



TODMORDEN TOWN COUNCIL

Item 7 – Town Council 17th Feb
2020

TODMORDEN TOWN COUNCIL

REPORT TO TOWN COUNCIL

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| REPORT AUTHOR | Colin Hill Town Clerk and Responsible Financial Officer |
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| Date | 17th February 2021 |
| SUBJECT | Walsden Library Land- Community Asset Transfer Proposal. |

PURPOSE OF REPORT

1. To remind Members that the Walsden Neighbourhood Watch Community Group (WNWCG) had approached the Town Council to support their proposal to take on use of the Walsden Library land post demolition for use as a Community Garden.
2. To advise Members following their request for the Town Clerk to liaise with WNWCG in order to obtain a more detailed understanding of their proposal a Business Plan has been received and following a verbal update given to Development Committee on the 28th October 2020, that Committee felt it appropriate to refer to the Town Council for formal consideration.
3. To inform Members that ahead of such consideration the Town Clerk advised WNWCG to advise Calderdale MBC that they wished to take forward a Community Asset Transfer related to this parcel of land.
4. To inform Members that having considered the Business Plan and its ongoing revenue financial implications, then from both an operational and financial risk point of view, this proposal if successful, is not felt to be any higher risk than those of the existing land holdings currently held by the Town Council, and if such a policy decision is taken to support:-
 - a) Seek from Members their agreement to work with WNWCG to submit a Community Asset Transfer proposal as either the Town Council as direct applicant, with a Management Agreement in place with the group, or to support directly, the Group in their application.
 - b) Seek from Members agreement to grant £3,000 toward their start-up cost of £10,000, with such funds only released on confirmation that the Group has raised the balance of £7,000.
5. To make Members aware that whilst any approach by the Group is likely to have greater standing with the involvement of the Town Council, the decision to grant such an asset transfer is entirely at the discretion of Calderdale MBC. Given this plot of land is likely to be

an attractive site for development, and with it a capital receipt gain for Calderdale MBC, this application may not be successful, but that should not deter one from being made.

BACKGROUND AND CONSIDERATIONS

6. Members are aware that existing library is scheduled for demolition. That included removal of the concrete slab base and surrounding railings, which have all been included within the demolition priced works, bringing the site to a saleable state for potential development opportunity.
7. The Group in their Business Plan include a figure of £4,500 for reintroducing a concrete slab and concrete poured paths and turfing. Given that any likely lease will require at the end of term for the land to be reinstated to its original state, a less permanent solution would need to be found.
8. Set up costs including the above £4,500 are estimated at £10,000. By giving "in principle" agreement to £3,000 (our usual grant maximum), we will be requiring that they add tangible financial commitment by raising the balance of £7,000, before we would take on legal liability of land ownership.
9. Annual Revenue costs are estimated at circa £1,100 matched by their volunteer hours. Todmorden in Bloom have indicated their willingness to help manage this site. Given we already have a budget in place to assist Todmorden in Bloom, the element of £500 towards maintenance cost could therefore be met from within this provision, leaving WNWCG to raise the balance of £600.
10. Should we take on legal ownership, use of the land would be covered under the Town Council's Public Liability Cover whilst we could also extend similar cover to registered volunteers. It is anticipated an additional £200 per annum in premium may be required.
11. It would be proposed to ask for a five year lease at peppercorn rent but with such lease conditions expected to include:-
 - a) Contracted out of Landlord and Tenant Act (no automatic rights of renewal).
 - b) Limited rights of assignment.
 - c) Fully Repairing and Insuring lease.
 - d) Restricted use covenant.
 - e) Agreement for limited structures to be placed on the land.
 - f) Ground maintenance / drainage obligations (land drainage, if any, would need to be understood more fully).
12. A detailed Management Agreement detailing the Groups obligations to the Town Council would need to be signed contemporaneously with any formal lease agreement.

FINANCIAL IMPLICATIONS

13. The following costs may be incurred totalling £4,000, which could be met from a likely underspend for this current year and earmarked for this purpose, or taken from the existing Community Development Reserve currently standing at £60,000.

Grant award £3,000
Legal fees £1,000

14. There would be an additional revenue cost of circa £200 in respect of additional Insurance liability costs
15. Ongoing revenue provision can be met from within existing budgets.

RECOMMENDATION

16. That Members consider whether as Policy they wish to support WNWCG in their proposal to seek a Community Asset transfer of parcel of land formerly occupied by the Walsden Library.
17. That if deciding to support this initiative, the Town Clerk is:-
 - a) authorised to work with WNWCG to prepare and submit a Community Asset Transfer proposal to Calderdale MBC.
 - b) commit to a one-off grant of £3,000 to assist with set up costs totalling £10,000- payable on execution of the asset transfer and on confirmation of £7,000 also raised.
 - c) negotiate asset transfer terms.
 - d) establish an Earmarked Reserve of £4,000 from which a revenue budget of £1000 may be established to instruct solicitors, once Heads of Terms have been agreed.
 - e) Agree with WNWCG the terms of a proposed Management Agreement.
18. That if Calderdale MBC agree to this proposal , that the final terms of agreement are brought back to Town Council for approval before instructing solicitors.

REASONS FOR RECOMMENDATION

19. Seeking a Community Asset Transfer requires a policy decision.
20. To enable this project to move forward the Town Clerk will need approval to negotiate both with WNWCG and Calderdale MBC.
22. Any lease will require formal approval before being executed.

POLICY IMPLICATIONS:

23. This is a new policy decision.

DETAILS OF CONSULTATION:

24. None other than discussions with the Group itself.

CLIMATE CHANGE:

25. A proposal of this nature would support existing policy.

IMPACT EQUALITY ASSESSMENT

26. The opportunity to involve people in activities involving physical and mental wellbeing as well as accessibility for all is to be welcomed.

SUPPORTING PAPERS:

27. Appendix 1 - Walsden Neighbourhood Watch Community Group Business Plan
Appendix 2 - a) Calderdale MBC - Community Asset Transfer Guideline
b) Calderdale MBC - Community Management of Asset Policy

FURTHER INFORMATION, PLEASE CONTACT: Colin Hill