

Report to: Asset Management Forum



Date of Meeting 17 June 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

---

## **Community Asset Transfer Proposal - Land at Jubilee Gardens, Jubilee hardstanding (incl playpark) and Beach Court car park, Beer**

Report summary:

The purpose of this report is to consult AMF on a Community Asset Transfer application that has been received in respect of 3 areas of land in Beer.

The application form is attached in the appendix to this report. The report sets out the approved procedure which will be followed in assessing this application.

Consultation is currently underway with officers of relevant council services, along with the local ward member.

A decision on whether we go to Stage 2 (where Beer PC prepares a detailed business case), is then made by the Portfolio Holder for Economy and Assets on the basis of a report from the Assistant Director – Place, Assets & Commercialisation which will be written following consultation with the above.

### **Is the proposed decision in accordance with:**

Budget Yes  No

Policy Framework Yes  No

### **Recommendation:**

1. That AMF notes the report and offers its thoughts on the application at the meeting, as part of the consultation process.
2. That AMF notes that following completion of this consultation, that in accordance with the Procedure, Officers will make a recommendation to the Portfolio Holder for Economy and Assets on whether the applicant should be invited to submit a business case for one or more sites.
3. That AMF notes that should the recommendation be that this application does not progress to the Business Case stage, officers will contact the Parish Council to discuss their proposals and identify whether there is scope for a collaborative approach to achieve some of their objectives set out in the EOI.

### **Reason for recommendation:**

To enable the application to be assessed in line with the Procedure and a decision to be taken by the Portfolio Holder for Economy and Assets.

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

**Links to background information** [EDDC Community Asset Transfer Procedure \(eastdevon.gov.uk\)](http://eastdevon.gov.uk)

**Link to [Council Plan](#)**

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

---

**Report in full**

**1. Background.**

- 1.1 The Council's procedure for Community Asset Transfers was approved last year. A copy of the procedure can be found at [EDDC Community Asset Transfer Procedure \(eastdevon.gov.uk\)](http://eastdevon.gov.uk). This is the second CAT application that has been received under the new procedure.
- 1.2 An Expression of Interest has been submitted by Beer Parish Council to acquire land at Jubilee Gardens, Jubilee Hardstanding and Beach Court car park, Beer (see plans below).
- 1.3 The Expression of Interest is attached as Appendix 1.

**2. Procedure.**

- 2.1 On receipt of the EOI, the council consults with:
  - a) SLT
  - b) Ward Members: Cllr John Heath
  - c) The Asset Management Forum (hence purpose of this report)
  - d) Any other persons or bodies as deemed appropriate

2.2 A decision on whether we go to Stage 2 (where Beer PC prepares a detailed business case), is then made by the Portfolio Holder for Economy and Assets on the basis of a report from the Assistant Director – Place, Assets & Commercialisation which will be written following consultation with the above.

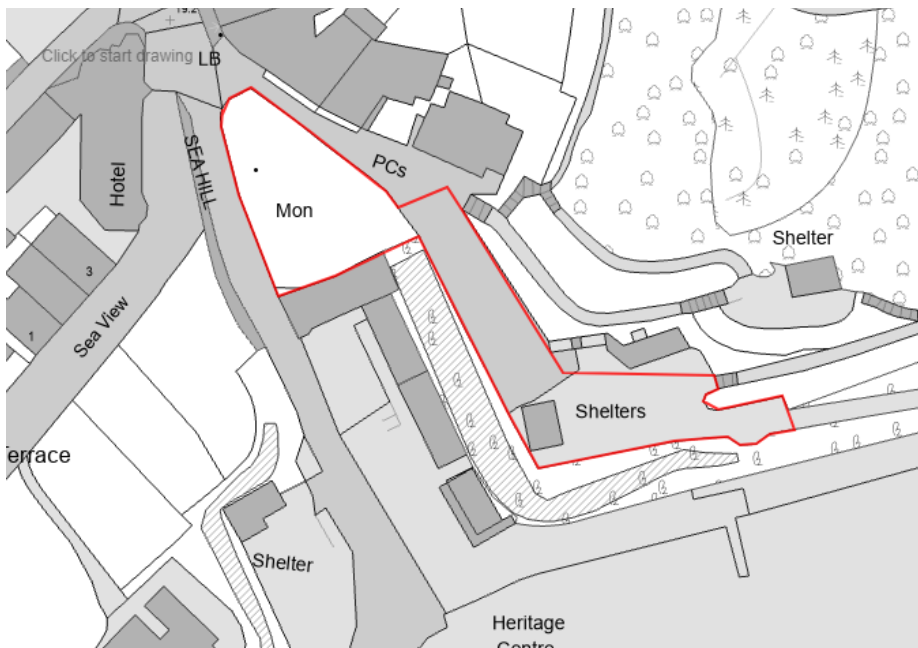
2.3 Consultation with individuals of SLT, ward member, Streetscene, Parking and Engineering Teams has already taken place.

