
Devolution: garage adjacent to Beansheaf Community Centre, Calcot

Committee considering report: Executive on 5 September 2019

Portfolio Member: Councillor Jeff Cant

Date Portfolio Member agreed report: 15 August 2019

Report Author: Colin Broughton

Forward Plan Ref: EX3756

1. Purpose of the Report

- 1.1 To obtain authority to devolve the freehold interest in The Garage at Beansheaf Community Centre, Calcot, from West Berkshire Council to Holybrook Parish Council for a nominal consideration.

2. Recommendation

- 2.1 That West Berkshire Council transfers the freehold interest in The Garage at Beansheaf Community Centre to Holybrook Parish Council for a peppercorn.

3. Implications

- 3.1 **Financial:** The premises are currently let to the Holybrook Parish Council for a peppercorn under a lease expiring 16 February 2025 and the Parish Council pay for all repairs, insurance costs etc. The garage is of little value to West Berkshire Council due to its location and nominal rental value, but has potential benefits as ancillary storage space for the Community Centre which is owned freehold by Holybrook Parish Council.
- 3.2 **Policy:** Under the Councils Devolution programme, property that can better deliver local services and is not required by the Council, are considered for transfer either on long leases or freehold subject to pre-emption, to local Parish or Town Councils, who maintain and run the property at their cost. As West Berkshire Council has no current or future use for the garage at Beansheaf it would be a suitable property to consider transferring to the Parish Council.
- 3.3 **Personnel:** Property Services and Legal Services
- 3.4 **Legal:** Legal Service representatives have attended all Devolution meetings where this matter has been discussed and agreed to the terms of the Transfer.
- 3.5 **Risk Management:**

3.6 **Property:** Property Services involvement relates to agreeing terms of transfer to the Parish Council following application by the Parish Council, and discussion at the devolution meetings where the terms of Transfer were approved.

3.7 **Other:**

4. Other options considered

4.1 Retain the Garage and continue leasing to Holybrook Parish Council at Nil rent.-

Executive Summary

5. Introduction / Background

- 5.1 Holybrook Parish Council was created in 2000 under an Order dated 1st March 2000 when it split from Theale Parish Council and the ownership of Beansheaf Community Centre was transferred from Theale PC to Holybrook PC.
- 5.2 When the Beansheaf Community Centre was built its ownership was retained by Theale Parish Council, and the then Newbury District Council had some changing rooms and toilets built on to the end of the Community Centre to service the adjoining playing field, these being shown edged blue on the attached plan. Newbury District Council retained ownership of the changing rooms and the garage which adjoins the Community Centre, the Garage being shown edged red on the plan attached.
- 5.3 Newbury District Council and more lately West Berkshire Council used the Garage for ground maintenance equipment up until 2004 when a request was made by the Youth and Community Team of the Council to use the Garage for a drop in centre for young people of the parish of Holybrook and planning consent was obtained for the change of use under application No 04/00947/FUL.
- 5.4 An approach was made by Holybrook Parish Council to take over the operation of the Garage as a Youth Drop in centre and a 10 year lease was granted to the Parish council from 2014 at nil rent.
- 5.5 As part of the Council's devolution programme, the Holybrook PC has requested that the freehold of the Garage be transferred to them for a nominal sum and provisionally terms have been agreed that the property be transferred for £1 and that the use of the premises is restricted to storage and uses ancillary to Beansheaf Community Centre as the use as a Drop in Centre has declined in recent years.
- 5.6 Provision in the transfer is to be made whereby there is a right of pre-emption if the Parish Council ceases to use the property for a period of 6 months or the property becomes surplus to the Parish Council or any successors needs, whereupon the property must be transferred back to West Berkshire Council in no worse state than at this transfer for £1.

6. Proposals

- 6.1 That West Berkshire Council transfers the freehold of the Garage at Beansheaf Community Centre to Holybrook Parish Council for a nominal sum of £1, the use of the premises being restricted to that of storage and uses ancillary to Beansheaf Community Centre and subject to the pre-emption proviso.

7. Conclusion

- 7.1 The freehold of The Garage at Beansheaf Community Centre be transferred to Holybrook Parish Council as proposed above.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment

8.2 Appendix B – Equalities Impact Assessment

8.3 Appendix C - Plan showing location of The Garage.

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
Lead Officer:	Colin Broughton
Title of Project/System:	Devolution: garage adjacent to Beansheaf Community Centre, Calcot
Date of Assessment:	23/07/19

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

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p><small>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”</small></p>	<input type="checkbox"/>	x <input type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p><small>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</small></p>	<input type="checkbox"/>	x <input type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p><small>Note – will it have an interactive element which allows users to communicate directly with one another?</small></p>	<input type="checkbox"/>	x <input type="checkbox"/>
<p>Will any decisions be automated?</p> <p><small>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?</small></p>	<input type="checkbox"/>	x <input type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	x <input type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	x <input type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p><small>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</small></p>	<input type="checkbox"/>	x <input 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 approve the conversion of a leasehold interest held by Holybrook Parish Council to the freehold ownership subject to conditions.
Summary of relevant legislation:	
Does the proposed decision conflict with any of the Council's key strategy priorities?	No. It is supported by Devolution policy.
Name of assessor:	Colin Broughton
Date of assessment:	23 July 2019

Is this a:		Is this:	
Policy	Yes	proposed	Yes
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 property interests to local Parish and town councils
Objectives:	Reduce property liabilities and associated costs.
Outcomes:	Less management time and costs.
Benefits:	As above

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	Use of property remains the same
Disability	None	Use of property remains the same

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?	No
Use continues as currently	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Use continues as currently	

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	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Colin Broughton

Date: 23 July 2019

Devolution: garage adjacent to Beansheaf Community Centre, Calcot

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.