

DELEGATED POWERS REPORT NO.

544

SUBJECT: Sale of Laser Pico dinghies

Control sheet

All of the following actions MUST be completed at each stage of the process and the signed and dated report MUST be passed to Democratic Service for publishing

All reports		
1. Democratic Services receive draft report	Name of DSO Date	Nazyer Choudhury 28/04/2008
2. Democratic Services cleared draft report as being constitutionally appropriate	Name of DSO Date	Nazyer Choudhury 02/05/2008
3. Finance clearance obtained (<i>report author to complete</i>)	Name of Fin. officer Date	Jane Fitzgerald 06/05/2008
4. Staff and other resources issues clearance obtained (<i>report author to complete</i>)	Name of Res. officer Date	Not Applicable
5. Trade Union response received (Staffing issues only)	Name of TU rep. Date	Not Applicable
6. Legal clearance obtained from (<i>report author to complete</i>)	Name of Legal officer Date	Joanna Kromidias 08/05/2008
7. Policy & Partnerships clearance obtained (<i>report author to complete</i>)	Name of P&P officer Date	Andrew Nathan 29/04/2008
8. Equalities & Diversity clearance obtained (<i>report author to complete</i>)	Name of officer Date	Julie Pal 29/04/2008
9. The above process has been checked and verified by Director, Head of Service or Deputy (<i>report author to complete</i>)	Name Date	Clive Medlam 08/05/2008
10. Signed & dated report, <u>scanned or hard copy</u> received by Democratic Services for publishing	Name of DSO Date	Nazyer Choudhury 14/5/2008
11. Report published by Dem Services to website	Name of DSO Date	Nazyer Choudhury 15/5/2008
Officer reports:		
12. Head of Service informed report is published and can be implemented.	Name of DSO Date	
Cabinet Member reports:		
13. Expiry of call-in period	Date	n/a
14. Report circulated for call-in purposes to COSC members & copied to Cabinet & Head of Service	Name of DSO Date	n/a
	Date	n/a

ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER IN CONSULTATION WITH CABINET MEMBER(S) (EXECUTIVE FUNCTION)

Subject	Sale of Laser Pico dinghies
Officer taking decision	Executive Director for Resources
Cabinet Member	Cabinet Member for Policy and Performance
Date of decision	09 May 2008

Summary	Authorises the sale of three Laser Pico dinghies owned by the Council to the Sea Cadets at Welsh Harp Boat Station
---------	--

Officer Contributors	Julian Mauger, Resources Directorate
Status (public or exempt)	Public
Wards affected	All
Enclosures	None
Reason for exemption from call-in (if appropriate)	Not Applicable

Contact for further information:

Julian Mauger – tel. 020 8359 7026

Serial No.544

1. RELEVANT PREVIOUS DECISIONS

1.1 None.

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

2.1 The Sea Cadets have, as a charitable objective, to “Promote the development of young people in achieving their physical, intellectual and social potential as individuals and as responsible citizens by the provision of education and leisure time activities using a nautical theme”. Sale of these dinghies to such an organisation is consistent with various aspects of our Children and Young People Plan. It also represents better use of an otherwise redundant asset.

3. RISK MANAGEMENT ISSUES

3.1 The council must be indemnified against future claims. This is covered in section 6 of the report.

3.2 The issues involved are not likely to raise significant levels of public concern or give rise to policy considerations.

4. EQUALITIES AND DIVERSITY ISSUES

4.1 The Sea Cadets' Welsh Harp Boat Station is located in a relatively disadvantaged part of the Borough and, though acting for a wider catchment area, it affords easy access for residents to training and other activities for some of the Borough's most deprived wards.

4.2 The Sea Cadets ethos has strong, public statements on equalities and diversity, consistent with the council's own.

5. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

5.1 Though the age of the boats is not known, they are old enough to reasonably assume that their 'book value' is negligible, probably zero. As the council is not in a position to operate the boats, they represent better value in the hands of someone who can put them to use in the interests of the local community. In this context, transfer of ownership at nil or nominal value is acceptable.

5.2 In addition, the boats have been stored by the Sea Cadets at their own expense, with over £300 incurred to date and a further fee due for 2008/09, despite not being able to make use of them themselves. They have agreed not to re-charge storage costs to the council in return for transfer of ownership of the boats to them at nil cost.

6. LEGAL ISSUES

6.1 Ownership of the boats cannot be proved. Evidence of the boats belonging to the council is that they were previously operated from and stored at the Welsh Harp Youth Sailing Base which itself was operated by the council; and the common belief of such by the council itself, by the Sea Cadets who believe they are storing the

boats on the council's behalf, by other sailing clubs of such operating at Welsh Harp, and by Highgate School who used the boats on a lease/ licence from the council. Which is believed to have expired, although a copy of the same is not available. The negligible value of the boats does not warrant further investigation as to their ownership.

6.2 The council no longer has a copy of the lease/licence to Highgate School, but both parties agree that it has ended. Prior to transferring ownership of the boats to another party, the Council will obtain written assurance from the School that they retain no ownership or interest in the boats and that they do not propose to make any claim for any interest in the same.

6.3 Transfer of the boats will need to be on a basis that indemnifies the council against all future claims. An outright transfer rather than licensing of the boats is the preferred option by the parties involved.

7. CONSTITUTIONAL POWERS

7.1 Responsibility for Functions; Part 3, Paragraph 6.1: Chief Officers can take decisions, in consultation with the Cabinet member concerned to discharge the functions allocated to them or dealt with by them or their staff and in all matters where they have managerial or professional authority.

7.2 Resources Directorate Scheme of Delegation – the Executive Director of Resources, in consultation with the Cabinet Members for Resources may dispose of interests £100 000 plus proper fees.

8. BACKGROUND INFORMATION

8.1 Laser Picos are a single-handed dinghy suitable for training purposes, including for children and young people.

8.2 Following the closure of the Welsh Harp Youth Sailing Base, the council no longer has premises or staff through which to operate the dinghies. They would be a useful addition to any sailing club's training fleet, but are currently a wasted asset as no one has both the means and licence to operate them. On-going management of a licence of such a small asset is a poor use of staff time. An outright sale or transfer of the boats to an organisation which has aims consistent with the council's own is therefore the best option.

8.3 The three dinghies have been stored since the closure of the Welsh Hap Youth Sailing Base by the Sea Cadets who bought racks to store them on, paid the storage fees and used their own storage area for masts, sails, etc.

8.4 The Sea Cadets are accredited by the Royal Yachting Association as trainers and provide activities for 10-18 year olds. A transfer or sale of the boats to the Sea Cadets at nil or nominal cost is therefore a sensible solution to get the boats back into use.

9. LIST OF BACKGROUND PAPERS

9.1 None.

10. OFFICER'S DECISION

I authorise the following action

- 10.1 Sale for a nominal amount of the three Laser Pico dinghies currently stored at the Welsh Harp Boat Station (or otherwise transfer ownership) to the Sea Cadets based there.

Signed

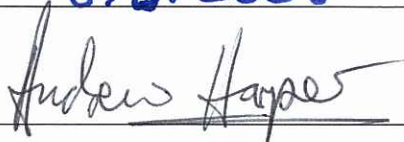


Deputy Director of Resources on behalf
of the Executive Director for Resources

Date

8.5.2008

Signed



Cabinet Member for Policy and
Performance

Date

9/5/08