
Devolution of Moorside Community Centre

Committee considering report:	Executive on 17 January 2019
Portfolio Member:	Councillor Anthony Chadley
Date Portfolio Member agreed report:	6 December 2018
Report Author:	Richard Turner
Forward Plan Ref:	EX3608

1. Purpose of the Report

- 1.1 To resolve to approve the transfer of the freehold of Moorside Community Centre, Urquhart Road, Thatcham RG19 4RE and adjacent playing field, by way of devolution to Thatcham Town Council (TTC).

2. Recommendation

- 2.1 It is recommended to transfer by way of devolution (for the nominal consideration of £1), the freehold of the Moorside Community Centre building, its associated land including car park, playground and multi use games area (muga) as well as the adjacent playing field (all edged in red on plan in appendix D)

3. Implications

- 3.1 **Financial:** The transfer will remove the ongoing operational costs of Moorside from WBC budgets, of circa net revenue annual running costs of £10,000 (based on a partially vacant building) a further £88,000 of revenue maintenance over ten years and £106,000 of capital maintenance over ten years. A payment to TTC of £7,345 of revenue and £7,650 of capital is proposed to enable TTC to carry out the condition works for 2018 and 2019 (works scheduled in the transfer terms).
- Further financial benefit may be derived from the transfer of the playing field in terms of the grounds maintenance costs for the playing field, but the full extent is linked with contractual commitments for grounds maintenance and subject to wider negotiations with the supplier.
- 3.2 **Policy:** This proposal is being conducted through the Devolution initiative.
- 3.3 **Personnel:** No implications
- 3.4 **Legal:** The proposal is subject to and to be in accordance with the Localism Act 2011 and the council's power to dispose of land pursuant to s123 of the Local Government Act 1972 and General Disposal Consent 2003. This is covered in more detail within Appendix C – Supporting Information,

section 2.14 (1) to (6)

In accordance with s123 of Local Government Act 1972, a valuation has been carried out, based on the community use restrictions placed upon the asset which identifies the capitalised value as being £300,000 for the community centre and £95,000 for the playing field.

This proposal by way of devolution is for the transfer of the freehold for the consideration of £1.

Under the provisions of the Local Government Act, notice of the proposed transfer was published in the Newbury Weekly News on 13 and 20 December 2018, and supporting information held in the Market Street office reception over this two week period for the public to view. By the closing date the council had received no comments on the proposal.

- 3.5 **Risk Management:** Transfer of responsibility for the management of Moorside.
The asset is to be transferred on the basis of its ongoing use as a community centre.
The Heads of Terms which form the basis of the transfer (attached in appendix F) convey this condition, with the asset being returned to WBC if the use changes.
- 3.6 **Property:** This will remove both cost and management responsibilities from the WBC Property Services team for this property.
- 3.7 **Other:** None identified

4. Other options considered

- 4.1 Following the departure of the Pupil Referral Unit, no operational team is allocated to the Moorside Building and the site is managed by the Property Services Team. It is an option to retain the site in WBC ownership. This is not the preferred option.

Executive Summary

5. Introduction / Background

- 5.1 The Moorside Community Centre is located on Urquhart Road, Thatcham RG19 4RE and was transferred to West Berkshire Council (WBC) from Redrow Homes in October 2004 as part of the section 106 agreement related to the Kennet Heath housing development.
- 5.2 Historically the building has been both used as a traditional community centre on the ground floor, managed through Thatcham Youth and occupied on the first floor by WBC Education Service and used as a pupil referral unit (PRU). The PRU vacated the site in September 2017 and the first floor remains vacant.
- 5.3 An application has been received by WBC from Thatcham Town Council (TTC) for the transfer of the freehold ownership of Moorside Community Centre and the adjacent playing field (see appendix D – site & location plan).
- 5.4 Currently WBC has responsibility for the budget management of the building and the annual revenue costs historically totalling £34,000 but reduced in 18/19 to £20,000 due to the vacant first floor. The council receives approximately £10,000 per year of the income generated from fees for hiring out the halls.
- 5.5 Additionally a 2018 condition survey shows the need for £88,000 of planned revenue maintenance and £106,000 of capital maintenance over the next ten years.

6. Proposal

- 6.1 The proposal is to devolve the freehold of Moorside Community Centre and its associated land (car park, playground and MUGA), with the adjacent playing field, including for the following provisions (see attached Heads of Terms in appendix F):
 - (1) Spurcroft Primary School retain its current right to access and use the playing field for physical education as part of its delivery of the curriculum;
 - (2) WBC Education Service be offered occupation of the first floor of the building over an agreed short term period at an agreed rent to enable the temporary decant of staff and pupils from the Badgers Hill I-College site during its reconstruction.
 - (3) WBC transfer to TTC on final transfer of the asset a total of £14,995 (£7650 of capital and £7345 of revenue) to cover the in-year revenue maintenance and the capital maintenance for year one (2018) and year two (2019).
 - (4) That the transfer is on the basis of continued use as a community centre and that pre-emption clause be included to ensure that should the premises cease to be viable as a community centre and TTC benefit in the future from any change of use, that the asset be returned to WBC.

7. Conclusion

- 7.1 The asset is well suited to be transferred to TTC for the long term management for community use in Thatcham.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – Site and Location plan
- 8.5 Appendix E – Ground and first floor plans
- 8.6 Appendix F – Heads of Terms

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Resources
Service:	Finance and Property
Team:	Property Services
Lead Officer:	Richard Turner
Title of Project/System:	Devolution of Moorside Community Centre
Date of Assessment:	12 November 2018

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
Will you be processing SENSITIVE or “special category” personal data? Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be processing data on a large scale? Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will your project or system have a “social media” dimension? Note – will it have an interactive element which allows users to communicate directly with one another?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will any decisions be automated? Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will your project/system involve CCTV or monitoring of an area accessible to the public?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using the data you collect to match or cross-reference against another existing set of data?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using any novel, or technologically advanced systems or processes? Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:***
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;***
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:***
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;***
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;***
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.***
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.***
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”***

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To resolve to transfer the freehold of Moorside Community Centre and adjacent playing field
Summary of relevant legislation:	Localism Act 2011, Local Government Act 1972 and General Disposal Consent 2003.
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Richard Turner
Date of assessment:	12 November 2018

Is this a:		Is this:	
Policy	Yes/No	New or proposed	Yes/No
Strategy	Yes/No	Already exists and is being reviewed	Yes/No
Function	Yes/No	Is changing	Yes/No
Service	Yes/No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To transfer the freehold of an asset
Objectives:	To offer devolved and improved local management of the site for community benefit.
Outcomes:	To release an asset and associated ongoing costs.
Benefits:	Improved community use of Moorside for Thatcham residents and cost saving to WBC.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	None	
Disability	None	

Gender Reassignment	None	
Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Sex	None	
Sexual Orientation	None	
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	Yes/No
Please provide an explanation for your answer:	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	Yes/No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	n/a
Owner of Stage Two assessment:	n/a
Timescale for Stage Two assessment:	n/a

Name: Richard Turner

Date: 12 November 2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.