



Report to Cabinet

Date:	12 December 2023
Title:	Devolution of three Community Centres in Aylesbury
Report Author:	David Aimson- Devolution Programme Manager
Cabinet Member(s):	Cllr Arif Hussain, Cabinet Member for Communities
Contact officer:	Richard Barker- Corporate Director Communities
Ward(s) affected:	Aylesbury North-West, Aylesbury West, Aylesbury South-West, Aylesbury South-East, Aylesbury East, Aylesbury North
Recommendations:	To agree the proposed offer and Heads of Terms for the Devolution of three sites under long term leases to Aylesbury Town Council To agree the Revenue Budget Changes to remove the Special expenses budget of £41,372 within Communities portfolio, and to agree a new Revenue Saving of £20,000 per year in the Accessible Housing & Resources portfolio.
Reason for recommendation:	Progressing the devolution of the proposed assets will support the Council's wider commitment to local delivery and the ongoing engagement with Town and Parish Councils.

1. Executive summary

1.1 In line with the Council's Service Devolution and Asset Transfer Policy, it is proposed to progress with an offer of terms to transfer the leases of 3 Council owned community centres to Aylesbury Town Council from 1st April 2024. The proposed devolution includes the following community centres:

- Quarrendon & Meadowcroft

- Haydon Hill
- Aylesbury Multicultural Centre

2. Devolution Proposal

Budgets

- 2.1 The special expenses budgets, funded through a separate precept are Quarrendon & Meadowcroft (£27,850 expenditure per annum) and Haydon Hill (£13,522 expenditure per annum). The Council's General Fund budget for The Multicultural Centre is £20,000 per annum.

Devolution Proposal

- 2.2 As noted, it is proposed to devolve 3 community centres (Quarrendon & Meadowcroft, Haydon Hill and Aylesbury Multicultural) to Aylesbury Town Council from April 2024.
- 2.3 If approved, Aylesbury Town Council will be offered 25-year full repairing and insuring (FRI) leases and become the 'head landlords' of the centres. Buckinghamshire Council will therefore retain overall ownership of the assets.
- 2.4 Buckinghamshire Council would retain authority as a 'superior landlord' meaning any impactful decision Aylesbury Town Council (ATC) may wish to make regarding development of sites will have to first be approved by Buckinghamshire Council.
- 2.5 Under the proposal the 3 existing Community Associations who currently occupy and utilise the centres will be offered internal repairing insuring (IRI) lease renewals of 10 years which will ensure their continued use and access to the facilities.
- 2.6 To ensure clarity between parties Aylesbury Town Council (ATC) have developed a management agreement which provides overview of how they intend to run the centres and work with the existing tenants to provide the best services to the communities. Buckingham council have requested to authorise this in advance.
- 2.7 The community centres have adjoining car parks and it is proposed to include these assets as part of the devolution offer. None of the car parks are currently 'pay and display' and there is a requirement for Aylesbury Town Council (ATC) to maintain free to access use for users of the centres.
- 2.8 It would make operational sense for one organisation to look after the site in its entirety, so as part of the devolution it would be expected for Aylesbury Town Council (ATC) to complete the grounds maintenance duties on any car park transferred; currently undertaken by Buckinghamshire Council's Street Scene team, though minimal.

2.9 **Quarrendon & Meadowcroft Community Centre.** The bowlers field playing field is not included within the head lease to Aylesbury Town Council (ATC) and will remain under the management of the councils green spaces team.

- i. The proposed offer is a 25-year full repairing lease to Aylesbury Town Council (ATC)

2.10 **Haydon Hill.**

- i. *The proposed offer is a 25 year FRI – Full repairing & insuring lease to Aylesbury Town Council (ATC)*

2.11 **Aylesbury Multicultural.** AMCC currently have internal and some external responsibilities under their existing lease, which expires in January 2024.

- i. The proposed offer is a 25 year FRI – Full Repairing & Insuring lease to ATC
 - a. **Bowlers Field.**
 - b. We also propose to include bowlers field as part of the offer on a short term (2 years) lease basis. Bowlers Field Complex comprises the main building, which has 3 tenants, Jonathan Page Play Centre, Quarrendon & Meadowcroft Community Centre, and Bowlers Field Changing Rooms.
 - c. There is a shared car park to the front of the building, and a green space at the back of the property known as Bowlers Field.

