

COMMUNITY ASSET TRANSFER OF BELLFIELD COMMUNITY HOUSE

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Ward affected: Disraeli

PROPOSED DECISION

That the Committee recommends to Cabinet:

- (i) That on the basis that the Council considers that the purpose for which the land is to be disposed of is likely to contribute to the achievement of the promotion or improvement of the economic, social, or environmental well-being in respect of the whole or any part of its area, or of all or any persons resident or present in its area, Bellfield Community House be leased to Action for Children for 25 years for £1 per year on a full repairing and insuring basis, with a rolling mutual break clause that can be exercised at 5 years subject to 6 months' notice (if not exercised at 5 years, then the next opportunity is at 10, and so on); the terms to include use for community hire at rates affordable to the local community and comparable to similar venues; and
- (ii) That delegated authority be given to the Major Projects and Estates Executive, in consultation with the Head of Community Services and District Solicitor & Monitoring Officer, to agree Heads of Terms for an Agreement for Lease and Lease, and to agree final terms for the Agreement for Lease and Lease.

Reason for Decision

In accordance with the Council's approved Community Asset Transfer Policy, organisations were invited to express an interest in managing Bellfield Community House. The house was built as part of the S106 agreement with Miller Homes on the site of the former Bellfield School. Expressions of interest were received for Bellfield Community House along with business plans. These were assessed and the preferred organisation was selected and agreed via Cabinet Member Decision Notice in November 2013. Negotiations on draft Heads of Terms for an Agreement for Lease and Lease have taken place and form the basis of this report.

Corporate Implications:

1. High Wycombe Town Committee allocated £50,000 budget from its Community Infrastructure Levy (CIL) allocation for the package of internal works to bring the community building into use, which was agreed at March Cabinet as part of the 2014/15 CIL Funding Programme.
2. The Council will need to Elect to Waive Exemption on this site to ensure that it is able to recover the VAT that it will incur as part of the fit out.
3. The Council has power under section 123 of the Local Government Act 1972 to dispose of land in any manner it wishes, including the grant of a long lease

subject to the proviso, for arrangements of 7 years or more, that a disposal must be for the best consideration reasonable obtainable, unless the Secretary of State consents to the disposal. The Secretary of State has issued Circular 06/03, the Local Government Act 1972 General Disposal Consent (England) 2003, which permits the disposal of land where the Council considers that the purpose for which the land is to be disposed of is likely to contribute to the achievement of the promotion or improvement of the economic, social, or environmental well-being in respect of the whole or any part of its area, or of all or any persons resident or present in its area. Disposal at less than best value is also subject to the condition that the undervalue does not exceed £2m. A disposal for £1 per year on the terms proposed will be lawful, provided that these conditions are satisfied.

Executive Summary

4. Bellfield Community House was built as part of the S106 Agreement with Miller Homes at the former Bellfield School site. The Agreement provided for a community house to be built to 'shell and core' and transferred to Wycombe District Council, for transfer then to a charitable organisation to manage the facility. Initially the section 106 just provided a piece of land for the Council then to raise funds to build a community building on, but the developer subsequently agreed to vary this to provide a community house.
5. Further works are required to make the community building fully usable and to fit it out. CIL funds allocated by High Wycombe Town Committee (HWTC) will be used to complete these works and Action for Children have also agreed to input funds to complete the fit out of the building. In accordance with the Council's Community Asset Transfer Policy, an invitation for organisations to express an interest in managing Bellfield Community House was issued in May 2013. Two expressions of interest were received along with business plans. These were assessed and the preferred organisation selected and agreed via Cabinet Member Decision Notice in November 2013. Negotiations on Heads of Terms for an Agreement for Lease and Lease have taken place and approval of these is now sought, with delegated authority for completion of the Agreement for Lease and Lease.

Sustainable Community Strategy / Council Priorities - Implications

6. The recommendations contribute to the Sustainable Community Strategy themes in the following ways:
 - Cohesive and Strong Communities – local community facilities
 - Provide a key place for people to come together.

Background and Issues

7. The Government has implemented two relevant policies: one of fiscal restraint as embodied in the Comprehensive Spending Review, which has led to significant reductions in Government grant funding to local councils; a second of localism as embodied in the Big Society and the Community Right to Bid for

community assets. The transfer of community assets to community groups is in line with both of these policies.

8. Community Centres are not part of core District Council functions and would usually be provided by Parish Councils. As the town is unparished, issues related to community centres fall within the remit of the Town Committee.
9. The Council's Community Facility Strategy identifies Disraeli as an area with a deficiency in community facilities, and also one of the District's areas of deprivation. Although there is a known shortage of youth facilities in the area, all age groups will be able to make use of the building.
10. Originally the Council was due to receive a small parcel of land in the middle of the development, upon which it could build a small community facility when it had funds to do so. The view was taken that funds were unlikely to be forthcoming for some years so instead the Council negotiated provision of a community house adjacent to the development's open space and play area as a better alternative. After the developer had transferred the house to the Council, the Council could then transfer the property to a voluntary or community organisation to manage for and on behalf of the local community.
11. The house is split over 2 floors with a total gross internal area of 137m². A hard surfaced parking area in front of the house level with the entrance accessing the building at the ground floor, stairs lead down to the lower ground floor where the outdoor space can be accessed at the rear. A plan is attached at Appendix B.
12. In February 2013 Wycombe District Council formally adopted a Community Asset Transfer Policy, which has been followed for the transfer of Bellfield Community House. Asset transfers should meet the following critical success factors:
 - (i) Reduced cost to WDC;
 - (ii) Minimal impact on delivery of services;
 - (iii) Public access secured;
 - (iv) Acceptable for both the Council and the recipient organisation;
 - (v) Achievable within public sector legal and procurement parameters.
13. Due to the fact that works are needed to complete the interior and fit out, an Agreement for Lease needs to be signed before the works begin, with the Lease being signed on practical completion of the works. The works will take place once HWTC and Cabinet approval has been given.
14. Action for Children is a national organisation that is experienced in delivering community services, especially for children and young people with disabilities and their carers, and in managing community facilities. It has had a contract with Buckinghamshire County Council to deliver services for local children and young people with disabilities for some years and this has just been renewed.

The organisation is committed to maximising the use of Bellfield Community House by facilitating a wide range of community uses of the building.

15. In summary the benefits to the Council of this arrangement are as follows:
- (i) Local management of the asset resulting in community use of the asset.
 - (ii) Helping an active community organisation, with an existing local presence and local services to develop and grow its services further.
 - (iii) Eliminating any on-going financial involvement by the Council in the running of the Centre by enabling a more sustainable service to develop.

Options

16. The following options were discounted:
- (i) Contracting out, as there is no local market for the running of community centres and a commercial operator would be more likely to require a subsidy.
 - (ii) Commercial letting, as community use needs to continue under the terms of the section 106 agreement.
17. There is the option for WDC to decide not to do anything with the house. If this were the case the deficiency in community facilities would remain in this ward and the house would be returned to Miller Homes for sale.
18. It is recommended that the Committee acts to secure a community facility for local residents by agreeing the Heads of Terms and delegating authority to complete a Lease with Action for Children for 25 years. Action for Children's Business Plan forecasts a Centre with high levels of use that will become a vibrant hub for the local community.

Next Steps

19. Finalisation of the Agreement to Lease and Lease terms, completion of the works and fit out, and transfer of the Centre to Action for Children via a 25 year lease.

Background Papers

- Cabinet Member Decision Notice - Community Asset Transfer of Bellfield Community House
- Community Asset Transfer Policy
- Expression of Interest and Business Plan guidance available from Community Services along with project files