

BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Executive Director Core Services

COMMUNITY ASSET TRANSFER: WORSBROUGH COMMON COMMUNITY CENTRE WARREN QUARRY LANE, WORSBROUGH, BARNSELY

1. Purpose of Report

- 1.1 The purpose of this report is to consider a request for a Community Asset Transfer to the Worsbrough Common Community Association to develop and expand the existing community centre facility at Warren Quarry Lane.
- 1.2 To approve the Transfer in the form of a lease for the development and expansion of the existing community centre facility at Warren Quarry Lane.

2. Recommendations

- 2.1 **That Cabinet approves the Community Asset Transfer based on the business case from the Worsbrough Common Community Association to develop and expand the existing community centre facility at Warren Quarry Lane.**
- 2.2 **That the Service Director Assets be authorised to finalise the heads of terms for a 25 year lease to the Worsbrough Common Community Association for a nominal rental sum allowing them to develop and expand the existing community centre facility at Warren Quarry Lane.**
- 2.3 **That the Executive Director of Core Services be authorised to complete the lease to the Worsbrough Common Community Association**

3. Introduction

- 3.1 This report provides an update on the continuing development, consolidation and expansion of the existing community centre facility at Warren Quarry Lane and the proposals put forward by the Worsbrough Common Community Association to develop a successful, sustainable community run facility.
- 3.2 The Worsbrough Common ICT Centre was constructed in 1991 by the Council. The building provided a Council run training centre, which consisted of a job club and ICT classes and other activities.

- 3.3 Whilst the ICT based services provided were particularly relevant, beneficial and had a positive effect to the local community in the early 2000s, the passage of time and the advent of universal easily accessible broadband and ICT availability meant that usage of the centre became limited. Consequently in late 2015 the ICT Centre was renamed the Worsbrough Common Community Centre.
- 3.4 As a result of significant cuts faced by the Council which have been ongoing for a number of years, the Council is no longer in a position to continue operating the facility and without any third party intervention the only real option would be to close the community centre
- 3.5 In more recent times the Council has been in consultation with the Worsbrough Common Community Association with a view to a possible community asset transfer to this group. Doing this should see the existing facility continue to operate and continue to benefit the local community.
- 3.6 Worsbrough Common Community Association is a community company, limited by guarantee, (Registration No. 05289377) since July 2004. It has been granted charitable status (Charity No. 1107681).
- 3.7 The Community Association have produced a Business Plan which details their thoughts, aspirations and plans for the continuation and expansion of the existing community facility at Worsbrough Common.
- 3.8 The Community Association have been consulted by the Council, in order to ascertain if there is an appetite to develop the existing facility as a community asset. As stated earlier, if the running of the centre is not continued by the community, then the centre will close as the Council are no longer in a position to continue to operate it.
- 3.9 The local community via the Worsbrough Common Community Association has clearly demonstrated its care for, interest in and commitment to the Community Centre and through their determined efforts it is intended that it will be retained for all age groups and interests.

4. Proposal and Justification

- 4.1 It is proposed that the Worsbrough Common Community Association will be granted a 25-year lease of the property at a nominal rent. Under the terms of the lease they will be responsible for repairing and maintaining the premises and paying all outgoings and utility charges for the property. The Council will insure the property and the fixtures and fitting and recover the cost of the insurance from the Community Association.
- 4.2 Local Authorities are required to obtain best consideration when disposing (including selling and leasing) of assets. However under Circular 06/03 of the Local Government Act 1972 – General Disposal Consent (England) 2003 leasing at less than best consideration can be authorised where the value is less than £2Million and

it is granted to secure the promotion and improvement of the economic and social well-being of the citizens' of the Borough.

