



## **POLICY AND RESOURCES COMMITTEE**

**Wednesday 22 March 2023**

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| <b>REPORT TITLE:</b> | <b>COMMUNITY ASSET TRANSFER</b>       |
| <b>REPORT OF:</b>    | <b>DIRECTOR OF LAW AND GOVERNANCE</b> |

### **REPORT SUMMARY**

This report makes recommendations in relation to the Community Asset Transfer (CAT) of Higher Bebington Library, former Woodchurch Library and the former Hoylake Library.

It builds upon the CAT reports approved by this committee at its meetings on 16 June 2022 and 25 October 2022, considers the Council's approved Asset Strategy 2022-27, approved by Policy and Resources Committee on 9 November 2022, the priorities of the Wirral Plan 2021-26 and the emerging Local Plan with its "brownfield first strategy".

The Tourism, Communities, Culture & Leisure Committee authorised the Director of Resources to enter into negotiations on the basis of the re-submitted business plans contained in the exempt Appendix 2 of this report to agree Heads of Terms for the transfer of the former library asset at Higher Bebington Library to the Co-op Academy Bebington. It also authorised the Director of Resources to market the site of the former Hoylake Library for sale or commercial leasing on the basis that it is surplus to the requirements of the Committee, and agreed to the removal of the former Woodchurch Library asset from the CAT process.

It therefore subsequently recommended that Policy & Resources Committee agree that Higher Bebington and Woodchurch Libraries be appropriated by the Council for educational purposes, and that the site of the former Hoylake Library be marketed for sale or commercial leasing.

This report meets the following priorities in the Wirral Plan 2021-26

- Safe, vibrant communities where people want to live and raise their families.
- A prosperous inclusive economy where local people can get good jobs and achieve their aspirations.

This matter has the potential to affect all wards.

This is a Key Decision.

All the business plans, expressions of interest and the C.co report referred to in this report were submitted confidentially for commercial reasons. Therefore, Appendices 1 - 7 of this report are exempt from publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

## **RECOMMENDATION/S**

The Policy and Resources Committee is asked to consider the request from the Tourism, Communities, Culture and Leisure Committee that:

- (a) Higher Bebington Library be appropriated by the Council for educational purposes.
- (b) The former Woodchurch library asset be appropriated by the Council for educational purposes.
- (c) The site of the former Hoylake Library be marketed for sale or commercial leasing

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 To enable Policy and Resources Committee to determine the future use of the sites following the decision of Tourism, Communities, Culture & Leisure Committee.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 Other options have been considered and are included within the minutes of the Tourism, Communities, Culture and Leisure Committee and the appended report.

### **3.0 BACKGROUND INFORMATION**

- 3.1 As part of the 2022/23 budget, the Council resolved that several assets be considered for CAT. These were nine libraries, two municipal golf courses and one leisure centre. Expressions of interest were received for seven of the nine libraries. On 16 June 2022 this Committee agreed to progress several expressions of interest in a CAT transfer to the business planning stage.
- 3.2 Following this decision, a timescale was set to produce the business plans. An inception meeting took place with each of the organisations which submitted Expressions of Interest (EOI) progressing to the business planning stage. Information to support business planning was provided and regular check-ins with each organisation were undertaken as the business plans were being prepared. Support in the preparation of business plans was made available by the Chamber of Commerce and the Council signposted to other appropriate organisations who give advice and support with asset transfer.
- 3.3 The business plans were submitted to the Council on 25 August 2022. These were reported to the Committee on 25 October 2022 as an exempt item.
- 3.4 The Council is required, to meet its legal duties and fiduciary responsibilities, to consider several matters in making decisions in relation to CAT. In summary these include fit with the CAT policy, assessments of the business plans, strategic fit, alignment with Council priorities (including the Local Plan), due diligence on the organisations seeking a transfer, any property related matters, any legal requirements, financial implications and community benefit. In addition, it must also consider all relevant matters and options before coming to a decision.
- 3.5 The Council employed C.co (a company associated with CIPFA) to undertake an independent assessment of the business plans based on the information submitted. This document is attached as Appendix 7 to this report. Appendix 7 is exempt from publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
- 3.7 The paragraphs below, summarise the position at the time in relation to each asset and provide the basis for the recommendations contained in this report.

#### **3.8 Woodchurch Library**

Positivitree, the organisation that submitted the original business plan have now withdrawn from the CAT process. The Council has therefore had further discussions with the school and the school are bringing forward proposals to use this asset as a warm hub and then for pupils with special educational needs. This appears to be a very beneficial use for this building and therefore it is recommended that this asset is removed from CAT so that these other uses can be taken forward.

