

Committee Name and Date of Committee Meeting

Cabinet – 15 April 2018

Report Title

Rationalisation of the Property Portfolio - Land Adjacent Chislett Community Centre - Asset Transfer Request Outside of the Adopted Policy

Is this a Key Decision and has it been included on the Forward Plan?

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

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Ward(s) Affected

Keppel

Report Summary

The purpose of this report is to seek approval for the granting of an Asset Transfer Lease, without break options, which is a diversion from the current adopted policy and therefore cannot be approved under the existing Officer Scheme of Delegation.

Recommendations

1. That the request for an Asset Lease agreement as detailed within the report be approved.
2. That the Acting Assistant Director – Planning, Regeneration and Transport be authorised to negotiate the terms of the request and the Assistant Director of Legal Services be authorised complete the necessary documentation.

List of Appendices Included

Appendix 1 Site Plan
Appendix 2 Location Plan

Background Papers

Rationalisation of the Property Portfolio: Schedule Of Asset Transfer Requests that are Outside of The Adopted Policy – Cabinet and Commissioner’s Decision Making Meeting (11 September 2017)

Rationalisation of the Property Portfolio: Chislett Youth and Community Centre, Kimberworth – Cabinet (7 November 2012)

Rationalisation of Property Assets – Report on the Adoption of an Asset Transfer Policy - Cabinet (20 July 2011)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Rationalisation of the Property Portfolio - Land Adjacent Chislett Community Centre - Asset Transfer Request Outside of the Adopted Policy Error!

Reference source not found.1. Background

- 1.1 The Council adopted a policy to enable the transfer of Council held land and property assets to the community in an efficient and sustainable way, for the benefit of the community as a whole. This policy was adopted by Cabinet on the 21 July 2011.
- 1.2 The policy requires that assets are transferred by way of a lease or a licence rather than a freehold disposal. The length of agreement granted will be dependent upon the strength of the business case and the requirements of the Council, the Applicant, potential grant funders or a specific business case.
- 1.3 In all circumstances the agreement will require the Applicants to be responsible for the full cost of insuring, repairing, ongoing maintenance and complying with all statutory requirements in relation to the asset transferred for the duration of the agreement.
- 1.4 All agreements contain a break option in favour of the Council, in the unlikely but possible event that the asset transferred is required for wider community development directly (the asset or surrounding site itself) or indirectly (i.e. for the benefit of a capital receipt).
- 1.5 All asset transfer leases and agreements that comply with the existing Asset Transfer can be considered under the existing Officer Scheme of Delegation. However, where an asset transfer request falls outside of the adopted policy, such as a request to exclude break options, such agreement requires Cabinet consideration.

2. Key Issues

- 2.1 Chislett Community Centre - Kimberworth Park Community Partnership (KPCP) holds an Asset Transfer lease, on the youth and community centre, dated 24th February 2014 (as identified hatched red within Appendices 1 & 2). This lease was for 21 years, without break options, and therefore falls outside the Council's current Adopted Asset Transfer Policy. This was granted to allow the partnership to secure funding to extend/develop and refurbish the community centre which resulted in securing grant funding of £486,000.
- 2.2 KPCP subsequently requested that the existing term of the lease be extended to a 99 year lease to secure the long term future of the Community Centre, which was approved by Cabinet and Commissioner's on the 11 September 2017.

- 2.3 At this time KPCP also requested that the currently underutilised, former garage site to the north east of the Chislett Community Centre, as identified shaded blue within appendices 1 & 2, be transferred to them under the Adopted Asset Transfer Policy with a mutual break option which could be dealt with under the existing Officer Scheme of Delegation. KPCP propose to use this area as additional parking for the community centre, maintaining the required secondary access to the adjoining Redscope Primary School.
- 2.4 The current request, to be considered by Cabinet, relates to the lease for this part of the land. As KPCP intend to carry out major improvements to this area of land they have requested that consideration be given to an Asset Transfer Lease, without break options, in line with the existing terms of the Chislett Centre. The lease would expire at the same time as the Community Centre lease.
- 2.5 The proposal is considered acceptable as, the former garage site has very limited development opportunity, due to its size and location, and serves as the secondary access, to Redscope Primary School, which needs to be retained. Onsite parking at Chislett is restricted, and therefore without utilising this area of land users and visitors would have to park on Kimberworth Park Road, which could cause issues for neighbouring residents.
- 2.6 In order to mitigate any future maintenance liabilities to the Council, it is recommended that the access road shaded green within appendices 1 & 2 is also included within the transfer, with full rights of access reserved over both this access way and the former garage site for Redscope Primary School

3. Options considered and recommended proposal

- 3.1 The alternative option, of not granting the asset transfer without breaks options and continuing with a break inclusive lease, has been considered. It is not recommended that this is taken forward as, without the removal of the break options, KPCP would be reluctant to invest in the land for the longer term. There is also the concern that without the long term security of use of the land for car parking, then this could affect the long term viability of the community centre.

