

 Executive Committee 9th February 2011		Agenda Item No. 16B
Title	Transfer of Leamington War Memorial to Leamington Town Council	
For further information about this report please contact	Joseph Baconnet Economic Development & Regeneration Manager Tel: 01926 456011 Email: joseph.baconnet@warwickdc.gov.uk	
Service Area	Development Services – Economic Development & Regeneration	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	-	
Background Papers	-	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report author's relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director		Bill Hunt
Chief Executive		Chris Elliott
CMT		Andy Jones
Section 151 Officer		Mike Snow
Legal		
Finance		Jenny Clayton
Portfolio Holder(s)		Cllr Hammon
Consultation Undertaken		
N/A		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. SUMMARY

- 1.1 Leamington Town Council wishes to take on the freehold ownership and responsibility for the Leamington War Memorial in Euston Gardens, Leamington Spa. Warwick District Council currently owns & maintains the memorial and the gardens.
- 1.2 The catalyst for the Town Council's desire to take ownership of the memorial is that has been investigating the missing names of service personnel who have connections with Leamington (those who are not represented on any other memorial). The number agreed, according to the Town Council's adopted criteria, is approximately 15 personnel. Leamington Town Council has also investigated the best method of upgrading the war memorial.

2. RECOMMENDATION

- 2.1 That the Economic Development and Regeneration Manager be authorised to place the necessary public advertisements regarding the proposed disposal referred to in paragraph 2.2 below;
- 2.2 That, subject to no objections being received as a result of the public advertisements referred to in paragraph 2.1 above, the war memorial and the area of land marked on the plan be transferred to Leamington Town Council for no monetary consideration, subject to the conditions below:-
 - That the transfer be subject to a restrictive covenant over its future use; &
 - That the Town Council agrees to keep the war memorial maintained, insured and in good condition.
- 2.3 In the event that objections are received as a result of the public advertisements referred to in paragraph 2.1 above this matter be referred back to Executive for further decision as to whether the sale proposed in paragraph 2.2 above should proceed.

3. REASONS FOR THE RECOMMENDATION

- 3.1 Leamington Town Council has been investigating the missing names of service personnel who are not represented on the war memorial. Over 60 names have been put forward and following extensive research, the Town Council has confirmed that approximately 15 of these are eligible according to the criteria it has set. The Town Council, in conjunction with the District Council Conservation Officer and stonemasons, has investigated the best way to add these names to the war memorial. It has decided that the safest and most cost effective way to do this is to add two plaques to the ground immediately adjacent to the war memorial. This both protects the memorial itself and removes the need to take the memorial apart with all the potential risks that has.
- 3.2 The Town Council has stated that it believes the war memorial is a uniquely Leamington asset and as such it should not be a burden on the ratepayers in other areas of the district. Furthermore all costs associated with this project, currently estimated at £1300, are to be met entirely by the Town Council
- 3.3 The conditions attached to the transfer are to safeguard the memorial and its surroundings in Euston Gardens.

- 3.4 In addition, Leamington Town Council has held discussions with the District Council over the transfer of both Christchurch Gardens and Euston Gardens, however, it is recognised by the Town Council that the transfer of these assets is more complicated (having both an asset and a contract impact on WDC) and would therefore take significantly longer to be considered. The transfer of the memorial to the Town Council means that work to add the missing names to the memorial can begin and be complete before the Remembrance Service in 2011. Its transfer will significantly simplify issues relating to access, indemnity, insurance and the letting of contracts to upgrade the memorial. Members will be aware that the Remembrance Service is both organised and funded by Royal Leamington Spa Town Council.

4 ALTERNATIVE OPTION CONSIDERED

- 4.1 Warwick District Council to retain control of the Leamington War Memorial. This would require the District Council to continue to pay for its maintenance and upkeep and also enter into legal agreements to allow the Town Council to add the missing names & maintain these additions to the war memorial in future.
- 4.2 Strategic Asset Group have recommended transfer to the Town Council, however, Warwick District Council could enter into a long lease or licence with Leamington Town Council to be responsible for the war memorial. This would allow the wider future of Euston Gardens to be considered without the ownership of the memorial becoming a potential issue.
- 4.3 In considering this option (4.2 above), the Town Council has stated that it is not interested in a long term lease for the memorial.

5. BUDGETARY FRAMEWORK

- 5.1 Maintenance of the Leamington War Memorial itself has cost Warwick District Council approximately £128 in direct maintenance., However, the cost of adding additional names to the memorial is approximately £1300 and the new plaques will require an on-going maintenance commitment. Additionally, the ongoing maintenance liability for the memorial is likely to increase as it gets older.

6. POLICY FRAMEWORK

- 6.1 **Strategic Asset Group** is in agreement that memorial should be transferred to the Town Council, subject to constraints limiting any potential disposal of the site by the Town Council (or successor bodies) in the future.

6.2 War Memorials (Local Authorities Powers) Act 1923

The 1923 Act allows for the maintenance of the war memorials to be carried out by town councils. Leamington Town Council sees the transfer of the freehold interest as a logical measure which it believes will ensure that it is managed, maintained and funded locally.

6.3 Disposal of Land at Less than Best Consideration

The District Council is bound by the provisions of Section 123 (2) of the Local Government Act 1972 not to dispose of land for a consideration less than the best that could reasonably be obtained on the open market. In this case, given the burden as to future maintenance which will be imposed on the Town Council a disposal at zero monetary consideration is considered by officers to be the best consideration that could be obtained.

6.4 Open Space Considerations

The War Memorial forms part of Euston Gardens which is public open space. Section 123 (2A) of the 1972 Local Government Act requires that any proposal to dispose of open space land (even when for an innocent purpose such as that proposed here) must be advertised for two weeks in a local newspaper. The District Council must consider any objections to the proposed disposal before proceeding. Unlikely as it seems that any objections will be made this requirement must be observed and the Recommendation before Executive reflects this.