

REPORT REFERENCE NO.	DSFRA/20/14
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	23 OCTOBER 2020
SUBJECT OF REPORT	PROPOSED DISPOSAL OF TOPSHAM FIRE STATION
LEAD OFFICER	Chief Fire Officer
RECOMMENDATIONS	<i>That Topsham Fire Station be disposed of on the basis of the best consideration that can reasonably be obtained, in accordance with Section 123 of the Local Government Act 1972</i>
EXECUTIVE SUMMARY	This paper outlines issues relating to the proposed disposal of Topsham fire station (“the station”) in line with the Authority decision at its extraordinary meeting on 10 January 2020 (Minute DSFRA/32(a)(iii) refers).
RESOURCE IMPLICATIONS	As indicated in the report.
EQUALITY RISKS AND BENEFITS ANALYSIS	N/A
APPENDICES	Nil.
BACKGROUND PAPERS	Report DSFRA/20/1 (Safer Together Programme [Service Delivery Operating Model] – Outcomes of Consultation on Reallocation of Resources) to the Authority extraordinary meeting on 10 January 2020 (and the Minutes of that meeting).

1. BACKGROUND

- 1.1. At its extraordinary meeting on 10 January 2020, the Authority considered a report on the outcome of an extensive public consultation on proposals to re-allocate existing Devon & Somerset Fire & Rescue Service (“the Service”) resources to support a proposed new Service Delivery Operating Model to better address risks identified in the Integrated Risk Management Plan and to deliver a progressive, modern fire and rescue service. The proposals were designed to maximise existing resources by, amongst other things, removing appliances and stations which were not needed and reinvesting any proceeds into those areas where improved service was required.
- 1.2. The Authority resolved, amongst other things, to approve:

“relocation of Topsham fire station to Service Headquarters and relocation of one fire appliance to Middlemoor fire station (both existing Topsham fire engines to be relocated to Service Headquarters until an on-call crew can be established at Middlemoor), with a report on the proposed disposal of the Topsham site to be presented to the Authority at a future date.”

(Minute DSFRA/32(a)(iii) refers).
- 1.3. While work to relocate Topsham fire station (“the station”) has been impacted by the Covid-19 pandemic, it has been progressing with completion anticipated by December 2020, at which point disposal of the former station will be possible.
- 1.4. Elsewhere on the agenda for this meeting is a report (DSFRA/20/13) outlining the legal position on the disposal of land and inviting the Authority to approve a policy for this. This paper now addresses the proposed disposal of Topsham Fire Station in light of the contents of the earlier report.

2. LEGAL CONSIDERATIONS

- 2.1. Report DSFRA/20/13 identifies that the legal basis for disposal of land by the Authority is contained in Section 123 of the Local Government Act 1972 (“the Act”) which provides that:
 - (1) Subject to the following provisions of this section, [the Authority] may dispose of land held by them in any manner they wish.
 - (2) Except with the consent of the Secretary of State, [the Authority] shall not dispose of land under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.
- 2.2. Report DSFRA/20/13 also identifies, though, that in pursuance of powers under the Act the [then] Secretary of State issued, in 2003, a General Disposal Consent (“the Consent”) providing local authorities (including this Authority) with a discretionary power to dispose of land at less than the best that can reasonably be obtained (i.e. at an undervalue) if the purpose of the disposal would be likely to contribute to the promotion or improvement of the economic well-being, social well-being or environmental well-being of the authority’s area or its residents.

- 2.3. Where authorities are considering exercising the discretionary power outlined above, they must remain aware of the need to fulfil their fiduciary duty in a way that is accountable to local people and should still seek to realise for themselves a benefit (either direct or indirect) that can be assessed in monetary terms. The Service is not aware of any potential circumstances where a sale at undervalue might support the Authority's policy objectives as set out in its Integrated Risk Management Plan. Accordingly, no options are being presented for a sale at undervalue.

3. DISPOSAL OF TOPSHAM FIRE STATION

- 3.1. As indicated above, the decision to relocate Topsham fire station and dispose of the land was based on the ability to reinvest funds to enable delivery of the new Service Delivery Operating Model which in turn is intended to enable the Service to effectively and efficiently match resources to those risks identified in the approved Integrated Risk Management Plan.
- 3.2. This objective will best be achieved by disposing of Topsham fire station for the best consideration that can reasonably be obtained (as supported by an independent valuation), in accordance with Section 123 of the Local Government Act 1972. The Authority is therefore recommended to authorise the disposal of Topsham fire station on the basis of securing the best consideration that can reasonably be obtained.

LEE HOWELL
Chief Fire Officer