

Central Bedfordshire Council

EXECUTIVE

5 April 2016

Community Building at Marston Park

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 Community Building at Marston Park, Marston Moretaine when built, and all future liabilities and responsibilities for it, to Marston Moretaine Parish Council.

RECOMMENDATIONS

The Executive is asked to:

1. **approve the transfer of the Community Building, at Marston Park and all future liabilities and responsibilities for it; the associated sports pitches and open space within Area 7 only as detailed on Drawing No. Bir.3429_24E, to Marston Moretaine Parish 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 developer Barratt Homes requiring Marston Moretaine Parish Council to sign an agreement confirming it to be the end user, prior to construction.

Background

3. A new Community building is planned as part of the development at land east of Bedford Road, Marston Moretaine, known as Marston Park. Construction is planned to start before 100 residential units are occupied. This is likely to be April 2016.

4. The S106 Agreement details that the community facility shall comprise:
 - A sports hall
 - Kitchen
 - Store facility
 - Office
 - Indoor sport changing facilities
 - Outdoor sport changing facilities
 - Foyer / reception area
 - Indoor / Outdoor toilet facilities
 - Referee changing room
 - Equipment not exceeding £5,000
5. It is to be used for the purposes of meetings, exhibitions, functions, recreational, leisure, sport and other facilities for the local community and local groups. The Parish Council also proposes to base its office at the new building thereby providing easier and better access to services for local residents.
6. Part 8 of the S106 Agreement also refers to a Community Facilities Bond. The developer requires that this is signed by the Parish Council confirming it will be the end user, prior to commencing the construction of the community building.
7. The estimated build costs are £1.3million and this includes all externals and car park provision.

Options for consideration

8. There are 3 options outlined in the S106 Agreement for the future management and operation of the community building: Transfer to the Parish Council.
9. Transfer to Central Bedfordshire Council (CBC) for £1 together with a five year warranty against building defects.
10. Continued management by the developer.

Option 1: Transfer to the Parish Council. Under this arrangement the Parish Council would have full responsibility for the building and pitches and all ongoing maintenance and liabilities. The Parish Council intend to use office space in the new building and would be on site to manage hiring and day to day use of the facility as well as the pitches.

Option 2: Transfer to CBC for £1 and five year warranty against building defects. Under this arrangement CBC would own the building but could lease it to the Parish Council or contract with a commercial operator to run it. The conditions of the lease would determine the responsibility for future liabilities.

Option 3: Management by the developer: Under this arrangement it is likely that the current owners (the developers) would contract the management of the facility to a Management Company.

Recommended decision

11. It is recommended that the building be transferred to the Parish Council for the following reasons:
- The working assumption, based on the history of discussions between the developer Barratt Homes, Marston Moretaine Parish Council and Central Bedfordshire Council, was that the ownership and management of the Community Building would be transferred to the Parish Council.
 - Barratt Homes (the developer) requested that the Parish Council give consideration and confirm its position in relation to taking on responsibility/management of the new community building and sports pitches. At its meeting on 15 March 2016 Marston Moretaine Parish Council resolved that the *Parish Council agrees in principle to accept the transfer of the community building, associated sports pitches and open space within Area 7, but excluding the play areas, as detailed on Drawing No. Bir.3429_29E, subject to:-*
 1. *Central Bedfordshire Council's approval of the transfer, and*
 2. *Receipt of a satisfactory development agreement relating to the transfer and construction of the community building, associated sports pitches and open space within Area 7, but excluding the play areas, as detailed on Drawing No Bir.3429_29E.*
 - Whilst CBC could accept the building on its own behalf, this comes with ongoing management, maintenance and running costs which are best managed by the parish council.
 - The Parish Council has taken advice from the Bedfordshire Rural Communities Charity (BRCC) regarding their plans to manage and run the building as a sole trustee. In addition, the Parish Council commissioned BRCC to prepare a Business Plan to ensure the financial viability of the new facility once it is operational.

Council Priorities

12. The recommendation above meets the CBC 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 Marston Moretaine Parish Council for it be used as a local 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 for sport and community activities. 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 Marston Moretaine Parish Council demonstrates our commitment and investment in communities doing more for themselves.

Corporate Implications

13. The Parish Council may require some initial support from CBC to ensure the building is properly snagged and that all appropriate documentation is in place at the point of transfer/handover

Legal Implications

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

Financial and Risk Implications

15. 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 Parish Council. There are no specific costs for CBC in agreeing to accept the community building on behalf of the Parish Council.

Equalities Implications

16. 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 Marston Moretaine 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. Advice will be provided highlighting ways in which accessibility for disabled people can be enhanced.

Implications for Work Programming

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

Conclusion and next Steps

18. The new development at Marston Park will provide 480 new homes. The Parish 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 to be a village asset that thrives on local resident volunteer input.
19. The transfer of the asset to the Parish Council aligns closely with our priority for Creating Stronger Communities, whereby people are engaged in their local community assets; creating greater resilience and building community spirit. As such, an acceptance and transfer of ownership on behalf of and to Marston Parish Council is appropriate.