



# Penrith Town Council

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## **BENCH DISPOSAL POLICY**

### **1. Background**

- 1.1 Penrith Town Council approved a Memorial Benches Policy, 12 November 2018, attached at Appendix A. When the policy was approved there was no inclusion for the disposal of the existing benches once they had been removed. This policy sets out the steps that the Council shall consider when benches and benches are being removed.
- 1.2 This policy relates to the administrative area covered by Penrith Town Council only and shall be included within the approved Memorial Benches Policy.

### **2. Objectives**

- 2.1 To set out a framework for the disposal of benches that are no longer functional, are beyond repair and may be disposed of to avoid expensive maintenance costs and safety concerns.
- 2.2 To set out a framework for the disposal of benches which may be available for reuse, sale or for donation to a third party community group.

### **2.3 Background**

- 3.1 Penrith Town Council received 45 benches from Eden District Council via an asset transfer on the 19 October 2018. The benches vary in style, age and condition.

- 3.2 The Council approved a Memorial Bench Policy in November 2018, and further resolved to undertake a phased replacement of the benches over a three-year period, commencing in the 2019/20 financial year.
- 3.3 The Council approved a bench design which allowed for consistency of appearance and reduced maintenance costs.
- 3.4 The Council resolved to not increase the number of sites and locations for benches, but instead to seek to replace benches in the existing locations.

## **4. Conditions**

- 4.1 **Disposal of benches that are no longer functional, are beyond repair and may be disposed of to avoid expensive maintenance costs and safety concerns.**
  - a. Should the Council, its contractor or a member of the public report a bench which is identified to be defective or present a safety hazard to the public, then this bench must be inspected by the Services and Contracts Manager.
  - b. Where it is considered that the bench presents a hazard to the public this bench shall be removed from its public place or fenced off to restrict use.
  - c. Should the bench be a memorial bench showing an inscription or has been donated by a local organisation; the Council shall make attempts to contact those persons/organisations to inform them of the state of the bench. It is important to note that the Council received no information from the previous bench owners as to who may have donated benches prior to the 19 October 2018.
  - d. The Council will determine whether the bench can be repaired at a reasonable and affordable rate, with the Council being the sole arbiter on what constitutes 'reasonable' cost. Should the bench be considered affordable for repair the Council may undertake the repair and reinstall the bench. The costs will be met by the Council.
  - e. Where the bench is identified to be defective and cannot be repaired at a reasonable cost, the bench will be made available for sale or donation to the public or a third-party community group. (See 4.2) Where a community group/organisation has been identified as the original donor, they will be given first opportunity to have the bench donated at nil cost.
  - f. Where the bench is identified to be in a severe state of damage or disrepair, the Council at its discretion may dispose of the bench and will instruct its contractor to remove the bench and send it to the most appropriate recycling facility.

#### 4.2 **Disposal of benches which may be available for reuse, sale or donated to third party community group.**

- a. Where a bench is removed and is identified as defective and cannot be repaired at a reasonable cost, the bench will be made available for sale or donation to the public or a third-party community group. Where a community group/organisation has been identified as the original donor, they will be given first opportunity to have the bench donated at nil cost.
- b. Where a bench is removed as part of the Council's planned phased replacement of benches, then the Council will:
  - i. Consider whether the bench shall be installed at an alternative location in the Council's ownership.
  - ii. Consider whether the bench would be better replacing an existing bench in an alternative location.
- c. Should the bench not be associated with a Community group/organisation, or they are not interested in receiving the bench; and (b i) and (b ii) are not applicable, then the Council shall make available the removed bench to the public or community groups on the following basis:
  - i. The bench shall be removed by the Council and put into storage.
  - ii. The Council will photograph the bench which will be advertised as sold as seen.
  - iii. The Council will advertise the bench for a period of 28 days.
  - iv. The Council will accept closed bids, with the interested party submitting their name, contact details and bid amount.
  - v. The Council will open the received bids at a preset time in the presence of the Town Clerk, Services and Contracts Manager and one elected member from the Finance Committee.
  - vi. The Council will accept the highest bid.
  - vii. The Council will notify applicants in writing of the outcome.
  - viii. Successful applicants will have 7 days to pay their accepted bid amount by cheque or electronic banking.
  - ix. Should the successful applicant fail to pay their bid amount after 7 days then the next highest bidder will be offered the bench.
  - x. Successful applicants will be responsible for the collection of the bench within 14 days of receiving their confirmation of acceptance of bid.
  - xi. The Council may be able to arrange delivery for an additional fee. The fee being agreed on an individual basis.

- xii. The income from the sale of benches received will be donated to the Mayors Charity.
- xiii. Upon collection, the bench will become the new owners responsibility. The Council cannot be held liable for any defects or personal injury arising from the condition of the bench following the exchange of ownership.
- xiv. Where no persons submitted a bid for an advertised bench the Council will:
  - Advertise the bench on a Freegle website or similar
  - Make available the bench to residents in locality areas
  - Dispose of the bench at its discretion

**Approved: June 2020**

**Review: 2030**