



POLICY AND RESOURCES SCRUTINY COMMITTEE – 12TH NOVEMBER 2013

SUBJECT: NOTICE OF MOTION - FORMER NELSON BOYS AND GIRLS CLUB

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

1. PURPOSE OF REPORT

- 1.1 To give Scrutiny Committee the background to an extant Cabinet decision having particular regard to a Notice of Motion submitted by Councillor Anne Blackman.

2. SUMMARY

- 2.1 Councillor Blackman has submitted the following Notice of Motion: **“That Council agrees to take the land and buildings of the former Nelson Boys and Girls Club out of Property Services and transfers it to Education and Leisure, so that it can be retained as leisure facility for the community of Nelson”.**
- 2.2 Following a decision by Cabinet on the 2nd August 2011 the land in question was appropriated out of the HRA for “development purposes”. The reason for this decision was to allow the site to be brought into beneficial use, it having been unused since circa 2005.
- 2.3 Since that Cabinet decision, Property Services has had responsibility for the management of the land and building in line with its responsibilities for all Council non-operational buildings. That responsibility has been extended beyond non-operational buildings since January 2012 as the Council has moved towards centralisation of its Property portfolio.

3. LINKS TO STRATEGY

- 3.1 Centralisation of the Council’s property portfolio is a focus of the Council’s Asset Management Strategy (Land & Buildings).

4. THE REPORT

- 4.1 Councillor Blackman has suggested in her Notice of Motion that transferring responsibility for the site of the former Nelson Boys and Girls Club to “Education and Leisure” would safeguard its use as a leisure facility. **Members should note that Education no longer has responsibility for Leisure – this lies within the Directorate of the Environment (Community and Leisure Services).**
- 4.2 Such a move, not supported by the Directorate of the Environment, would incur responsibility for non–operational land upon them that they currently do not have the resources to maintain. Additionally such a move of responsibility would be at odds with current Council principles i.e. that non–operational land becomes the responsibility of Property Services.
- 4.3 At its meeting of the 4th September 2012 Cabinet agreed, following representations from the Nelson Development Trust (supported by Councillor Blackman), to:-

1. The provision of a letter of intent to lease the site of the former Nelson Boys and Girls club to the Nelson Development Trust for a minimum of 25 years, subject to the terms of the lease making the Trust responsible for all repairs and maintenance of the existing building.
2. Subject to the above, the following conditions be attached to the letter of intent:-
 - The Trust be able to demonstrate, to the satisfaction of the Council, that it has sufficient funding to restore the building to a condition suitable for its planned use, with all statutory H & S certificates in place and fully DDA compliant. A progress update be presented to the appropriate Cabinet Member and Head of Service within a maximum period of 24 months. The 24-month period to commence from the date of the letter of intent.
 - The Trust demonstrates, to the satisfaction of the Council, that its Business projections are realistic and robust and the provision of a youth facility is sustainable. A progress update be presented to the appropriate Cabinet Member and Head of Service within a maximum of 24 months.
 - On a matter of reverting the lease to the Community Council should the Development Trust be wound up it was agreed that this would not be considered initially but would be given further consideration at the 24-month review period described above.
 - Should the Trust fail to satisfy the council following that period of 24 months, or are not prepared to consider alternative options for youth provision on the site, the former Boys and Girls club building will be demolished and the site offered for development in accordance with the council's LDP.
- 4.4 Cabinet's decisions, detailed in paragraph 4.3, are not reliant upon where responsibility for the site lies within the Council and therefore its transfer, as proposed by the Notice of Motion, does nothing to change those decisions. Additionally such a transfer would impose a liability on a service that does not have a budget or resources to manage such a liability.

5. EQUALITIES IMPLICATIONS

- 5.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment questionnaire to be completed for this report.

6. FINANCIAL IMPLICATIONS

- 6.1 Potentially there are financial implications associated with this report if the Notice of Motion is agreed. A transfer of responsibility for maintenance and security of the property is bound to have an adverse impact (as yet not quantified but not considered high) on the Community and Leisure Service budget.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications associated with this report as it is anticipated that if the property was transferred to Community and Leisure Services then the service would wish to employ, via an internal re-charge, Property Services to manage and maintain the property.

8. CONSULTATIONS

8.1 The results of all consultations have been incorporated into this report.

9. RECOMMENDATIONS

9.1 It is recommended that Scrutiny Committee make a recommendation to Cabinet **not** to support the Notice of Motion.

10. REASONS FOR THE RECOMMENDATIONS

10.1 Transfer of responsibility for non-operational land from Property Services is contrary to established Council principles.

11. STATUTORY POWER

11.1 Local Government Act 1972.

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