

Report to Cabinet

Subject: Future management of Haywood Road Community Centre and sale of the adjacent bowling green

Date: 2 February 2017

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Wards Affected

- 1 Borough wide

Purpose

- 2 This report sets out proposals to agree the future management arrangements of Haywood Road community centre and subject to following statutory process, to sell the adjacent bowling green for residential development.

Key Decision

- 3 This is a key decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising two or more wards of the Borough.

Background

- 4 The Council owned facility at Haywood Road, Mapperley includes a former bowling green, edged red on the plan and community centre, edged blue on the plan at Appendix 1. Up until October 2016, Porchester Bowls Club used the bowling green but they have now relocated to the Arboretum in Nottingham. This follows consolidation of outdoor bowling within Gedling at Arnot Hill Park and Conway Road, in accordance with the approved playing pitch strategy and in order to reduce expenditure. The community centre is owned by the Council with onsite management being undertaken by a management committee comprising of local volunteers - the Haywood Road Community Association. The Association occupy the premises under a tenancy at will which has been in place since July 1975. The Council retains responsibility for the external fabric of the building and business rates.

As can be seen from the table below, the main user of the community centre is a local pre-school which operates on Mondays, Tuesdays and Thursdays between 9.15 and 12.15 and also on a Friday from 9.15 to 2.45. Playgroup/pre-school activities have taken place at the centre since 1974. The community centre is used by a number of groups which is detailed in the following table. The community centre can be booked for parties, meetings etc. and is also used by the Council during elections as a polling

station. On an average week, the centre is in use approximately 25 hours, compared to an average of approximately 46 hours across the rest of the Council's portfolio of community centres.

Group	Volume and Frequency of Usage
Circle Dance Group	Approximately 20-25 users, one session of 3 hours per week
Mapperley Artists	Understood to have low numbers, two sessions and a total of 5 hours per week
Haywood pre-school	34 families use the preschool in total. 39 children were registered with the preschool in February 2016. The pre-school uses the centre on Mondays, Tuesdays and Thursdays between 9.15 and 12.15 and also on a Friday between 9.15 to 2.45.
Scrabble Club	Approximately 30 users, one session of 3 hours per week
Mapperley Women's Institute	Once a month, 3 hour session
Porchester Garden Club	Once a month, 2.5 hour session
Porchester Labour Party	Once a month, 2.5 hour session
Gedling Constituency Labour Party	Once a month, 2.5 hour session
Polling Station	1-2 days per year maximum

Table 1 Current users of the community centre

Taking the site as a whole, a summary of the current situation is that the bowling green is now surplus to requirements and the community centre is under-used and in need of some investment (see condition survey at Appendix 2). In addition, four long-serving members of the management committee have given notice of their intention to stand down at this April's Annual General Meeting.

In view of this and in light of the Council's need to reduce costs and maximise income from its assets, consideration has been given to the future of both the bowling green and the community centre. Over the course of the last year, informal discussions have taken place with the Community Association and user groups to alert them to the Council's financial pressures and to explain that the Council was exploring potential disposal of the site for residential development. It's been emphasised throughout that no decisions have been made and that if and when there came a need for any groups to relocate, support would be made available.

Building on the informal discussions that have taken place with user groups, a 6 week period of consultation was undertaken with local residents between 31 October 2016

and 16 December 2016. Residents were invited to express their views about the future of the site and, in particular, about the possibility of its sale for residential development. The consultation was in the form of a letter to nearby properties, a letter to user groups, letters made available in the community centre, on street notices outside of the community centre and bowling green, a public notice in the Nottingham Post and a dedicated page on the Council's website.

The consultation generated significant interest and a summary of the number and nature of responses received is set out below. More details are attached at Appendix 3.