The recommendation to transfer this piece of land has arisen given the proximity to the Q&M Centre and the following points:

- a) The field is not currently being used by any sports clubs.
- b) The grounds require some investment and currently suffers from flooding during periods of heavy rainfall.
- c) The changing rooms form part of the community centre and it makes obvious sense to manage both facilities in a coordinated way.



Bowlers Field Map with demised areas



Bowlers Field Picture



3. Other Options Considered

There are a few options to consider which are detailed below.

- Continue with the current proposal and Devolve the three centres under the offers detailed in this document.
- Amended package that contains the addition of bowlers playing field. A green space in which we manage in close proximity to Quarrendon & Meadowcroft Community Centre that ATC have expressed an interest in.
- Do not proceed with the proposed devolution and continue to maintain management of sites within Buckinghamshire Council.

4. Legal and financial implications

4.1 Revenue Budgets: The Property running costs of the 3 community centres are included in the Council's budget and the current financial arrangements are summarised below:

- Aylesbury Multicultural Centre – £20,000 annual revenue budget which is part of Property Service's base Revenue budget funded through the Council's General Fund, of which £10,000 is a grant to the tenant and £10,000 is for general maintenance.
- Quarrendon & Meadowcroft (Q&M) and Haydon Hill – £41,372 funded through the Aylesbury Special Expenses arrangement. This means that Buckinghamshire Council raises a ringfenced precept from Aylesbury residents, via Council tax, to run the centres. £13,522 per year for Haydon Hill, of which £9,762 is a grant to the tenant (Haydon Hill Community Association); £27,850 for Q&M, of which £18,269 is a grant to a tenant (Q&M Community Centre Association). The remainder is for maintenance.

4.2 The responsibility for Community Centre running costs will transfer to Aylesbury Town Council (ATC) via the proposed leases, and Aylesbury Town Council will cover the running costs for these centres through the income secured via their own precept arrangement. The Council had only committed to grant funding tenants until 31 March 2024; any subsequent funding decisions will transfer to ATC. The subsequent funding arrangements for the annual ongoing costs will therefore be:

- For Quarrendon & Meadowcroft & Haydon Hill (special expenses funded) - the Council would no longer raise the funding via the special expenses precept, and the special expenses precept would decrease. Aylesbury Town Council (ATC) would instead need raise the funds for any running costs through their own precept.
- For Aylesbury Multicultural Centre - the Council will make an ongoing revenue saving of £20,000 by removing the budget via the MTFP. ATC are required to raise the funds via their precept instead.

4.3 Revenue MTFP Implications: Because of the way Special Expenses funding works through the MTFP, the only Revenue saving for the Council will be on Aylesbury Multicultural Centre (£20k), as this is not part of the Special Expenses arrangement. The table below summarises the above budget changes and the MTFP changes, by political portfolio:

Service Area	Portfolio	Budget Line	Revenue Budget Change	Explanation
Property & Assets	Communities (Special Expenses)	Quarrendon & Meadowcroft	-£27,850	Remove Q&M Special Expenses budget
		Haydon Hill	-£13,522	Remove Haydon Hill Special Expenses budget
	Accessible Housing & Resources	Aylesbury Multicultural Centre	-£20,000	Remove AMC budget - Revenue Saving
Corporate	Council Tax	Special Expenses Council Tax Income	£41,372	Offsetting Corporate Q&M and Haydon Hill special expenses adjustment
NET total			-£20,000	MTFP Revenue Saving

4.4 Asset on the balance sheet: The length and nature of the proposed leases will mean that the assets remains on the Council's balance sheet, as long term value and long term liability will still rest with the Council following the end of the 25 year lease period.

4.5 Capital. There is no impact of the Capital budget of the proposed leases:

- The Council has a Capital Budget of £177k for Community Centre maintenance, included in the published capital programme and funded corporately.
- Condition surveys have been undertaken for the centres which have recommended a number of maintenance requirements (over and above annual wear and tear which is covered in the annual running costs budgets). It has been agreed that schedule of conditions will be carried out before the leases are granted and ATC will return the properties in no worse condition at the end of the lease. However, it will be ATC and the tenant's responsibility to keep the properties in a state of good repair throughout the term of the lease.
- The £177k capital budget will therefore be retained by the Council to fund the maintenance on the remaining 6 centres or re-prioritised for other projects as part of the Council's budget setting arrangements.

