

WIRRAL COUNCIL

CABINET

1 SEPTEMBER 2011

SUBJECT:	COMMUNITY ASSET TRANSFER – VARIOUS PROPERTIES
WARD/S AFFECTED:	<i>UPTON, BROMBOROUGH, HOYLAKE AND MEOLS AND PENSBY AND THINGWALL</i>
REPORT OF:	<i>DIRECTOR OF LAW, HR AND ASSET MANAGEMENT</i>
RESPONSIBLE PORTFOLIO HOLDER:	<i>COUNCILLOR JONES</i>
KEY DECISION?	<i>NO</i>

1.0 EXECUTIVE SUMMARY

- 1.1 This report seeks approval for a transfer of four community facilities, in accordance with the Council's Community Asset Transfer Policy and seeks instructions in respect of the request made for Pensby Community Centre for further assistance.
- 1.2 The transfers are 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 saving in the Council's budget as a consequence of these transfers.
- 1.4 These transfers are not a Statutory duty.

2.0 RECOMMENDATIONS

That

- 2.1 Transfers of Kylemore Community Centre, New Ferry Village Hall, Westbourne Hall and Woodchurch Community Centre be approved on the terms now reported, subject to confirmation of the availability of funds for revenue and capital support.
- 2.2 The building works and the transitional costs for the first two years of the business plans as described for these facilities be funded from the Community Fund.
- 2.3 The Director of Law, HR and Asset Management be authorised to complete the necessary legal documentation on the terms set out in this report, and
- 2.4 The Director of Law, HR and Asset Management concludes discussions with Pioneer People in respect of Pensby Community Centre and reports to a future meeting of Cabinet on the outcome of those discussions.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 These facilities are operated by dedicated teams of volunteers who take a very active role in the running of the centres. The proposals submitted by the Joint Management Committees (JMCs) are considered to show, with the financial support described in this report, viable and sustainable business plans which are considered to be the best way to achieve successful transfers.
- 3.2 In respect of Pensby Community Centre further information is required to understand the full extent of the support now being requested.

4.0 BACKGROUND AND KEY ISSUES

- 4.1 Cabinet, at its meeting on 15th January 2009, identified a number of facilities, including Kylemore Community Centre, New Ferry Village Hall, Westbourne Hall, Woodchurch Community Centre and Pensby Community Centre, that should be transferred to community management, where the community expressed an interest.
- 4.2 Cabinet, at its meeting on 19th March 2009, approved the Community Asset Transfer policy. The policy sets out the mechanism to pass over the ownership and control of assets to community based groups and explains in detail the key principles and basis for transfer. The minute also resolved that Community Centres first be offered to the established and viable Joint Management Committees (JMC's).

4.3 TRANSFER PROPOSALS

Business plans and transfer proposals have now been received in respect of four centres: Kylemore Community Centre, New Ferry Village Hall, Westbourne Hall and Woodchurch Community Centre. Details of the centres and the proposals for transfer are included in the appendix to this report.

- 4.4 Although it was identified for transfer on 15 January 2009, proposals to transfer Pensby Community Centre were, by that time, well advanced and the transfer of the centre on the basis of a 21 year lease was legally completed on 26 January 2009. Further discussions are taking place with Pioneer People, which operates Pensby Community Centre, regarding access to Community Fund monies. Details are included in the appendix.
- 4.5 The Community Asset Transfer policy advises that the Council will not normally seek payment of rent under a lease from community based groups, unless substantial commercial use of buildings generates large profits in excess of the running costs of the property. However, the Council will normally expect community based groups to be responsible for the running costs of the building, including repairs, maintenance and all insurance. In light of the business plans and the community benefits described later in this report, it is proposed that Woodchurch Community Centre, New Ferry Village Hall and Westbourne Hall be transferred on the following main terms:

- Term: 99 years
- Rent: Peppercorn

- Liabilities: The lessee to be responsible for all outgoing and maintenance.
- User clause: Community Activities

Proposals for the freehold transfer of Kylemore Community Centre are detailed in the appendix.