Total Respondents	1456		
Method of response		Number of respondents	
	Letters	10	
	Emails	137	
	“Save Haywood Road Community Centre” paper petition	456	
	“Save Haywood Road Community Centre” e petition	821	
	Circle Dance Group paper petition	32	
In favour of sale	1		
Against sale	1455		
Stated to be Current users	67	Reason for current use	
		Art Club	1
		Dance group	38
		Scrabble Club	3
		Preschool	13
		Reason not stated	12
Stated as past users	88	Reason for past use	
		Rainbows/brownies and guides	6
		Preschool	36
		Yoga	1
		Parties	12
		Playgroup	13
		Meetings	1
		Classes and voting	1

		Jumble sale to raise funds for red cross	1
		Reason not stated	17
Not stated as past or present users	1301		
Interested in volunteering help	5		
Submitted proposals/business cases	3		
Making statements on behalf of groups or organisations	4	<u>Groups making representations together with a summary of their comments which are also reflected throughout Appendix 3.</u>	
		Circle Dance Group – The group has been using the Community Centre for 20 years. It is not possible for many members to travel to other centres as many of them do not have cars and would be nervous to travel further from home.	
		Haywood Road Preschool. - The Preschool is run by a voluntary parent committee. It provides essential early years education to support local families and children in Mapperley. It is rated good by Ofsted and is the only preschool in Porchester Gardens. It supports 34 families and is a local employer of 7 contracted and 5 supply staff. These staff are at risk of redundancy should the community centre close down. The preschool could grow to meet the Government's 30 hour free childcare offer from September 2017.	
		Save Haywood Road Community Centre Steering Group. This group put forward comments on why the community centre and bowling green should remain available to the community and also stated that they could be managed by the community, for the community.	
		Green Scene (not previously involved with the Community Centre and Green). – This Group put forward a proposal for the bowling green to be used as a community heritage garden. See also Background Paper 1.	

Table 2 Summary of consultation responses

All but one of the responses received oppose the sale of the site for residential development. Many of the comments received raised planning issues related to the potential redevelopment of the site, including loss of public amenity, creation of additional traffic and exacerbating parking problems. Such planning related issues would need to be considered by Planning officers and be reported to Planning Committee if and when a decision was made to proceed with a development. If the decision was taken to sell the bowling green and/or community centre for residential development, then, in principle, the Council as landowner would need to submit a planning application and make a case for the development that satisfies or addresses planning policy requirements. At that point consultation would be carried out on the planning application that was submitted and interested parties would be able to make representations in respect of the planning application once full details of the proposal were available.

Other comments focused on the potential loss of community facilities, particularly given the dense residential area in which they are located and the limited alternative locations nearby for their re-provision. Other feedback attributed current lack of usage of the community centre to limitations with its current management, uncertainty regarding its future and lack of investment to improve its condition.

In assessing the consultation feedback, there's a distinction to be drawn between the community centre and the bowling green. It has proved particularly difficult to identify an alternative location for the main user of the centre - the pre-school – that is both suitable and nearby. It is also accepted that while a huge amount of credit must go to the current voluntary management group for their committed service over many years, a 'freshening up' of the management arrangements does have the potential to widen and increase participation at the centre. With regard to the bowling green, as has already been referenced, the Porchester Bowls Club no longer operate from the site and it is surplus to requirements in terms of the Council's outdoor bowls provision. While it contributes to the visual amenity of the street scene, it has not been accessible or available to the public for many years and as such, would not represent a loss of a community facility in the same manner as the community centre.

Proposals

- 5 In considering a way forward, there is a difficult balance to be struck between the Council's desire to retain community facilities, respond positively to the views of local residents and meet the challenge of reducing expenditure and/or generating income equivalent to £3.5 million by 2020.

As described above and set out in more detail at Appendix 3, there is strong support to retain both the community centre and the bowling green. However, when weighing up social value and financial considerations, there is a clear distinction between the two facilities – the bowling green being surplus to requirements and no longer in use, the community centre providing a number of current activities and having the potential to provide an improved and expanded offer.

It is therefore proposed that the community centre is retained and that officers work towards transferring the ongoing management of the centre to a community organisation which meets the criteria outlined in the Community Asset Transfer Policy. In the event that the current association is no longer in existence from 1st April 2017

the Council's Community Relations Team will need to step in to provide support and ensure that the centre remains operational. It is hoped the transitional period will be no longer than 12 months.

A letter from Leonie Dunleavy on behalf of the Save Haywood Road Community Steering Group dated 20 January 2017 highlights the group's plans and intentions to pursue asset transfer in relation to the community centre and the green space. This is attached at Appendix 4.

