

Roberto Tambini
Chief Executive

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Our Ref: PGH/Cabinet
Date: 5 July 2013

Notice of Meeting

CABINET

Date: Tuesday 16 July 2013

Time: 19.00hrs

Place: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames.

Members of the Cabinet	Cabinet member areas of responsibility
R.L. Watts (Chairman)	Leader of the Council, Strategy and Corporate Governance
P. Forbes-Forsyth (Vice-Chairman)	Deputy Leader, Community Safety, Young People, Leisure and Culture
T.J.M. Evans	Finance
N. St. J. Gething	Economic Development and Fixed Assets
V. J. Leighton	Corporate Development
A. J. Mitchell	Environment (including Parks and Waste Management)
J. M. Pinkerton OBE	Health, Wellbeing and Independent Living
J. R. Sexton	Communications, ICT and Procurement
S. Webb	Planning and Housing

AGENDA

Description	Page Number
1. Apologies for absence	
To receive any apologies for non-attendance.	
2. Minutes	
To confirm the minutes of the meeting held on 25 June 2013.	1 - 5
3. Disclosures of Interest	
To receive any disclosures of interest from members in accordance with the Council's Code of Conduct for members.	
4. Playing Pitch Strategy - Key Decision	
Councillor Mitchell	6 - 15
5. Manor Park cafe and Beresford House	
Councillor Gething	16 - 17
6. Assets of Community Value	
Councillor Watts	18 - 24
7. Lease of office premises at Knowle Green to Surrey CC	
Councillor Gething	25 - 27
8. Issues for future meetings	
Members are requested to identify issues to be considered at future meetings.	
9. Urgent Items	
To consider any items which the Chairman considers as urgent.	
10. Exempt Business	
To move the exclusion of the Press/Public for the following item(s), in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.	

11. Meals on Wheels procurement of new vehicles - Key Decision

Councillor Pinkerton OBE

Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding the information)

and on the basis publication would not be in the public interest because information in this report is commercially sensitive.

12. Property Searches Litigation

Councillor Watts

Paragraph 5 - Information relating to legal proceedings or instructions to/the opinion of Counsel

and on the basis that publication would not be in the public interest because disclosure to the public would prejudice the authority in negotiations for the settlement of the matters concerned.

Minutes of Cabinet

25 June 2013

Present:

Councillor R.L. Watts, Leader of the Council, Chairman of the Cabinet and Cabinet Member for Strategy and Corporate Governance
Councillor P. Forbes-Forsyth, Deputy Leader and Cabinet Member for Community Safety, Young People, Leisure and Culture
Councillor T.J.M. Evans, Cabinet Member for Finance
Councillor N. Gething, Cabinet Member for Economic Development and Fixed Assets
Councillor V.J. Leighton, Cabinet Member for Corporate Development
Councillor T. Mitchell, Cabinet Member for Environment
Councillor J.M. Pinkerton OBE, Cabinet Member for Health, Wellbeing and Independent Living
Councillor J. Sexton, Cabinet Member for Communications, ICT and Procurement

Apologies: Councillor S. Webb, Cabinet Member for Planning and Housing

In attendance:

Councillor A. Patterson

1929. Minutes

The minutes of the meeting held on 30 April 2013 were agreed as a correct record.

1930. Disclosures of Interest

There were none.

1931. Minutes of the Local Plan Working Party held on 6 June 2013

Cabinet received the minutes of the meeting held on 6 June 2013.

RESOLVED that Cabinet notes the minutes and agrees:

- a) To continue to progress with the introduction of a CIL charging system.
- b) The Preliminary Draft Charging Schedule and supporting evidence for public consultation in accordance with statutory requirements.
- c) To re-affirm the programme previously agreed.

1932. Provisional Capital Outturn 2012-13

Cabinet considered a report of the Chief Finance Officer on the provisional capital outturn spend for 2012-13.

RESOLVED to note the provisional capital outturn position for 2012-13.

1933. Treasury Management Annual Report for 2012-13

Cabinet considered a report of the Chief Finance Officer on the Treasury performance for 2012-13.

RESOLVED to note the Treasury performance for 2012-13.

1934. Provisional Revenue Outturn 2012-13

Cabinet considered a report of the Chief Finance Officer on the provisional revenue outturn position for 2012-13.