4. Consultation on proposal

- 4.1 Consultation has been carried out with the Keppel Ward Members throughout Chislett Community Centres asset transfer process and more recently on 9 January 2019. All Ward Members were consulted in writing.

5. Timetable and Accountability for Implementing this Decision

- 5.1 If approved the Estates Manager within Asset Management will issue documentation to KPCP in early May 2019 with a view to completion in June 2019.

6. Financial and Procurement Advice and Implications

- 6.1 The asset transfer lease will be on a full repair and maintenance basis and will be a rental amount of a nominal £1 per annum. There are no financial or procurement implications as a result of these proposals, other than an unquantifiable saving on future maintenance liabilities on both the former car park and access road. KPCP have agreed to reimburse the Council's professional fees in dealing with this request, which have been estimated at £250. The site has limited development value, owing to the need to retain a secondary access to Redscope Primary School, and is not included on the Council's Asset Register, as it is de-minimus.

7. Legal Advice and Implications

- 7.1 There are no direct legal implications arising from the report. The report recommends a departure from current adopted policy and sets out why it is felt such recommendation can be justified. The necessary documentation will be completed in due course by Legal Services.

8. Human Resources Advice and Implications

- 8.1 There are no human resource implications as a result of these proposals.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The proposals will secure the existing services that KPCP and its partners deliver to both young people and vulnerable adults for the long term.

10. Equalities and Human Rights Advice and Implications

- 10.1 There are no implications as a result of these proposals.

11. Implications for Partners

- 11.1 There are no implications as a result of these proposals

12. Risks and Mitigation

- 12.1 There are no implications as a result of these proposals.

13. Accountable Officer(s)

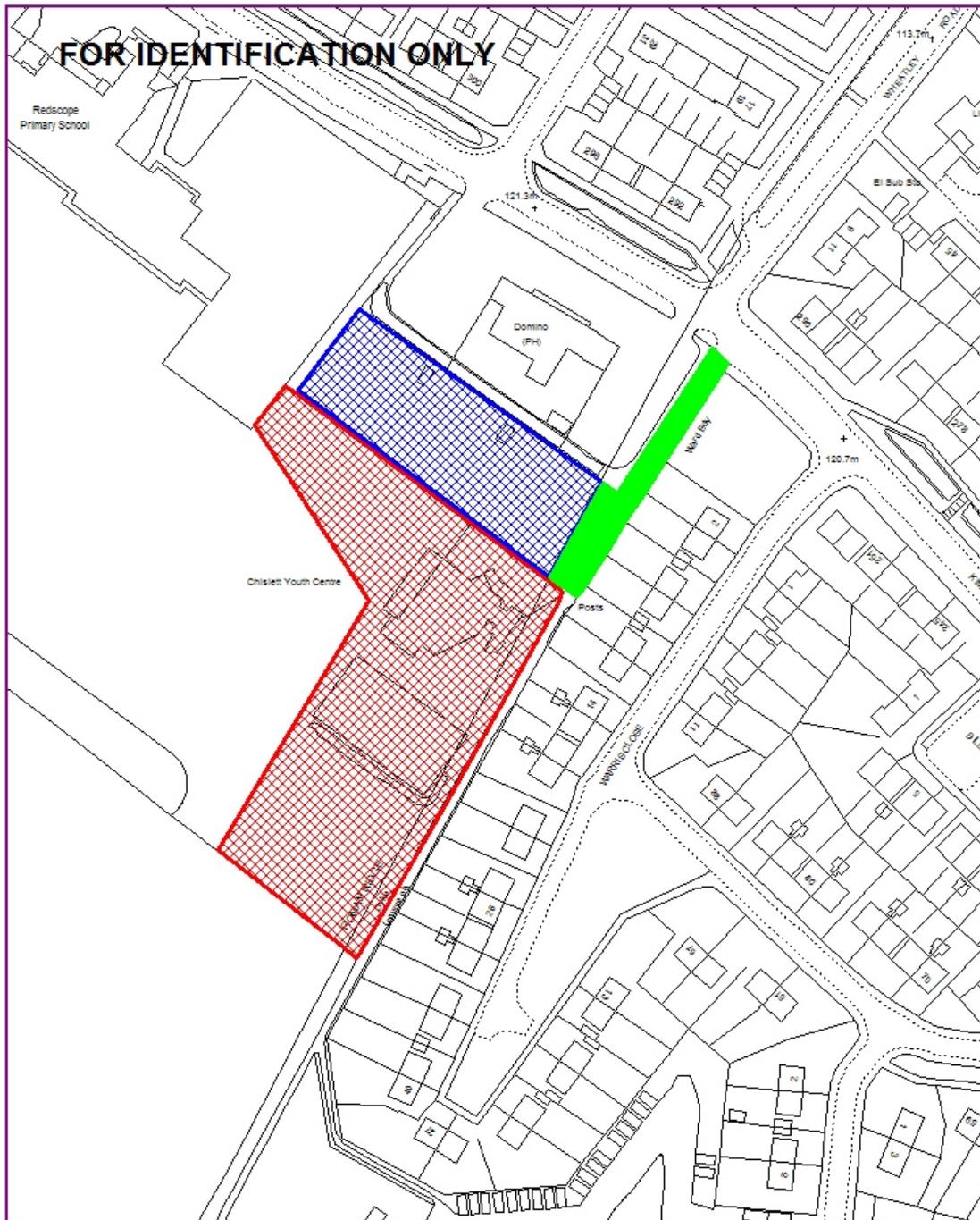
Paul Woodcock, Strategic Director of Regeneration and Environment
Bronwen Knight, Acting Assistant Director of Planning, Regeneration and Transport
Jonathan Marriott, Estates Manager, Asset Management