In line with the Council's adopted Community Asset Transfer Policy, there will be need to assess the viability of both the asset and community capacity before we proceed with asset transfer. Such an assessment is likely to highlight factors that will potentially have financial implications for the Council. For example, the need to undertake any additional building condition surveying and support to ensure a community organisation has a robust business plan to deliver asset transfer. The latter could be in the form of initial legal costs, business plan development, advice or a grant to support the first few years of management.

In addition, the Council may need to draw upon independent legal advice if there are areas of legal consideration that fall outside the expertise of the Council and where the Council does not have the current capacity to provide full legal support.

It is recognised that some investment is needed in the centre in order for it to be viable for ongoing community use. It is proposed that the Council contribute towards the costs of the priority works using the asset management fund in order to support an asset transfer.

Officers also intend to explore opportunities to allow community use of the garden space associated with the centre in order to respond to consultation comments relating to community open space

With regard to the bowling green, it is proposed to proceed to sell the site for residential development. Initial designs indicate that approximately 11 homes can be accommodated on the site and generate up to £500,000. It is proposed that approval is given to apply for outline planning permission for residential development on the Green. It is in the Council's interest to apply for planning permission because sites that have this benefit are likely to attract higher bids than sites which do not. The Council would also financially benefit from council tax payments resulting from this development.

If planning permission is not granted, an alternative use of the site will need to be considered at that point.

It is proposed that Cabinet agrees in principle to the disposal of the bowling green and authorises the appropriate statutory notice to be placed in the local newspaper under S.123(2A) Local Government Act 1972.

Should planning permission be granted and, following the statutory notice process, the sale agreed, it is proposed that the disposal will be effected by private treaty rather than in accordance with the tender procedure set out in the Standing Orders. Disposal in accordance with the tender procedure merely necessitates that the site is marketed

in one local newspaper with sealed bids being required by a certain date. This form of marketing may be unlikely to attain the market value for this particular site as it may not attract the highest amount of potential purchasers. This is because potential purchasers of development sites such as this do not necessarily look in local newspapers for advertisements of land for sale. They tend to purchase through marketing agents.

A preferable way to sell would be via private treaty because a marketing agent's database affords exposure to a large number of existing pre-qualified prospects. This method of sale can also reach any new prospective purchasers via the internet marketing, colour brochures and on-site signage that a marketing agent also produces.

Thus the promotional benefits of selling via private treaty through an agent can ensure that much of the target market is accessed.

In accordance with Standing Orders, the Chairman of the Overview and Scrutiny Committee and Ward Members have been consulted and the comments received can be summarised as follows:

- It is clear that there is a strength of feeling in the ward that the site should not be sold given the lack of community facilities and green space in the area. Due consideration should be given to the responses to the consultation exercise and the strength of public feeling.
- Whilst it is appreciated that the Council is under significant pressure financially, Cabinet is asked to find a way to work towards asset transfer of the community centre. This is an opportunity for the community to work with the council to make this into a thriving community facility.
- It is understood that the council has to make some difficult decisions to balance the books and has to consider options which it wouldn't otherwise want to, but it is hoped that every effort is made to create some publicly accessible green space.
- No objections raised in relation to the proposal to sell by private treaty instead of via a tender process.

Alternative Options

- 6.1 The Council could choose to retain both the bowling green and the community centre. However, given that there is adequate alternative bowling provision elsewhere, the fact that the land is not currently in use, and the Council's financial pressures, this is not a preferred option. Although the proposal put forward by Green Scene (see Background Paper 1) contained innovative ideas, if the Council chose not to sell the land it would put extra pressures on the Council's finances.
- 6.2 Selling both the community centre and the bowling green would be the most financially attractive alternative option to the Council but as has already been covered elsewhere in the report, it has not proved possible to identify a suitable alternative location for the pre-school for which there is significant local need and demand.

Financial Implications

- 7 The sale of the bowling green site will generate a capital receipt of up to £500,000 which will be used to support the Council's future capital programme and reduce the borrowing requirement and avoid debt repayment and interest costs in the revenue budget. The Council would also benefit from council tax payments in due course.

There are a number of priority capital works that are required, and further assessments will be made to determine the value of these works. It is, however, envisaged that the funding of these works can be accommodated within the Asset Management Fund. Other non-priority works have also been identified, and it is expected that council officers will work with the new community organisation to develop grant bids and secure funding to deliver these works.

