

To receive a report on Devolution of assets and consider any actions and associated expenditure

Report to: Devolution Sub Committee

Date of Report: 28.08.25

Officer Writing the Report: Town Clerk

Pursuant to: Full Council held 6 February 2025 minute 336/24/25c received Devolution Sub Committee recommendation for consideration.

It was **RESOLVED** to note the minutes and consider the following recommendations:

RECOMMENDATION 1:

9/24/25 TO RECEIVE THE DRAFT LEASE FOR VICTORIA GARDENS AND MAURICE HUGGINS ROOM AND CONSIDER ANY ACTIONS AND ASSOCIATED EXPENDITURE.

It was proposed by Councillor Bullock, seconded by Councillor Bickford and resolved to **RECOMMEND** to Full Council to be held on 6 February 2025 to refuse the Lease based on and detailed above:

1. Omission of agreed funding;
2. Lack of break clause;
3. No reference to Freehold transfer;
4. Risk to Town Council;
5. Restrictions on permitted use;
6. Maintenance and decoration obligations;
7. Restrictions on alterations;
8. No compensation for improvements.

The Town Clerk reported on discussions held after the Devolution Sub-Committee with the responsible Cornwall Council officers to advise of the recommendation to refuse the draft Lease.

The Town Clerk shared an email with Members from the responsible Cornwall Council officer acknowledging the Town Council's concerns regarding the draft Lease.

Further to this, Cornwall Council recognise there are various Saltash properties 'under discussion' with Cornwall Council with regard to devolution and instead of considering these as 'silos' it may be an opportune to consider a single transaction where a number of properties are dealt with together where the proposed terms are similar.

This approach would improve efficiency and allow the properties to be considered as a package, potentially increasing the devolution capital grant previously offered, subject to the final set of assets included.

Properties under consideration include Alexandra Square Toilets, the Memorial Peace Garden, Maurice Huggins Room, Victoria Gardens, Brunel Green Two (Jubilee Green), and the public space at Tamar Street where the existing Waterside play area is due for replacement.

Although outside the direct remit of the responsible Cornwall Council officer, it was noted that a Community Infrastructure Funding (CIL) application for Brunel Green Two (Jubilee Green) has been approved. This funding could serve as a catalyst to drive the inclusion of all these properties into a single devolution project.

Cornwall Council very much see Saltash Town Council as an important partner and welcome discussion to achieve both our goals.

It was raised at the meeting that Saltash Town Council would be interested in discussing a devolution package with Cornwall Council that provides Saltash Town Council with a healthier devolution capital grant and assets that create income to assist in offsetting expenditure.

It was proposed by Councillor Mortimore, seconded by Councillor Dent and **RESOLVED:**

1. To note the Town Clerks update;
2. To refuse the Devolution Sub Committees recommendation received at this evenings meeting;
3. To delegate to the Town Clerk to work with the responsible Cornwall Council officers, Cornwall Councillor Frank, Chairman of Saltash Town Council and the Chairman of the Devolution Sub Committee to negotiate on the draft Lease and discuss the potential option for a Saltash devolution package;
4. To report back at a future Devolution Sub Committee meeting the outcome of the Cornwall Council meeting for the Sub Committee's consideration.

Officers Recommendations

For noting: The Devolution Agenda was set to allow for the election of a Chair and Vice Chair, and to provide an update on the ongoing devolution work. At the time of scheduling, no response had been received from Cornwall Council, and the meeting was therefore set for 30 minutes.

Members are asked to note the update and agree that the matter of devolution be considered more broadly at the first internal Chairs Forum (open to all Members).

In the meantime, Members are invited to raise any questions or provide specific instructions they wish the Town Clerk to follow up on.

Report Summary

Further to the resolution passed by Full Council, it has proven challenging to secure a meeting date for various reasons.

However, on Friday 25 July, the Mayor, Deputy Mayor, and Town Clerk met via Teams with our Community Link Officer to discuss the potential devolution of Victoria Gardens and the Maurice Huggins Room to Saltash Town Council.

Both parties acknowledged that discussions around these sites have been ongoing for some time. Nevertheless, it was agreed that it remains essential to ensure any agreement is mutually beneficial for both Cornwall Council and Saltash Town Council, now and in the long term.

Following the meeting, it was agreed that the Town Clerk would summarise the key points and outline the next steps sending to the Community Link Officer.

These are detailed below:

Recap of Saltash Town Council's Position:

As agreed at the Full Town Council meeting held on **6 February 2025** (previous Council term), the following concerns were raised regarding the draft lease:

1. Omission of agreed funding
2. Lack of a break clause
3. No reference to a potential freehold transfer

4. Risk exposure to the Town Council
5. Restrictions on permitted use
6. Maintenance and decoration obligations
7. Restrictions on alterations
8. No compensation for improvements

Resolution:

It was proposed by Cllr. Mortimore, seconded by Cllr. Dent, and **RESOLVED:**

1. To note the Town Clerk's update
2. To refuse the Devolution Sub-Committee's recommendation received at that evening's meeting
3. To delegate to the Town Clerk to work with the relevant Cornwall Council officers, Cornwall Cllr. Frank, the Chairman of Saltash Town Council, and the Chairman of the Devolution Sub-Committee to negotiate the draft lease and explore the potential for a Saltash devolution package
4. To report back to a future Devolution Sub-Committee meeting with the outcome of discussions for further consideration

I believe we are now operating under point 3 of the resolution—negotiation talks.

