley stated that the scrutiny report was very comprehensive and identified the key legal, operational and financial implications of transferring open space assets to the two town councils. She added that the report included a demonstration of the effects of different potential decisions on the transfer of assets, on special expenses and on Council Tax.

Councillor Fazackerley indicated that a significant amount of work had underpinned the report and the detail had been shared with both of the relevant town councils and the overview and scrutiny committee. However, given the timescales involved and the decision of St Anne's Town Council not to proceed at this time, it would not be possible to implement the open space asset transfers in the short term. As such, an instruction had been given to officers to suspend any more work on this issue until after May 2011.

Specifically, in response to recommendation 1 of the Scrutiny Committee, it was felt that Kirkham Town Council's unilateral wish to progress on its own terms did not adequately protect the interests of the Council and assurances were needed that any impact on FBC Council Tax payers had been mitigated if the transfers were to go ahead.

Councillor Fazackerley further stated that the Borough Council had carried out a considerable amount of work on this issue in recent years and had agreed to pay for substantial capital investment in the assets prior to giving them to Kirkham Town Council, which demonstrated the Council's ongoing commitment. However, a transfer to KTC in the absence of a transitional period was not considered acceptable at this point in time because it would leave FBC with potentially significant residual costs which would have a far-reaching impact. It was also felt that a transitional hand over period of a mutually acceptable duration would benefit the Town Council in terms of helping it to develop its own capacity to ensure a sustainable outcome.

Members of the Cabinet were therefore asked not to accept the recommendations of the Scrutiny Committee in relation to this matter but to adopt the modified recommendations as detailed below:

1. That this Council confirms its ongoing commitment to the transfer of open space assets to both Kirkham and St Annes Town Councils and that further negotiations be held with both Town Councils with a view to securing the transfer at a time and on terms which are acceptable to all parties.
2. To agree that officers undertake further work with relevant stakeholders after May 2011 to consider what constitutes a “strategic asset”.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED to note the recommendations made by the Policy Development Scrutiny Committee and agree the recommendations as detailed above in relation to the transfer of assets to town councils.

#### 5. Lowther Trust

Ian Curtis (Head of Governance) sought Cabinet’s endorsement for a change to the scheme governing the administration of the Lowther Gardens charity,

Mr Curtis explained that on 28 April 2010, Cabinet resolved to appoint additional trustees to the charitable trust that had responsibility for Lowther Gardens and Pavilion, Lytham. He added that it had become clear that a change to the governing document of the charity should have been made to formalise those appointments.

Cabinet was asked to make the change to the governing document set out in the draft memorandum circulated with the report.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED to exercise the power in clause 9 of the scheme relating to Lowther Gardens, Lytham to make the changes to the scheme set out in the draft memorandum attached to the report.

#### 6. Latest financial forecast Update (position as at January 2011)

Councillor Karen Buckley (Portfolio Holder for Finance and Resources) presented an update of the financial forecast for the five years 2010/11 to 2014/15 which included the financial impact of the Local Government finance settlement announcement received on 13 December.

Councillor Buckley further highlighted the mid year Capital position and the associated financial risks together with key areas of change and financial risk to the general fund revenue budget forecast.

Included with the report was a copy of the financial position, a schedule of unavoidable forecast changes together with a supporting narrative.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED to note the implications of the updated forecast.

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