Should the Council need to step in to keep the centre operational during the transitional period between the end of the current management arrangements and the proposed transfer of the centre to a community organisation which meets the criteria set out in the Community Asset Transfer Policy, there may be additional resource implications for the Council. If the transitional period is approximately 12 months, as detailed in paragraph 5 above, it is expected that additional costs will not exceed £20,000 which can be accommodated from available earmarked reserves. The appropriate budgets will be established in accordance with Financial Regulations for usage of reserves and reported to Cabinet as part of the usual quarterly performance monitoring report. In the event that the centre is not subject to a Community Asset Transfer to a community organisation, the future operating model and budget implications will require further consideration by the Council.

Legal Implications

- 8 The Council has conducted a consultation exercise with respect to the proposals for the future of the community centre and bowling green. The responses to that consultation exercise must be conscientiously taken into account when this decision is taken.

Regard must also be had to the Council's duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between protected groups, including consideration of the Equality Impact assessment attached at Appendix 5 to this report. An Equalities impact Assessment was carried out prior to the Consultation. The assessment shown in Appendix 5 is an amended version of this which reflects any material comments that have been expressed. Cabinet must consider what the impact of the proposals will be on the needs of those with protected characteristics and whether the need to identify financial savings outweighs this potential impact.

The Council's Standing Orders for Dealings with Land state that:

The executive shall consult with the Chairman of the Overview and Scrutiny Committee and ward members before making any decision to dispose of any land or property other than the sale of council houses to sitting tenants pursuant to the right to buy.

The Standing Orders also state that:

In the case of the disposal of real property other than a house or houses and where the Director assesses the value of such property to be less than £20,000 he shall adopt such method of disposal as appears to him to be appropriate in the circumstances.

In the case of the disposal of any other real property the sale shall be effected by tender in accordance with the following tender procedure unless the relevant Cabinet member authorises a different method of disposal after consultation with the Chairman of the Overview and Scrutiny Committee.

The Council is required to advertise its intention to dispose of the bowling green in 2 consecutive weeks in a local newspaper under S.123(2A) Local Government Act 1972. Any objections received following this statutory notice must be taken into account prior to any final decision taken on the disposal.

Should Council agree to dispose of the Green, section 123 of the Local Government Act 1972 specifies that a Council shall not dispose of land “for a consideration less than the best that can reasonably be obtained” without the consent of the Secretary of State.

Any transfer of the community centre to a community organisation must comply with the Council’s approved Community Asset Transfer Policy.

The Centre and Green were not gifted to the Council. The Centre site being part of former allotment land and site of a bungalow known as 46 Haywood Road was purchased by Carlton Urban District Council (now Gedling Borough Council) on 24.2.1958 for £2,750. The Green was purchased by Carlton UDC on 25.5.1955 for £1,573. There are no covenants which require the land to continue to be used for the benefit of the whole community.

Background Papers

- 9 1. ‘Mapperley Heritage Garden’ Proposal for Haywood Road Community Centre Site.

Appendices

- 10 Appendix 1 - Plan showing the Community Centre and the Green
Appendix 2 - Condition Survey of the Community Centre
Appendix 3 - Report on, and feedback from, consultation.
Appendix 4 - Save Haywood Road Community Centre Steering Group letter
Appendix 5 - Equality Impact Assessment

Recommendations

- 11 **THAT Cabinet:**

- a) authorises officers to progress community transfer of the centre to a community group or organisation which meets the criteria outlined in the Council's Community Asset Transfer Policy
- b) supports the use of the asset management fund to undertake priority works to improve the condition of the community centre.
- c) gives approval to apply for outline planning permission for residential development on the Bowling Green land at Haywood Road, Mapperley (as shown edged red on the plan at Appendix 1)
- d) in principle, agrees to the disposal of the Bowling Green and authorises Officers to advertise the Council's intention as required by S.123(2A) of the Local Government Act 1972
- e) authorise the Portfolio Holder to take the decision to dispose of the Bowling Green in accordance with the proposals set out in the report, subject to consideration of objections received pursuant to the Statutory Consultation and in compliance with the Council's Standing Orders

Reasons for Recommendations

12 The reasons for these recommendations are as follows:

- a) to protect and improve an important local community facility
- b) to generate a capital receipt for the Council
- c) to support the Council's asset transfer policy and facilitate the provision of additional homes
- d) in order to comply with Statutory obligations.