- 4.3 As part of the proposed lease the Council will initially occupy part of the property by way of a separate tenancy agreement at an all-inclusive charge. In this way the Council will act as an anchor tenant for the Community Association ensuring that there is a guaranteed income which can be used to assist in the running of the property.
- 4.4 The proposed lease will contain a tenant only break clause, subject to 6-months' written notice. This will ensure that the Community Association are not entering in an agreement, which is too onerous on their part and allow them to break the lease should operating the community facility cease to be a viable proposition.
- 4.5 The Community Association will be granted a Tenancy at Will prior to completion of the proposed lease so as to formalise their continued occupation of the community centre. This will ensure that the Council can obtain vacant possession of the premises at short notice should the lease not complete for any reason.
- 4.6 The Worsbrough Common Community Association has successfully worked with the Council and Berneslai Homes to ensure that the relocation from their previous premises at Highstone Road happened. By vacating their previous premises they have freed up valuable housing stock which has been transferred back into the social housing stock.
- 4.7 In recent times the Community Association have consulted and worked with various community groups and organisations to promote a community awareness of the facilities available at the centre. They have also taken over the responsibility for bookings at the centre and they are reporting a recent increase in the number of people and groups using the facility.
- 4.8 As part of the process they will be seeking to add to the range of events and activities at the community centre, by offering attractive facilities for public and private use, meeting local needs for active volunteering and identifying gaps in local provision.
- 4.9 The Community Association have in the past successfully raised a substantial level of grant funding to support their various activities for young people. They are committed to exploring all avenues of raising further funding to help the centre through its early years following the transfer. To this end they have an extensive range of contacts, made more effective by them receiving the Duke of York Award in 2015, which they report as having opened up more funding opportunities for them.
- 4.10 By undertaking the proposed community asset transfer the property will continue to operate as a much needed community facility. Without this transfer the centre would close, which would be a loss to the local community and the Borough as a whole.

5. Consideration of Alternative Approaches

- 5.1 The Council does not have the necessary budgets to continue to operate this community centre facility. Therefore without third party intervention in the form of the proposed Community Asset Transfer the community centre would have to close and the existing council services be relocated.
- 5.2 Not undertaking the proposed Transfer is not an option as it would be a loss to the community of a much needed community facility.

6. Impact on Local People

- 6.1 The continuing development, consolidation and expansion of the existing community centre will see a much needed facility retained within the Worsbrough Common area. This should benefit not only the local community but the Borough as a whole, which would be lost if the asset transfer does not take place and the community centre is forced to close.
- 6.2 By taking a tenancy of the property, the Council will maintain a presence in the property and continue to provide much needed services, as well as providing a modest income for the Community Association to invest in the facility and the other services provided.
- 6.3 Expanding the range of events and activities offered from the community centre in line with the Community Association's Business Plan should help to intensify the use of the property benefitting the local community and the borough as a whole.
- 6.4 The Worsbrough Common Community Association will work with Learning Disability Teams, mental health providers or one of the employment creation schemes to develop further strategies, which could lead to job creation.

7. Financial Implications

- 7.1 Under reports previously submitted and approved by Cabinet, Asset Disposal Programme (2013-2018) ref Cab.12.03.2014.13 and Community Asset Transfer Policy ref Cab.30.1.2013/6.3, these reports stated that any property leased out by the Council should be at a market rent, unless otherwise specifically agreed by Cabinet, and that in the case of offering a property for rent or lease at a lower market value, the anticipated socio-economic benefits are taken into consideration.
- 7.2 The report sets out to grant a lease for twenty five years, allowing Worsbrough Common Community Association to continue to run the facility without putting its future in jeopardy, should the lease not be granted.
- 7.3 Under the terms of the lease the Community Association will be responsible for all future repairs, maintenance and insurances of the property. In addition they will pick up all other outgoings and utility costs for the property. Such costs have previously being met by the Council; this proposal will result in a cost saving of £11,260 per annum as set out within Appendix A.