Actions from Today's Meeting:

We agreed to pose the following questions to the relevant Cornwall Council officer:

1. Given the current draft lease term (5 years) implies a more hands-on approach by Cornwall Council, could we see a comparison between:
 - The current offer
 - A 99-year lease with a break clause with a freehold at the end
 - A direct freehold transfer
2. Would the devolution capital grant (currently £5,000) be reconsidered or increased if STC were to agree to a 99-year lease or a freehold transfer?

Site Documentation

STC's solicitors have already undertaken much of the due diligence regarding site documentation. To avoid duplication, I can re-circulate this information to Members as needed. Any missing documents can be requested at a later stage.

Devolution Package Considerations:

We understand from today's discussion that including Victoria Gardens / Maurice Huggins Room in a wider devolution package may delay progress due to Cornwall Council legal team capacity. Therefore, it may be more pragmatic to proceed with lease negotiations separately and revisit a broader devolution package later.

That said, it's worth revisiting Jo Keene's email dated 5 February:

"As you know there are various properties 'under discussion' with regard to devolution and instead of considering these as 'silos' it may be opportune to consider a single transaction where a number of properties are dealt with together where the proposed terms are similar. This would enable efficiencies to be achieved and we could look at the package as a whole to consider whether this may offer some increase to the devolution capital grant sum offered previously, subject to the final set of assets proposed for inclusion. The properties would include for example Alexandra Square Toilets, the Memorial Peace Gardens, Maurice Huggins and Victoria Gardens, Brunel Green 2 (aka Jubilee Green) and the public open space at Tamar Street (where the existing Waterside play area to be replaced is located) where we could look at 99-year leases".

Is this still a viable option?

I believe that covers everything discussed, but please do let me know if I've missed anything or if you'd like to add further points.

The Community Link Officer responded confirming, Jo Keene is on leave until the 13 August but as soon as she gets a chance, she will share the queries STC have with Jo and respond accordingly.

END OF MEETING SUMMARY.

Today (28.08.25) the Community Link Officer responded to the Town Clerk's email providing the following information for Members consideration:

Lease comparison:

A 5-year lease is a short-term agreement, while a 99-year lease is considered a long-term agreement, so for a shorter lease a landlord would require more consents/insight into how the asset is managed/maintained. Whereas for a long lease, as the tenant will be responsible for a much longer period, there would be less requirement to seek consents. A comparison you could make is to review the 99 year lease in place for the toilets at Belle Vue compared to the draft 5 year lease for Victoria Gardens/Maurice Huggins Room.

Freehold means that Saltash TC would totally own the asset and have full responsibility. Cornwall Council would no longer have any interest. But it's unusual to have a 99 year lease with a freehold transfer at the end of the lease. A 99 year lease is often seen as the longest practical term for property, essentially equivalent to ownership in some cases.

The reason why the current proposal is a 5 year lease, with an option for a 99 year lease (or freehold) at the end, is that Saltash TC had previously advised that they wished to experience managing the site before stepping into a long lease/full ownership. Both freehold and a 99 year lease had been considered by Saltash TC before.

Any lease would be written in line with the Landlord & Tenant Act 1954 and the draft you have would have been developed based on this act, with a view that it would be refined/revised to meet what both CC and STC were satisfied with.

Based on the recent meeting, I think it is now for Saltash TC to decide how they want to proceed, with the options (as far as I can ascertain) being:

- 5 year lease with an option for a long lease or freehold at the end of the term
- 99 year lease
- Freehold

Capital Grant:

With regard to the devolution capital grant, Nicola has advised that STC would need to make a case for additional funding that may be required to support the safe and compliant handover of the asset, in excess of the £5k currently agreed.

Devolution package:

Nicola has advised that a package to address some key priorities could be considered, though that a clear position on the lease/transfer of Victoria Gardens/Maurice Huggins Room needs to be agreed first, prior to the Council committing further resources to additional asset related/devolution activities.

In thinking about a package approach, an initial phase would look to support existing priorities, i.e.:

- Peace gardens
- Alexandra Square toilets
- Jubilee Green (to support the play area /sensory garden project)

If there were further/additional sites STC is interested in, then we could work together to scope these as subsequent phases of activity, as we make progress on delivering the transfers of assets above.

If you wish to meet/discuss any of this with Jo and/or Nicola, let me know.

I hope this information enables Saltash TC, and its Devolution Sub Committee, to consider how it can progress with Victoria Gardens and Maurice Huggins Room and I look forward to hearing further from you.

END OF RESPONSE FROM COMMUNITY LINK OFFICER.

Budgets

Budget Codes: P&F 6280 EMF Town Vision

Budget Availability: £9,665

Committed Spend: £0.00 – STC originally allocated funds some time ago to support the maintenance of Victoria Gardens and the Maurice Huggins Room. A portion of these funds has since been utilised by Town Vision to support the development of the 2024–2027 Business Plan, there may be a requirement to cover future business plans, marketing etc.

Signature of Officer:

Town Clerk