### **3.9 Higher Bebington Library**

The Co-op academy submitted a revised business plan (Appendix 2 of this report) which is now assessed as viable. They also confirmed, in writing, that the Co-op would meet, in full, the capital cost of the building and that they were only seeking revenue funding support. On this basis, it is recommended that negotiations commence for a transfer of this asset. The alternative use for this asset would be for a single residential development subject to planning permission and the agreement of Leverhulme Estates in relation to the covenant. The community benefits resulting from the transfer would outweigh the alternative use of this site.

### **3.10 Hoylake Library**

The Life Tree submitted a revised business plan but, unfortunately, following assessment by officers, this is still unviable. The detail is set out at Appendix 3 of this report. As no viable business plan has been produced it is recommended that the property should be marketed for commercial purposes given its location in the retail area of Market Street in Hoylake.

- 3.11 The Tourism, Communities, Culture & Leisure Committee authorised the Director of Resources to enter into negotiations on the basis of the re-submitted business plans contained in the exempt Appendix 2 of this report to agree Heads of Terms for the transfer of the former library asset at Higher Bebington Library to the Co-op Academy Bebington. It also authorised the Director of Resources to market the site of the former Hoylake Library for sale or commercial leasing on the basis that it is surplus to the requirements of the Committee and agreed to the removal of the former Woodchurch Library asset from the CAT process.
- 3.12 It therefore subsequently recommended that Policy & Resources Committee agree that Higher Bebington and Woodchurch Libraries be appropriated by the Council for educational purposes, and that the site of the former Hoylake Library be marketed for sale or commercial leasing.

## **4.0 FINANCIAL IMPLICATIONS**

- 4.1 Financial implications are detailed in the main report.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 In accordance with Part 3B of Constitution (Committee Terms of Reference), the Policy and Resources Committee has two main areas of responsibility, which is to provide strategic direction to the operation of the Council, including making decisions

on policies and co-ordinating spend not reserved to full Council, and to maintain a strategic overview of outcomes, performance, risk management and budgets.

- 5.2 The Policy and Resources Committee is charged by full Council to provide a co-ordinating role across all other service committees and retain a 'whole-council' view of performance, budget monitoring and risk management. In particular, this includes specific responsibility for developing and monitoring the enabling corporate services, including, property and asset management.
- 5.3 As part of the matter of business that was the subject of the report to Tourism, Communities, Culture and Leisure Committee falls under that responsibility reserved to the Policy and Resources Committee, the Tourism, Communities, Culture and Leisure Committee's resolution is presented as a recommendation.
- 5.4 As the decision in this matter is the subject of a recommendation from another Committee, the Policy and Resources Committee must take into account the resolution of that Committee and give due regard to the guidance and comments made by its members. The Policy and Resources Committee must not, however, consider itself bound by that Committee's recommendations or otherwise fetter its discretion; its Members must come to their own decision. In doing so, the Committee must satisfy itself that it has been provided with all relevant information or a suitable précis to enable it to comply with its duties and make a lawful decision.
- 5.5 Other legal considerations are as set out in the appended report.

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 Resource implications are covered in the original report submitted to the Committee.

## **7.0 RELEVANT RISKS**

- 7.1 The relevant risks are covered in the original report submitted to the Committee.

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 Engagement and Consultation are covered in the original report submitted to the Committee.

## **9.0 EQUALITY IMPLICATIONS**

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.
- 9.2. Whilst there are no equality implications arising from this report, the associated actions arising from the delivery may need to assess any equality issues and mitigate any negative impact that may emerge.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 Environmental implications are covered in the original report submitted to the Committee.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

11.1 Community wealth implications are covered in the original report submitted to the Committee.

### **REPORT AUTHOR:**

**Polly Price**

Senior Democratic Services Officer

### **APPENDICES**

Appendix 1 Minute Extract

Appendix 2 Full Report

### **TERMS OF REFERENCE**

This report is being considered by the Policy and Resources Committee in accordance with Section (f) of its Terms of Reference undertake responsibility for developing and monitoring the enabling corporate services, including, property and asset management.

### **BACKGROUND PAPERS**

Community Asset Transfer Policy 2022

### **SUBJECT HISTORY (last 3 years)**

| <b>Council Meeting</b>                              | <b>Date</b>                   |
|---|-------------------------------|
| Tourism, Communities, Culture and Leisure Committee | 2 <sup>nd</sup> February 2023 |