Approvals obtained on behalf of:-

	Named Officer	Date
Chief Executive	Sharon Kemp	29/03/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Graham Saxton	28/03/19
Assistant Director of Legal Services (Monitoring Officer)	Stuart Fletcher	15/01/19
Assistant Director of Human Resources (if appropriate)	John Crutchley	09/01/19
Head of Procurement (if appropriate)	Joanne Kirk	10/01/19

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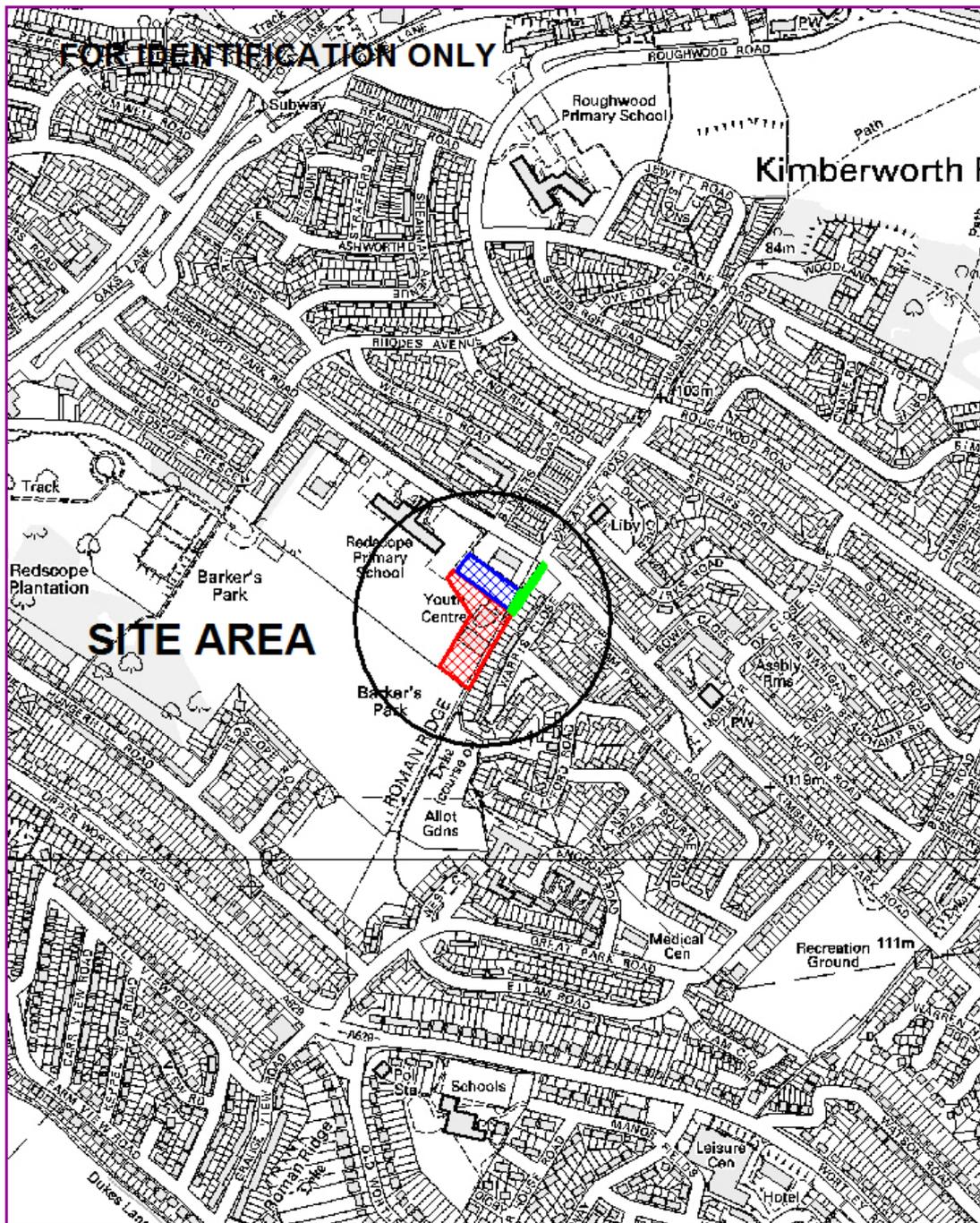
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Chislett Youth & Community Centre
Kimberworth Park Road
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