4.6 Members will be aware of the Council's obligation to obtain the best price reasonably obtainable on the disposal of its land and property. However, under the General Consent, the Council does have the power to restrict the value of land by imposing restrictions as to its use on the grounds that to do so is in the interest of the economic and / or environmental and / or social well being of the inhabitants of the Borough and provided also that any such restriction in value does not exceed two million pounds, per transaction.

4.7 COMMUNITY BENEFITS

4.8 In developing their business plans for the four properties requesting transfer, the JMCs have identified Community benefits arising from their transfers. The following list represents the typical benefits arising:

- There will be a locally managed facility, that will further build capacity and the empowerment of community members
- It will promote and increase the accessibility of local and mainstream services
- It will meet the needs and demands of the local community
- It will promote social inclusion
- It will improve a key community facility and facilitate service provision
- It will develop the capacity of local community groups and service providers to work in partnership to create an environment of positive engagement
- It will raise and meet local aspirations
- It will identify and address gaps in current service provision
- It will demonstrate best practice by providing accessible good quality services or activities that meet the needs of local people
- It will contribute to maximising the opportunity to positively change the 'neighbourhood' for the benefit of local people
- It will promote employment by creating new posts (in respect of New Ferry Village Hall, Westbourne Hall and Woodchurch Community Centre).
- It will develop and maintain networks and links
- It will increase income

4.9 The members of the four JMCs have previously run their facilities for many years. It is the view of officers who have worked with these groups that their proposals are very focused and dedicated to the local community.

5.0 RELEVANT RISKS

5.1 Whilst the business plans have been assessed and are considered to show viability and sustainability, there is the risk that without continued financial support from the Council, the centres could fail. Under these circumstances the Council's Community Asset Transfer Policy advises that the Council will normally be willing to accept a transfer back of a building, without any payment or penalty, if the

community based group no longer wishes to manage the facility. In these circumstances the buildings would then normally be sold on the open market, unless another community based group expressed an interest in its management.

- 5.2 In the case of Woodchurch Community Centre and Kylemore Community Centre, should the groups fail, it is expected that WPH would endeavour to continue to provide Community Activities at the centres.
- 5.3 With regard to Kylemore community centre, whilst a transfer of the freehold can include obligations within the transfer documentation, in practice these can be difficult to enforce. There is therefore a degree of reliance upon WPH's willingness to provide community activities in the area, however, given WPH's stake in the community and as part of its strategy for developing hub services in Pensby alongside the recently refurbished Barncroft facility, this is considered to be a low risk.

6.0 OTHER OPTIONS CONSIDERED

- 6.1 The proposed transfers are in accordance with the resolution of Cabinet of 15 January 2009 which resolved that the facilities should be transferred to community management, where the community expressed an interest. As the JMCs are willing to proceed with transfers, no other options have been considered.

7.0 CONSULTATION

- 7.1 The Joint Management Committees have received support from the Council in developing their proposals for transfer. As part of the business planning process the JMCs have consulted with users of the buildings and the wider community.

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 8.1 The Joint Management Committees are voluntary groups. To satisfy the transfer process, they will form incorporated bodies, which will still be reliant on voluntary support to continue to provide these community facilities.

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

9.1 Financial and Asset Implications

- 9.1.1 Successful transfer for each centre will require revenue and capital support as detailed in the table below. This is to be provided from the Community Fund, subject to availability of funds.
- 9.1.2 The transfer of these assets on the terms described will result in revenue savings to the Council in running costs. The figures are shown in the table below.
- 9.1.3 If the Council retained these facilities it would have to address the Backlog maintenance and future life cycle maintenance costs over the next 10 years, for which the Council will no longer be responsible after transfer. The estimated figures for each centre are shown in the table below.

9.1.4 If the Council were to sell these properties with vacant possession it could achieve capital receipts. The actual amount would be determined by marketing exercises, but would be expected to achieve the figures shown in the table below.

9.1.5 A separate report elsewhere on this agenda deals with current and estimated commitments from the Community Fund for asset transfers. It is recommended that approval of these further transfers and any support that members may offer to, Pensby Community Centre, are subject to the availability of funding.

