



### **Belfast City Council (Shadow)**

<b>Report to</b>	Transition Committee
<b>Subject:</b>	Service Convergence & Transfer of Assets/Liabilities
<b>Date:</b>	09 March 2015
<b>Reporting Officers:</b>	Chris McCarthy, Interim Strategic Director of Health and Environmental Services (Ext 3260)

<b>1</b>	<b>BACKGROUND</b>
1.1	On 29 January 2015, the Committee received a detailed report outlining what practical arrangements are being put in place to ensure service continuity and investment in those areas transferring into the city from Lisburn, Castlereagh and North Down.
1.2	With only 23 days remaining until the 1 April, the level and pace of work underway across the organisation is gaining greater momentum. This report sets out a high-level overview of some of the preparations being undertaken by the core frontline services as well as some an update on the transfer of assets and liabilities from Lisburn, Castlereagh and North Down to Belfast.

<b>2</b>	<b>KEY ISSUES</b>
2.1	<b>Service Readiness Preparations</b>
2.1.1	<p>Detailed service planning is ongoing across the organisation to ensure the effective day-1 delivery of core front-lines services to the additional 21,000 households, 53,000 citizens residing in approximately 690 new streets and the transfer of 800 businesses. In summary:</p> <ul style="list-style-type: none"> <li>• Operational delivery plans and resources in place to extend all core services (e.g. cleansing, refuse collection, recycling, building regulations and licensing, night-time noise, air quality, food safety, key programmes and outreach initiatives) into new transferring areas</li> <li>• Necessary fleet and operational equipment in place for Day-1</li> <li>• Training plans in place and being implemented for transferring staff</li> <li>• Handover processes in place for transferring assets (e.g. key holders, access arrangements, security, systems connectivity)</li> <li>• Service delivery geographies agreed (e.g. cleansing, refuse collection, outreach programmes) and staff resources allocated</li> <li>• Signage – programme of replacement signage for transferring assets in place</li> <li>• Capital Investment - £2m secured through SSP&amp;R for investment in a number of capital projects in new areas transferring.</li> <li>• Maintenance - £573K budget secured through SSP&amp;R for necessary maintenance and upgrade works to transferring assets</li> <li>• Grant provision - £429K secured through SSP&amp;R to support the extension of the Council's grant aid programmes into those new areas transferring.</li> </ul>

2.2	<b>Communications and Engagement</b>
2.2.1	<p>Over recent months and as we move closer to 1 April, the level of communications and engagement activity across the Council has intensified significantly. Some highlights include:</p> <ul style="list-style-type: none"> <li>- <b>Customer Mapping</b> - All services have a firm understanding of the customer profiles and needs linked to the areas transferring and this information has informed service and resource planning.</li> <li>- Officers throughout the organisation are working closely with communities' and stakeholder groups across the city to raise awareness of the services and support provided by the Council</li> <li>- <b>Belfast 2015</b> and <b>Business E-shot's</b> being issued to transferring residents and businesses</li> <li>- <b>Business Engagement Event</b> held on 5th Feb to share information on rates revaluation and rates convergence scheme in early Feb</li> <li>- An <b>'Introduction to Procurement with Belfast City Council'</b> even for business scheduled for 12 March 2015</li> <li>- <b>City Matters</b> issued to extended Belfast City Council – next addition 30 March 15</li> <li>- Website/Social Media – ongoing release of information around LGR and what it will mean for residents</li> <li>- <b>Door Knocking</b> – direct household contact to share information and inform transferring residents of plans around core front-line services e.g. recycling, refuse collection</li> <li>- <b>Stakeholder Engagement</b> – cross-departmental group in place to oversee and coordinate engagement activities in those areas transferring and ensuring relevant and timely information relating to services is available to officers on the ground.</li> <li>- <b>Local Engagement Events</b> – programme of local engagement events in transferring facilities (e.g. community centres) to provide information on council services to transferring residents and users groups</li> </ul>
3.0	<b>Transfer of Assets and Liabilities</b>
3.1	As a result of Local Government Reform (LGR), there are a number of land and property assets due to transfer to the Council on 1 April 2015. These include 55 assets due to transfer from Lisburn City Council, Castlereagh Borough and North Down and 30 no of off street car parks due to transfer from DRD.
3.2	A detailed due diligence exercise has been ongoing over recent months around the transferring assets. A detailed report had been submitted to the Council's Strategic Policy and Resources on 20 February with an update on the transfer of assets and liabilities from CBC/LCC to BCC. This paper set out the current position and highlighted the key outstanding matters including Transfer Schemes; resolution of identified title and lease issues and building compliance issues. A copy of the Committee report is attached at Appendix 1.
3.3	<p>There has been intensive engagement over recent weeks with LCC/CBC to resolve many of the outstanding matters. There is however a number of key issues which still require resolution. These include:</p> <p><u>(i) Transfer Schemes:</u></p> <p>The Local Government Act 2014 provides for the making of Transfer Schemes for the transfer of designated assets and liabilities of a local government body (or department) to a local government body. Transfer Schemes, scheduling the transferring assets and liabilities (inc loan liabilities and contracts) will be required between CBC, LCC, NDBC and</p>