- 4.6 Reserves. The Council is currently holding £290,845 in an Aylesbury Special Expenses reserve, which is used to manage financial risks on the special expenses-funded activities and for all assets within special expenses. This year, for example, it is being used to fund a shortfall in market income. The Council is not obligated to provide any of this reserve to Aylesbury Town Council (ATC) towards maintenance works or running costs of the centres and will therefore retain this reserve in full.
- 4.7 Local authorities are given powers under the Local Government Act 1972 to dispose of land in any manner they wish, including sale of their freehold Land. The main constraint is that the disposal must be for the best consideration reasonably obtainable pursuant to section 123(1) of the Local Government Act 1972.
- 4.8 It is recognised that there may be circumstances where an authority considers it appropriate to dispose of land at an undervalue. Section 128(1) of the 1972 Act confers on the Secretary of State power to grant a general Consent for the purposes of land disposals in certain circumstances. The terms of the consent mean that specific consent is not required for the disposal of any interest in land which the authority considers will help to secure the promotion or improvement of the economic, social or environmental well-being of its area. Authorities can also rely on the well-being criteria when considering disposals at less than best consideration.
- 4.9 Additionally, the difference between the unrestricted value of the land to be disposed of and the consideration of the disposal does not exceed £2,000,000.
- 4.10 The valuations provided by Carter Jonas confirming the open market values for the agreed use fall within these requirements.

5a Director of Legal & Democratic Services comment

- 5a.1 The Director has read and noted the contents of the report.

5b Section 151 Officer comment

- 5b.1 The financial impact of the proposal on the MTFP will be a revenue saving of £20,000 and a budget virement of £41,372 to reduce the Special expenses budget. The Revenue Saving has been included as part of the MTFP projections as a saving opportunity from 24-25 onwards.
- 5b.2 The lease arrangements will transfer the capital finance risk on repairs and maintenance to the Town Council, for the period of the lease (25 years).

6. Corporate implications

- 6.1 The proposal from a property perspective is designed to protect the best interest of our lessee's and the community impact.

- 6.2 These three community centres transfers do not have any TUPE implications as there are no council staff employed at the properties. The Community Centre Manager has led liaising role with the managers of all 8 centres within Aylesbury.
- 6.3 An equality impact assessment has been undertaken for this project. This is a live document that will be amended as necessary throughout the application process ahead of final sign off at Cabinet.
- 6.4 A Data Protection Impact Assessment (DPIA) is not required, however, the information Aylesbury Town Council (ATC) will likely require as a part of their due diligence could be deemed as commercially sensitive. To allow progress, high level financial information that is non-specific to regular hirers can be shared until after the offer acceptance and during the transfer process and once they become the new landlord.

7. Local councillors & community boards consultation & views

- 7.1 The initial proposal has been shaped through the Member Task & Finish Group to help steer the direction of this devolution workstream. Aylesbury Town Council (ATC) do have an appetite for this to move forward and a wider appetite to include green spaces outside of the current scope.
- 7.2 Officers have met in person with the current tenants to ensure they are happy with the approach and have drafted something that protects current tenants ensures the best for the community whilst benefiting all parties involved.

8. Communication, engagement & further consultation

- 8.1 The 3 centres in this phase are currently tenanted and run the centres day-to-day. They have been communicated with to be made aware that their centres are in scope for devolution and have assurances from both parties that there is no intention to disrupt their roles. Aylesbury Town Council (ATC) would work with the tenants to support the centres. The tenants will also be protected as part of our lease offer and management agreement.

9. Next steps and review

- 9.1 If approved by Cabinet, it will be sent to Aylesbury Town Council to consider at their regular Full Council meeting in January 2024.
- 9.2 If the initial offer is declined by Aylesbury Town Council this would need to reviewed internally and an updated will be provided.

10. Background papers

- 10.1 None.

11. Your questions and views (for key decisions)

- 11.1 If you have any questions about the matters contained in this report, please get in touch with the author of this report: david.aimson@buckinghamshire.gov.uk or democracy@buckinghamshire.gov.uk