### 3. Site Detail.

3.1 The three areas of land are:

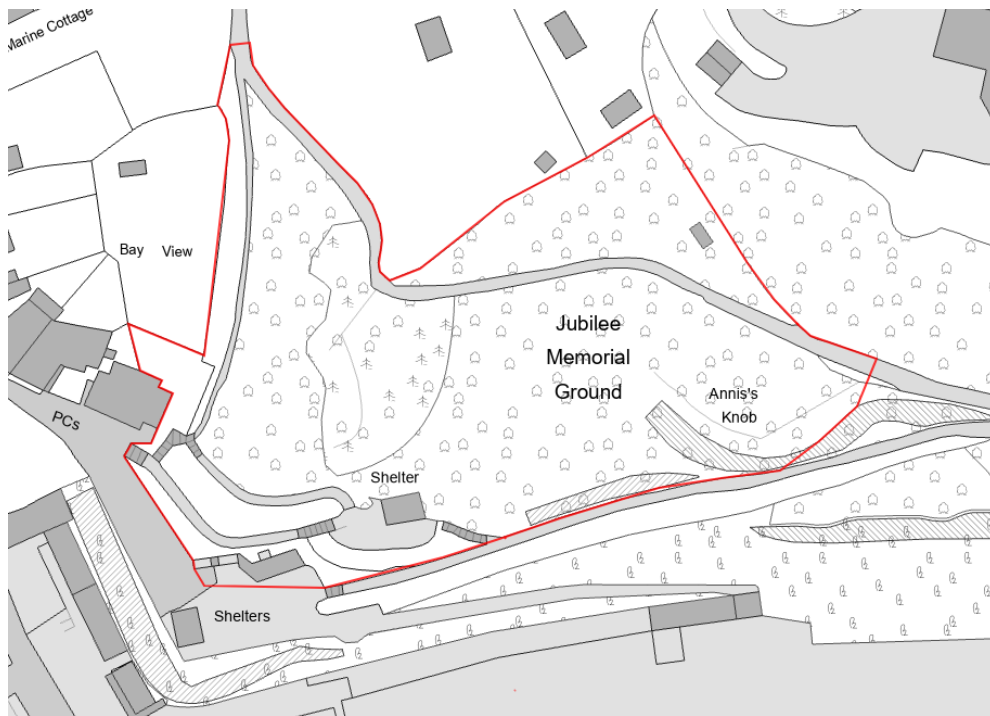
1. Jubilee Hard Standing

This area is shown in the map below and comprises a fenced garden and play area as well as hard standing. It does not include the steep bank and cliff to the west and south or the footpath to the beach. This land forms part of a larger asset DN 370397.



2. Jubilee Gardens

This is shown below and comprises the majority of the land in title DN346418 but excludes the public toilets.



### 3. Beach Court car park

This is as shown below and is the land in title number DN637423. It should be noted that EDDC also owns the strip of land immediately north of this which provides access to Beach Court flats.



3.2 The Parish Council has submitted the **Expression of Interest** (see attached, Appendix 1). **See questions 8 – 12** for details of their proposal and the reasons behind it. The applicant has stated that it would like to acquire all areas of land for “free, or at reduced cost”.

3.3 In brief, the reasons for wanting to acquire the land are as follows:

To maintain the gardens as an attractive open space for the benefit of the village. Income from events on the Hardstanding and from the car park will provide funding for this.

#### **4. Consultation with Relevant Council Services.**

4.1 We have commenced our consultation with colleagues in Estates, Streetscene, Parking and Engineering in respect of this EOI.

4.2 Comments received from officers thus far cover the following:

- i. The car park currently brings in income of approximately £25,000 per annum to this council, and a transfer of this site at nil or reduced cost would therefore have implications for the council's budget. Transfer of the asset would represent a net loss to EDDC of around £15,750 per annum on the basis that Beer PC would continue to use our enforcement and administration services and would be prepared to pay a fee to do so.
- ii. The estimated costs to Streetscene in respect of management and maintenance is in the region of £15,000 to £20,000 per annum.
- iii. The cost of maintenance and loss of car park income broadly seem to balance each other out, however, the proposal as it stand would leave EDDC with liability for the cliffs which ultimately wouldn't benefit our land. There should be a balance between assets and liabilities and EDDC should not be left with liabilities for the cliffs whilst losing the assets producing income.
- iv. If Jubilee Gardens and play area are to transfer, the adjacent cliff slopes and walls must also be part of the PC responsibility. It would be anomalous for us to retain responsibility for adjacent cliff faces which may need maintenance to allow continued use of the transfer areas. A package of land should include all of an area and not create orphan parcels with high residual maintenance liability.
- v. If the toilets are to be retained by EDDC then we need land around the building to service them and also to allow for the potential creation of a kiosk and associated outside space during the planned rebuild.
- vi. The RNLI concession and maintenance of the shelters on the hardstanding would need to be passed to the PC.
- vii. We would need to ensure that any opening up of Jubilee gardens must maintain closure around the landslide area. Beer PC would need to demonstrate safe working practices and have appropriate risk assessments in place.
- viii. Consideration needs to be made with regard to the legal costs of the transfer.

#### **5. Next Steps.**

- 5.1 We will collate the feedback from the various consultees and from the comments at this meeting, and a report will be prepared for the Portfolio Holder, Economy and Assets with a recommendation from the Assistant Director for PAC.
- 

**Financial implications:**

The financial implications have been identified in the report.

**Legal implications:**

Legal work will need to be repeated to review the titles of the land that is being proposed to be transferred. Significant work was carried out previously but the previous CAT proposed by the Parish Council did not proceed. Legal will assist in reviewing the titles and considering all aspects of the proposed CAT. Legal costs will need to be considered as projects of this type use significant internal resources. With regard to the retention of the cliffs, consideration will need to be given to the legal position of EDDC retaining cliffs that support land transferred to Beer Parish Council and consideration of any liability that this may create in the event that the cliffs cannot be stabilised, in addition to the comments contained in the report with regard to the cost of maintaining the retained cliffs.