BCC. It is the responsibility of the transferring council (i.e. LCC, CBC, ND) to prepare such schemes for those assets transferring to BCC. We are still awaiting this.

On 12 February the DOE issued the Assets & Liabilities Transfer Schemes for CBC/LCC/BCC, together with guidance in utilising the scheme. Draft versions of the Transfer Scheme had previously been provided by DOE in July 2014 but the Transfer Schemes recently received differ from the earlier version produced by DOE.

The key differences relate to:

- the adjudication role of DOE in the event of disputes between the parties was clearer in the earlier draft;
- in the previous draft version, there was specific provision that responsibility for public liability claims pre-dating 1.4.15 rested with the body with responsibility for the asset at that time. In the Transfer Scheme recently forwarded by DOE this provision has been excluded.
- no requirement in the current version for both the transferor and the transferee having to agree and sign the Scheme. In the current version, it is the responsibility of the transferring body (CBC/LCC) to complete and to be signed by DoE.

Whilst a proposed timeline had been previously agreed with CBC/LCC for submission of the Transfer Schemes to BCC, at the time of writing the report they have not yet been received. Officers have continually stressed the urgency of receiving these Schemes and it is understood that CBC/LCC intend to bring them to their Governance and Audit Committee on 10 March. It is a matter of significant concern that CBC/LCC has still not forwarded these Transfer Schemes to BCC

## **(ii) Building Compliance**

In broad terms, all transferring building assets have had condition surveys undertaken by BCC and a programme of both non-recurring and planned preventative maintenance activities has been developed accordingly.

However, in relation to statutory building compliance matters (such as asbestos, legionella) there were a number of outstanding reports and other building compliance data. These are required in order to accurately assess statutory compliance in respect of matters such as asbestos, legionella etc and BCC had previously requested (on several occasions) that all outstanding compliance information was urgently forwarded by CBC/LCC. In the absence of such information, BCC had sought the agreement of CBC/LCC to access the relevant properties to undertake their own compliance surveys and this exercise is currently underway.

As part of this BCC recently completed an asbestos survey of the Robinson Centre. The findings of this report confirmed the presence of asbestos in the building.

As a result, CBC made a decision on 13.2.15 to close the facility as a precautionary measure albeit a portion of the building (e.g. Gym area) has since been reopened by CBC. The Health & Safety Executive have been advised and they are working with CBC in this regard.

3.4	Detailed discussions have taken place between BCC and CBC over recent weeks regarding this matter. BCC has now identified the urgent need for a further, more detailed, invasive survey to be undertaken of the building to fully identify the scale of the issues and the potential works required. The Council has sought authority from CBC to undertake this survey.
4.0	<b>Next Steps</b>
4.1	Members should note that the Town Solicitor has sought Senior Counsel opinion on the DoE Transfer Scheme and the specific concerns relating to the Robinson Centre and associated liabilities arising as a result of the building condition and the presence of asbestos. As a result of this advice it is proposed that the Council will now write to the Department of the Environment. A fuller update will be submitted to SSP&R Committee on 20 March 2015

<b>4</b>	<b>Resource Implications</b>
5.1	Resources have been agreed as part of the revenue estimates for 2015 /16.

<b>6</b>	<b>Equality and Good Relations Implications</b>
6.1	None

<b>7</b>	<b>Recommendations</b>
7.1	Members are asked to note the content of the report and that a more detailed report on the Transfer Scheme for Assets and Liabilities will be submitted to the Council's Strategic Policy and Resources Committee on 20 March 2015.

<b>8</b>	<b>Documents Attached</b>
8.1	Appendix 1 – SSP&R report on 20 February 2015.