

WINKLEIGH PARISH COUNCIL

CEMETERY BUNGALOW ASSET MANAGEMENT PLAN

2023-2028



This is a document that sets out Winkleigh Parish Councils approved and agreed practices. Any deviation must be by resolution of the full Council.

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Approved by:			
Minutes Reference:			
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THIS IS A CONTROLLED DOCUMENT

INTRODUCTION

This asset management plan (AMP) is a tactical plan for managing Winkleigh Parish council's community asset, 'The Cemetery Bungalow'.

This plan has been developed to guide the council on how to use its property asset more effectively to enable it to meet tough financial targets whilst ensuring that our parishioners and tenants still receive continually improving facilities and services as a result of the use of the asset.

AIM AND EXPECTATIONS OF THE PLAN

The aim of this Asset Management Plan is to ensure that the resources tied up in the land and building is kept to a minimum and that expenditure is used effectively and efficiently to provide value for money ensuring public money is safeguarded and properly accounted for as well as being used economically, efficiently and effectively.

Value for Money does not necessarily mean lowest cost, but fair costs, reflecting the key issues and values of the Council on ethical purchasing, environment and sustainability and local economic well-being in its preference for purchasing from local suppliers.

The Council can expect the following from the Asset Management Plan:

- ✦ Clear and explicit responsibilities for the asset management.
- ✦ Asset management decisions which are planned in a co-ordinated manner and are consistent with the needs of the Parish and the Council

OBJECTIVES

- ✦ The asset is fit for purpose and enable the delivery of the Council's aspirations for continuous improvement
- ✦ Reduce the cost of the annual precept
- ✦ Manage Property as a corporate resource

RESPONSIBILITIES FOR ASSET MANAGEMENT

- The Parish Clerk is responsible for the overall management of the asset and as such oversees the Asset Management Plan and makes recommendations to full council on Legal requirements, resources, priorities, acquisitions, disposals, capital investment and monitors performance of the property.
- The Clerk/RFO manages the asset finances, budget, administration and works associated with the asset as follows
 - plan ahead for use and provision of the Council's property asset. ◦ To be responsible for putting the necessary asset management plan in place.
 - To be responsible for ensuring that the Council's Asset Management Plan is maintained and updated
 - Ensure that the Asset Management Plan is properly implemented.
- The council members of the bungalow working group carry out annual inspections for maintenance/refurbishment purposes and make recommendations to the full council on associated works and rental increases (in accordance with Standing Orders number 21)
- All Council Members and the RFO/Clerk, have the responsibility to ensure the asset is managed in accordance with Council Powers, Standing Orders, Council Financial Regulations and Council Risk Management Scheme
- Pure Lettings Management Agency or such arrangements as may be decided, manage the tenancy for the asset, including tenancy contract, rental collection and property inspections. They also arrange property annual maintenance and emergency repairs (after first consulting with the Parish Clerk). They are first point of contact for the tenant.
- The clerk, will determine if any maintenance/repair needs urgent approval and take the necessary steps in accordance with Standing Orders and Financial Regulations
- Winkleigh Parish Council are responsible for determining the suitability of future tenants in accordance with Torridge District Council Legal Department advice February 2016 regarding Transparency and Fairness, and the Councils Equality and Diversity Policy.
- All inspections to be carried out by the Bungalow group where possible.

RISK MANAGEMENT RELATING TO PROPERTY MANAGEMENT

The control and management of risk to the asset property and the tenants/visitors is a priority and risks are assessed and entered on the Council's Risk Assessment as and when significant risks are identified by and/or notified to, the Parish Clerk.

The Council Risk Management Policy and Health and Safety Policy covers the identified risk to the tenants, visitors, Contractors, Clerk and Councillors associated with the asset

The Council's insurance covers the asset building and internal fixtures and fittings (not tenants personal belongings), against environmental impact, rebuild, fire, landscaping, locks, accidental damage, temporary re-homing of the tenants, decontamination and clean-up

Grounds for Legal Holding

The land now known as the Parish Cemetery and which incorporates the Cemetery Bungalow, was purchased by Agreement and acquired actively by the Parish Council for the purpose of a cemetery and caretakers building. The Conveyance Deed for the purchase of the land contains covenants with regards to the land not being used for any other purpose and solely within the true intent and Meaning of the Burials Act and Local Government Acts 1894 and 1933 (and subsequently LGA 1972)

MONITORING THE PLAN

This is a living document that will be constantly reviewed by council members and the clerk/RFO following the annual inspection, annual budget setting and annual parish council meeting and dynamically assessed following any reported incident/damage

It is important to remember that the cemetery bungalow is owned by Winkleigh Parish Council and is a community asset for the Parish of Winkleigh. The Tenant is a PRIVATE tenant and not a Council tenant, and whilst the Parish Council manage the bungalow, they are PRIVATE landlords and no comparisons should or can be made between Council tenancies and the Cemetery Bungalow tenancy.

LAWFUL REQUIREMENTS

Local Government Act 1972 s.127(1) Disposal of land held by parishes or communities.

A parish or community council may dispose of land held by them in any manner they wish.

s.127(2) Except with the consent of the Secretary of State, land shall not be disposed of under this section, otherwise than by way of a short tenancy (less than 7 years), for a consideration less than the best that can reasonably be obtained

The disposal of land is 'to do with the land as the council sees fit and not solely to pass on ownership of the land'. Any building or parts of buildings on the aforesaid land is included in the definition of land. **Law of Property Act 1925, s.205**

All councils are under a duty at **Common Law** to act in a prudently, business-like fashion and to make the best use of their assets in the interests of the residents/tax payers. This is known as a fiduciary duty. A fiduciary duty is the highest standard of care imposed in either equity or law.

Local councils should ensure that all land in their ownership is either in effective use for a public purpose or considered for disposal so that the proceeds can be used more effectively for the public benefit.

Possession of land imposes duties on councils. Councils are responsible public bodies and as such the level of duty is greater than that placed upon a private citizen.

Under the **Law of Negligence**, WPC have a duty to ensure their acts or omissions do not cause injury or damage to anyone whom it is reasonably foreseeable could be injured by our actions or failure to act. Injury includes illness.

Landlords have a duty of care to their tenants (and anyone who enters onto their property) and no exemption is given even if the tenants waive their rights to repairs being undertaken, the Landlord must carry out the required lawful repairs and maintenance.

Winkleigh Parish Council has no legal obligation to provide any form of affordable/social/residential housing to residents of the Parish.

Winkleigh Parish Councillors are bound by their Code of Conduct and the Law to act objectively on the legal and known facts and not on speculation or emotion

Bungalow Annual Maintenance	£1000
Letting Agent	£659.24
Contingency	£1000
Morgan	£2100
Accrual for Boiler and Roof	£3000

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