- 7.4 The proposal to award the lease at a nominal rent ensures the best use of the asset and will have significant benefits to the local community as outline within section 6 of this report.
- 7.5 The Council will continue to occupy part of the property by way of a tenancy agreement paying an all-inclusive annual rental of approximately £3,600 per annum, to be funded from the savings outlined above. This means that the Council will be able to keep a presence at the building, whilst reducing the costs of occupation currently borne by the Council.
- 7.6 The Worsbrough Common Community Association will pay the councils reasonable legal and surveyors fees in respect of the lease.
- 7.7 There are no undue VAT implications arising for the Council as a result of the proposed lease to the Worsbrough Common Community Association.
- 7.8 For the purpose of IFRS the lease will be classified as an operating lease.

8. **Employee Implications**

- 8.1 There are no issues arising as a result of this report.

9. **Communications Implications**

- 9.1 The Worsbrough Common Community Association will continue to carry out consultation on their proposals for the property in line with their Business Plan in order to continue and hopefully expand the facility and the range of services on offer

10. **Consultations**

- 10.1 Stakeholders consulted during the preparation of this report include:

Communities
Legal Services - Conveyancing
Finance
Risk Management

- 10.2 Local Ward Members are aware of the community asset transfer and support the proposal.

11. **The Corporate Plan And The Council's Performance Management Framework**

- 11.1 The Business Plan produced by the Worsbrough Common Community Association demonstrates that there is a need for the premises to be retained for community purposes. The continuing development, consolidation and expansion of the existing community centre plays a key role in the achievement of the priorities contained in the corporate plan and performance management framework. There is strong alignment to building strong and resilient communities with the ultimate aim for

residents to have the skills and knowledge to take responsibility and develop their own solutions through the Community Group.

12. Promoting Equality and Diversity and Social Inclusion

- 12.1 The granting of a lease to Worsbrough Common Community Association will keep the existing facility in use and within the heart of the community for the benefit of the local community and the Borough as a whole.
- 12.2 The continuation and expansion of the existing centre will retain the facility to be used by all age groups and interests.

13. Tackling The Impact Of Poverty

- 13.1 There are no issues arising from this report.

14. Tackling Health Inequalities

- 14.1 The continuation and expansion of the existing community facility will provide a source of advice and information about many issues that impact on the wider determinants of health including employment, healthy eating and combating loneliness by encouraging and supporting community involvement.

15. Reduction of Crime and Disorder

- 15.1 In investigating the options set out in this report, the Council's duties under Section 17 of the Crime and Disorder Act 1998 have been considered.
- 15.2 Vacant or under used buildings and land can attract vandalism and unauthorised uses such as tipping, substance abuse and other anti-social behavior. Therefore the proposed transfer will keep the property in use thereby helping to prevent such problems.

16. Risk Management Considerations

- 16.1 The granting of a lease to Worsbrough Common Community Association will see a continuation and potential expansion of the community centre, keeping this asset in the heart of the community and in productive use for the benefit of the community.
- 16.2 As previously stated the inclusion of the tenant only break option in the lease will ensure that the Community Association are not entering into an agreement, which is too onerous and allows them to break the lease should operating the community facility cease to be a viable proposition.
- 16.3 Granting a Tenancy at Will to the Community Association prior to completion of the proposed lease will formalise the continued occupation of the property. This will ensure that the Council can obtain vacant possession of the premises at short notice should the proposed lease not complete for any reason. All the costs associated with running the premises will transfer to the Community Association.

17. Health, Safety And Emergency Resilience Issues

17.1 The proposal to lease the property will be carried out giving full consideration to current Health and Safety Legislation.

18. Compatibility with European Convention on Human Rights

18.1 This report recognises the promotion and importance of equality, diversity and human rights for all members of the local community and the wider Borough.

19. Conservation of Biodiversity

19.1 There are no issues arising as a result of this report.

20. Glossary

20.1 IFRS – International Financial Reporting Standards

21. List of Appendices

21.1 Appendix A – Financial Implications.

21.2 Appendix B – Site Plan

22. Background Papers

22.1 Correspondence regarding this matter is held on the files in Asset Management – not available for inspection contains exempt information

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