

**MAIDSTONE BOROUGH COUNCIL**

**CABINET MEMBER FOR COMMUNITY & LEISURE SERVICES**

**TUESDAY 15 JANUARY 2013**

**REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES**

**Report prepared by Sarah Robson**

**1. PROPOSAL FOR COMMUNITY HALLS IN MAIDSTONE**

**1.1 Key Issue for Decision**

1.1.1 To consider the recommendations in the Community Halls Audit Report outlining the future use, management and ownership of community halls in the Maidstone borough and approve arrangements for the leasing of Fant Hall and Heather House.

**1.2 Recommendation of the Head of Housing and Community Services**

1.2.1 As part of the consultation period for Borough Council owned and operated community halls, that the Overview and Scrutiny committee review the audit and recommendations report and where appropriate make recommendations and provide approval.

1.2.2 Provide comment on developing an established strategy and framework for using, managing and delivering community halls provision.

1.2.3 Consider the proposals for the future management and operation of Fant Hall and Heather House and the potential for a Community Asset Transfer process

**1.3 Reasons for Recommendation**

1.3.1 A long-term strategy is essential for the ongoing use, management, ownership and financing of existing halls and new halls operated by the Borough Council. Agreeing a centralised procedure, incorporating a review of existing service level agreements and leases will enable the Borough Council to set clearly measurable outputs and outcomes and assess the performance of the operating Trusts in complying with Charity Law.

- 1.3.2 There is currently no centralised budget for maintenance or financial liability (e.g. if one of the existing 12 council owned halls is returned to the Borough Council before the lease agreement finishes) incurred by the Borough Council. The recommendations support the creation of a centralised budget for the ongoing maintenance and upkeep of community halls operated by the council in the borough by utilising rental income from community halls currently paid to the Borough Council.
- 1.3.3 A consistent approach to asset transfer needs to be in place to ensure that any requests or recommendations are treated individually by the Borough Council. An Asset Transfer working group will be set up to identify and assess community halls, for example Fant Hall, Beechwood Hall and Heather House, to ascertain whether they are appropriate for community asset transfer to not-for-profit agencies or disposal at market value.
- 1.3.4 Where new development is proposed a mechanism (Section 106 or Community Infrastructure Levy) needs to be put in place for capturing additional funds for helping create new provision or helping improve existing provision. Most importantly, the mechanism should also support the ongoing maintenance and sustainability of any new community facilities.
- 1.3.5 Further consultation with halls operating in the borough to determine ways in which the council can assist independent venues (through the use of the Borough Council's Funding Officer for example) will ensure an appropriate and sustainable network of good quality community facilities are being operated within the borough.
- 1.3.6 To approve a 25 year lease to Fant Hall Trust to manage Fant Community Hall, consistent with the Model B1 lease, in return for a peppercorn rent of £175 per annum. Responsibility for repair and maintenance of the building, utility bills and relevant insurances would become the responsibility of the leases. Usage of the building would be as a "not for profit" community hall. The lease will need to ensure the Fant Hall Trust retains its charitable status for the duration of the lease. The lease must state that the hall is designated as being for community purposes only. The Fant Hall Trust must use the property for the use and benefit of the community local to the property and not for any other purpose.
- 1.3.7 To approve Fusion's Healthy Living Centre lease of Heather House is extended to 31 March 2013.

1.3.8 To approve Heather's House lease is tendered through the Council's procurement process, with both the asset transfer route or long-term lease being explored as options.

#### 1.4 Alternative Action and why not Recommended

1.4.1 Not adopting the Report would hinder the Borough Council's ability to make strategic decisions in respect of the management and development of its community halls and their value for money

1.4.2 The Cabinet Member could decide not to agree to a Model B1 lease or to the proposed terms for Fant Hall. However, as the proposals are based on national standards, this is not recommended.

1.4.3 The Cabinet Member could decide not to recommend entering a lease agreement with the Fant Hall Trust. However, in view of the expressed views of local residents and community groups who use the hall, this is not recommended.

1.4.4 The Cabinet Member could decide not to recommend entering into a long-term lease or community asset transfer for Heather House. However, in view of the expressed views of local residents and community groups who use the hall, this is not recommended.

#### 1.5 Impact on Corporate Objectives

1.5.1 Operation and management of the hall contributes to the Council's Strategic Plan priorities of 'Corporate and Customer Excellence' and 'For Maidstone to be a decent place to live'.

1.5.2 Develops a set of consistent standards towards managing and developing community halls in the Borough.

1.5.3 Ensures community halls benefit the local community.

1.5.4 Establishes a closer link between provision and community need.

#### 1.6 Risk Management

1.6.1 There are a number of risks attached to managing and supporting community halls in the borough. They include:

- Lack of procedures and sustainability in operation and vulnerability to financial risk
- Unexpected hall closures while funding is found to deal with problems, or to pay bills
- Community halls are run or created in areas where there is no identified community need

1.6.2 Should the Council be unable to complete a lease or asset transfer arrangement for Fant Hall and Heather House, the Council would be

obliged to take on day-to-day responsibility for the hall itself and this would be likely to cause capacity issues within the Council. Also, it is unlikely that the Council would be able to run the hall itself more cost effectively than an effective third sector organisation.

1.7 Other Implications

1.7.1

1. Financial	X
2. Staffing	X
3. Legal	X
4. Equality Impact Needs Assessment	X
5. Environmental/Sustainable Development	X
6. Community Safety	X
7. Human Rights Act	
8. Procurement	
9. Asset Management	X

1.7.2 Financial and Asset Management – Financial and asset management issues are implicit in the nature of a lease. Costs incurred by the Borough Council generally relate to the upkeep and maintenance of community halls through Property Services and; certain utility and equipment costs supported by Community Partnerships.

1.7.3 Staffing – Consideration will need to be given to the permanent Caretaker role at Heather House, which falls under the remit of the Borough Council – options include redundancy or a TUPE contract.

1.7.4 Legal - There will be legal implications regarding the ongoing lease management of existing community halls, the redevelopment and creation of halls and halls agreed for community asset transfer.

1.7.5 Equality Impact Needs Assessment – Community halls are designed to promote social inclusion and community cohesion. The halls are accessible for disabled people and the leases will be expected to operate in accordance with the core values of the Council.

1.7.6 Sustainable development – The Council’s Strategic Plan contributes towards making Maidstone’s communities more sustainable both from its role in tackling inequalities, but also by ensuring that the solutions worked towards take into account medium and long term environmental impacts and sustainability.

1.7.7 Community safety - Active community halls provide the means for diversionary activities and possibilities for vulnerable people at risk.

1.7.8 Asset Management – See 1.7.2

1.8 Conclusions

1.8.1 The Localism Act is one of the key pieces of legislation introduced by the Government. It is a radical shift of power from central government to local communities. By instigating either long term leases or community asset transfer for Borough Council owned community halls will support Central Government's aspirations to give power back to people and communities and create the conditions for Big Society.

1.9 Relevant Documents

1.9.1 Appendices

1.9.2 Community Halls Audit

1.9.3 Community Halls Recommendation Report

1.9.4 Community Asset Transfer Expressions of Interest Form

1.9.5 Background Documents

None

**IS THIS A KEY DECISION REPORT?**

Yes

No

If yes, when did it first appear in the Forward Plan?

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This is a Key Decision because:

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Wards/Parishes affected: All

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**How to Comment**

Should you have any comments on the issue that is being considered please contact either the relevant Officer or the Member of the Executive who will be taking the decision.

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