

Central Bedfordshire Council

EXECUTIVE

5 April 2016

Orchard Community Building - Land East of Biggleswade

Report of Executive Member for Stronger Communities, Councillor Andrew Turner (andrew.turner@centralbedfordshire.gov.uk); and Executive Member for Corporate Resources, Councillor Richard Wenham (richard.wenham@centralbedfordshire.gov.uk)

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This report relates to a key decision

Purpose of this report

1. To seek a decision on the transfer of the Orchard Community Building, Biggleswade and all future liabilities and responsibilities for it, to Biggleswade Town Council

RECOMMENDATIONS

The Executive is asked to:

- 1. **approve the transfer of the Orchard Community Building, Biggleswade, and all associated future liabilities and responsibilities, to Biggleswade Town Council.**

Overview and Scrutiny Comments/Recommendations

2. The decision must be taken at the Executive on 5 April and cannot be delayed until a later meeting due to the imminent completion and transfer of the building from the developer consortium Martin Grant Homes and Taylor Wimpey.

Background

3. The Orchard Community Building was completed at the end of January 2016 and is part of the Kings Reach development on land east of Biggleswade, providing 1,450 dwellings.

The Section 106 Agreement for the development required the Consortium comprising Martin Grant Homes and Taylor Wimpey to provide a community building and a commuted sum to assist with future management and maintenance responsibilities. The commuted sum will be agreed between the developer and the future owner and is expected to cover the cost of employing a caretaker over 4 years. The Community Building will be offered to Central Bedfordshire Council (CBC) to accept on its own behalf or on behalf of another public authority, which may include the Town Council. The offer remains open for a period of 3 months from the date of receipt of the Offer Notice.

4. The building has been built in accordance with the uses specified including :
 - Sports hall (including store)
 - Community hall and kindergarten / nursery
 - Keep fit facility
 - Office space
 - Flexible /multi – use space
5. During construction of the community building a temporary facility was put in place to host a number of community activities. These activities are keen to transfer to the new facility.
6. The building achieved 'Practical Completion' on the 18 December 2015. Full certification, including Building Regulations and Test certificates, will be contained within the Operation and Maintenance (O & M) manuals. These will be ready when the building is handed over.
7. The asset value of the building i.e. what it would cost to reinstate the building is £985,000.

Options

8. The S106 Agreement provides for two options regarding the ownership of the community building. It is 'offered' to CBC, which CBC may accept on its own behalf **or** on behalf of another statutory or public authority (which may include the Town Council).

Option 1: Transfer to the Town Council. Under this arrangement the Town Council would have full responsibility for the building and all ongoing maintenance liabilities.

Option 2: Transfer to CBC. Under this arrangement CBC would own the building but could lease it back to the Town Council or contract with a commercial operator to run it. The conditions of the lease would determine the responsibility for future liabilities.

9. CBC has 3 months from receipt of the offer to accept (or not) the building and a further 2 month period after that within which to execute the transfer.

Recommended decision

10. It is proposed that the building is accepted on behalf of Biggleswade Town Council for the following reasons:
 - The working assumption, based on the history of discussions between the developer consortium, Biggleswade Town Council and CBC was that the ownership and management of the Community Building and commuted sum would be transferred to the Town Council.
 - Biggleswade Town Council has established a Community facilities group and has been involved in discussions with the developer on the community building since 2011. As such, they have been able to influence plans and layout to meet local needs and expectations.
 - The Town Council resolved to adopt the Orchard Community Building on land south of Potton Road Biggleswade at its meeting on 15 December 2015. The Biggleswade Joint Committee has also endorsed the transfer of the community building to the Town Council.

Council Priorities

11. The recommendation above meets the Council priorities listed below:
 - ***Enhancing your local community – creating jobs, managing growth, protecting our countryside and enabling businesses to grow.***
Accepting and transferring the community building to Biggleswade Town Council for it to be used as a town asset and a focal point for new and existing residents, thereby helping to create a sustainable community.
 - ***Promote health and well being and protect the vulnerable***
The new building is multi purpose and includes space for keep fit and other sports as well as provision for multiple faiths and worship it has the potential to be a community hub for the delivery of other services.
 - ***Creating stronger communities***
The new building strengthens the community offer to local residents and surrounding villages. Transfer of the facility to the Town Council demonstrates our commitment and investment in communities doing more for themselves.

Corporate Implications

12. The Town Council may require some initial support from CBC to ensure the building is properly snagged and all appropriate documentation in place at transfer/handover.

Legal Implications

13. The offer, transfer and ongoing liabilities for the Community Building will be governed by the Section 106 Agreement.

Financial and Risk Implications

14. One of the options for decision is the opportunity for CBC to take on a new asset worth circa £1m. However, the ability to realise this value is limited and it comes with ongoing maintenance and running costs in the long term, which are best managed by the Town Council. There are no specific costs for CBC in agreeing to accept the community building on behalf of the Town Council.

Equalities Implications

15. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity race, religion or belief, sex and sexual orientation. The development of the multi purpose community building at Biggleswade will create a variety of positive opportunities for local residents and the wider community to engage. Furthermore the transfer will strengthen local capacity in the community to do more.

Implications for Work Programming

16. There are no implications for further work programming once the building has been transferred.

Conclusion and next Steps

17. The new development in Biggleswade will provide 1,450 new homes. The Town Council's aspiration is that the new community building will provide a focal point for new and existing residents to come together and encourage community cohesion. To support this, the community building needs to be seen as a local asset.
18. Agreement to transfer the Community Building to the Town Council would be in alignment with the Stronger Communities priority in the Council's 5 year Plan.

Appendix

19. None

Background Papers

20. None