

WIRRAL COUNCIL

CABINET

15 MARCH 2012

SUBJECT:	NOCTORUM COMMUNITY CENTRE
WARD/S AFFECTED:	CLAUGHTON
REPORT OF:	<i>DIRECTOR OF LAW, HR AND ASSET MANAGEMENT</i>
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR HARNEY
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 This report seeks approval to a revised method of transferring Noctorum Community Centre to Ridgeway High School as part of the Community Asset Transfer process.
- 1.2 The transfer is in support of the Council's goal to reduce the running costs of the Council by improving the efficiency and value for money of Council services whilst reducing bureaucracy.
- 1.3 There will be a small saving in the Council's budget as a consequence of this proposal.
- 1.4 The grant funding is not a statutory duty.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 Noctorum Community Centre is shown edged black on the attached plan. It is a purpose built centre which is located in the grounds of Ridgeway High school and, although self contained, is physically attached to the school building. The centre has been operated by a group of volunteers who have developed a range of activities.
- 2.2 Ridgeway High School elected to become a Foundation school in 2009 which required the Council to transfer the freehold interest to the school's governing body. Due to a number of complexities, the freehold transfer of the school has been delayed and, more recently, the school has applied for Academy status which would also require the transfer of ownership either by freehold transfer or a long lease.
- 2.3 Noctorum Community Centre was identified in the Council's Strategic Asset Review as a facility which should be transferred to community management, where the community expressed an interest. After consultation, the existing users did not wish to pursue a transfer in their own right, but supported a transfer proposal by Ridgeway High School, which has aspirations to develop its community engagement. Cabinet at its meeting of 17 March 2011 approved the transfer of Noctorum Community Centre to the School in accordance with the Council's Community Asset Transfer policy, and also approved the allocation of £47,000 (ex

VAT) for Capital works and one year's revenue support in the sum of £42,000 from the Community Fund.

- 2.4 In anticipation of the transfer of the centre, the capital works identified prior to transfer have been undertaken and funded from the CYPD budget, to be recouped from the Community Fund monies once a formal agreement has been reached. The school has now become more involved in the running of the centre and is keen to take it on fully, including the day to day running costs, but is unable to do so until it is in receipt of the revenue support monies.
- 2.5 It was anticipated that the transfer of the Community Centre could follow the pattern of other transfers and be by way of a 99 year lease with a requirement for the school to be responsible for maintenance and outgoings as well as the development of community usage. Terms for the transfer were approved by Cabinet on that basis. However, transfer of the centre in that manner would present a number of issues relating to rights required for use of the centre and the reservation of rights which would be needed if its operation as a community facility became impracticable at some point in the future. This would require the return of a vacant facility to the council which, due to its location in the school, would present a number of practical and ownership issues. This situation becomes even more complex in light of the application for Academy status. An alternative method is therefore proposed.

2.6 PROPOSED WAY FORWARD

- 2.7 Currently, the Council owns the freehold to both the Community Centre and the school. The school is funded through the CYPD budget and the Community Centre is funded from the Asset Management budget. The ownership of the school premises will, in some form or other, transfer to the school, in a manner prescribed by either its Foundation status or as a result of achieving Academy status. It is proposed, in the meantime, that the centre be transferred from Asset Management to CYPD, and that the monies expended by CYPD on capital works to the Community Centre will be reimbursed from the Community Fund. The responsibility for the day to day running of the facility will lie with the school, with the revenue support from the Community Fund reimbursing the CYPD budget in the sum of £42,000 who will then pass this on to the school.
- 2.8 Once the manner of transfer of the school either as a Foundation or Academy school has been determined, the Community Centre can form part of the transfer to the school, including a requirement that the school continues to use the centre for community activities.

3.0 RELEVANT RISKS

- 3.1 Typical transfers using a specific lease for the building enable a degree of control particularly in terms of use by the community. The transfer in the proposed manner will rely on the school's continuing desire to offer the premises for community use, which will be difficult to enforce without a specific lease in place. However, even if there were a formal lease in place there would still be severe doubts on the viability of enforcement action given the location of the asset within school boundaries and the fact that it is not capable of separate sale.

- 3.2 It may be possible to achieve some monitoring of the level of community use by virtue of the revenue budget being made available. Targets for community use for which revenue support is provided can be requested by the Children and Young Peoples Department.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 A number of ways of transferring the centre to the school have been considered, however, due to its location in the school those alternatives would require complex legal agreements for a property which has no obvious alternative use.

5.0 CONSULTATION

- 5.1 The school and the community centre users have been consulted on this proposal and agree the proposed way forward.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 6.1 Noctorum Community Centre is run by volunteers, whose support will continue to be essential after transfer.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

7.1 FINANCIAL IMPLICATIONS

Approval has been previously given to support the transfer from the Community Fund in the sum of £47,000 (ex VAT) plus fees and contingencies for capital works and a one off payment of £42,000 for revenue support.

7.2 STAFFING IMPLICATIONS

- 7.2.1 There are no staffing implications arising directly from this report.

7.3 ASSET IMPLICATIONS

- 7.3.1 If the Council were to offer to sell the property with vacant possession, given its location in the school, it is unlikely to attract any interest other than that associated with school use.

8.0 LEGAL IMPLICATIONS

- 8.1 The legal implications are outlined in the body of the report. Pending any formal transfer of the area to the school, the school will be deemed to have licence of this area.

9.0 EQUALITIES IMPLICATIONS

- 9.1 Has the potential impact of your proposal been reviewed with regard to equality?

(a) The equality impact assessment in respect of the Council's Community Asset Transfer Policy can be viewed by following the link –

www.wirral.gov.uk/downloads/2608

10.0 CARBON REDUCTION IMPLICATIONS

10.1 There are no Carbon Reduction Implications arising directly from this report, although the transfer of the school will result in a reduction in the Council's carbon emissions.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 There are no planning implications arising directly from this report.

12.0 RECOMMENDATION/S

12.1 That the Community Centre be included within Ridgeway High School and the budget for the facility be moved from Law HR & Asset Management to Children and Young People.

13.0 REASON/S FOR RECOMMENDATION/S

13.1 To simplify the process for transfer of the Community Centre in a manner consistent with the school's future status as either Foundation or Academy.

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APPENDICES

A location plan is attached identifying the property.

REFERENCE MATERIAL

Reference has been made to the Council's Community Asset Transfer Policy which can be viewed through the Council's website.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet – Transforming Wirral	15 January 2009
Cabinet – Community Asset Transfer – Noctorum Community Centre	17 March 2011