ASSET TRANSFERRING	REVENUE SUPPORT	CAPITAL SUPPORT (Ex VAT plus fees and contingencies)	Current Annual Running Cost	BACKLOG MAINTENANCE	LIFE CYCLE MAINTENANCE	ASSET VALUE
Kylemore Community Centre	£18,131	£17,570	£9,000	£17,570	£70,440	£140,000
New Ferry Village Hall	£108,970	£46,000	£23,600	£46,000	£79,925	£180,000
Westbourne Hall	£52,477	£297,000	£38,100	£212,000	£78,690	£185,000
Woodchurch Community Centre	£124,389	£113,400	£35,600	£113,400	£117,000	£100,000
Pensby Community Centre	N/A	Under Discussion	N/A	N/A	N/A	N/A
TOTAL	£303,967	£473,970	£106,300	£388,970	£346,055	£605,000

9.2 Staffing Implications

9.2.1 There are no Council staff directly employed to support these centres. There are therefore no staffing implications arising directly from this report.

9.3 IT Implications

9.3.1 There are no implications arising from this report.

10.0 LEGAL IMPLICATIONS

10.1 Approval of the recommendations will require the Council to prepare appropriate legal documentation to enable the transfers to proceed.

11.0 EQUALITIES IMPLICATIONS

11.1 The transfer leases will require the groups to adhere to current legislation including equal opportunities.

11.2 Equality Impact Assessment (EIA)

(a) Is an EIA required?

Yes

(b) If 'yes', has one been completed? An assessment has been undertaken in respect of the wider Community Asset Transfer process. Assessments in respect of these transfers are currently being undertaken.

12.0 CARBON REDUCTION IMPLICATIONS

- 12.1 The works which will be funded by the Community Fund as part of the transfer process will improve the energy efficiency of the buildings and reduce their carbon footprints. Post transfer, the newly formed companies will need to operate the facilities in a cost effective manner and will need ensure that energy bills are kept to a minimum.
- 12.2 The transfers will result in savings in the Council's CO2 emissions for the year 2011/12, the amounts of which are as follows:

Kylemore Community Centre -	16.2 tonnes
New Ferry Village Hall -	25.9 tonnes
Westbourne Hall -	26.7 tonnes
Woodchurch Community Centre -	12.13 tonnes
Pensby Community Centre -	N/A

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

- 13.1 Continuation of authorised uses at the community centres will not require a formal planning application. However, any future material change in the use or external appearance of the buildings will require planning permission.
- 13.2 Kylemore Community Centre is located in a Primarily Residential Area as designated in the Unitary Development (UDP). The site is not within a regeneration priority area, thus an application for residential use would currently be expected to demonstrate compliance with the Regional Spatial Strategy, Policy LCR4 and Interim Planning Policy 'New Housing Development', which only enable proposals that address barriers to affordability and meet an identified local need to be considered.
- 13.3 New Ferry Village Hall is located in a Primarily Residential Area and is within the regeneration priority area identified in the Interim Planning Policy 'New Housing Development'. Any works outlined in this report requiring planning would be assessed against UDP Policies HS15 and RE10, which make provision to protect the neighbours amenity and character of the area.
- 13.4 Westbourne Hall is located in a Primarily Residential Area as designated in the Unitary Development and is outside the regeneration priority areas identified Interim Planning Policy 'New Housing Development'. Any works outlined in this report requiring planning would be assessed against UDP Policies HS15 and RE10, which make provision to protect the neighbours amenity and character of the area.
- 13.5 Woodchurch Community Centre lies within the Green Belt, where any works outlined in this report requiring planning permission would be subject to UDP Policy GB3, which includes criteria to protect the appearance of the area.
- 13.6 Pensby Community Centre is situated within Urban Green Space where any works outlined in this report requiring planning permission would be subject to UDP Policy GR1 which includes criteria to protect the visual amenity of the area.

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APPENDICES

Summary of proposals
Location plans

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 – Asset Management Update	19 March 2009