Cabinet wished to record its thanks to Terry Collier, Adrian Flynn, Jo Hanger and the whole team for their hard work on the finance reports.

RESOLVED to note the provisional revenue outturn position for 2012-13.

1935. *Leisure and Culture Strategy 2013-16 (1st draft) – Key Decision

Cabinet considered a report on the first draft of the Leisure and Culture Strategy.

RESOLVED that the report be considered by the Overview and Scrutiny Committee meeting on 9 July 2013 and then comes back to the Cabinet meeting on 24 September 2013.

Reason for the decision:

Cabinet wanted to obtain and consider the views of the Overview and Scrutiny Committee before agreeing to the Strategy going out to public consultation.

1936. Fly tipping

Cabinet considered a report on the level of fly tipping in Spelthorne and the employment of a fly tipping officer.

The options considered were in the main body of the report.

RESOLVED that Cabinet approves:

- 1) Option 4, the submission of a bid to the Surrey County Council Local Committee for the employment of a full time fly tipping officer on a one year trial at a maximum cost of £60,000. (This would include a vehicle and camera costs in the first year and Spelthorne clearing all fly tips currently the responsibility of Surrey County Council but not any out of hours work associated with fly tipping).
- 2) The installation of appropriate signage as soon as possible at known fly tipping hotspots around the borough.

Reason for the decision:

Cabinet noted that fly tipping is a problem in the Borough.

1937. Christmas lights in Staines-upon-Thames Town Centre

Cabinet considered a report on the provision of Christmas lights in Staines-upon-Thames town centre.

RESOLVED that Cabinet approves in retrospect:

- 1) The decision made by the Chief Executive following consultation with the Leader and the Portfolio Holder for the purchase of the Christmas lights, and

- 2) The decision made by Councillor Watts, Leader of the Council, to approve provision of £26,700 within the capital budget to allow for the purchase of the lights.

Reason for the decision:

Cabinet noted that residents and businesses alike value the amenity that Christmas lights provide.

1938. Response to the consultation on Surrey's Draft Rail Strategy

Cabinet considered a report on Surrey's strategy for the long-term development of railway provision both within Surrey and to London and the rest of the country.

RESOLVED that Cabinet confirms the Council's support for Surrey's draft Rail Strategy.

Reason for the decision:

Cabinet noted that there are probably longer-term benefits to the Borough from the sort of major rail projects being considered, including enhanced links to Heathrow airport.

1939. Discretionary Housing Payments Policy 2013-14

Cabinet considered a report on the Department for Work and Pensions' (DWP) discretionary housing payments scheme, administered by the Council on behalf of the DWP.

RESOLVED that Cabinet agrees the Discretionary Housing Payments Policy for 2013-14.

Reason for the decision:

Cabinet noted that the scheme helps tenants who experience a shortfall in their rental payments and can prevent homelessness in the long run.

1940. Appointments to Outside Bodies 2013-14

Cabinet considered a report on the proposed nominations to represent the Council on Outside Bodies, the Surrey County Council Spelthorne Local Committee, and the Working Groups for 2013-14.

Cabinet noted that, at its meeting on 24 June 2013, the Surrey County Council Local Committee in Spelthorne agreed to appoint deputies for the year 2013-14.

RESOLVED that Cabinet:

1. Appoints representatives to the Outside Bodies, SCC Local Committee in Spelthorne, and the Working Groups for 2013-2014, as shown in Appendix A of the report, and
2. Agrees the nomination of representatives for appointment to the Surrey Leaders' Group of representatives on Outside Bodies for 2013-14.

1941. Issues for Future Meetings

There were none.

1942. Urgent Items

The Leader briefed the Cabinet on the fact that Spelthorne is to become Capita's Centre of Excellence in Surrey for the Council's Customer Service Strategy.

- Spelthorne has worked with Capita since 1988 as the Council's main software supplier for its revenues and benefits section.

- Capita will invest in Spelthorne to install web-based software which will allow residents to completely self-serve in relation to revenues and benefits.
- Capita's investment will save the Council money.
- Cabinet wished to record its thanks to Linda Norman, Head of Customer Services, for her hard work in securing this contract.

1943. Exempt Business

There was none.

NOTES:-

- (1) ***Members of the Overview and Scrutiny Committee are reminded that under Overview and Scrutiny Procedure Rule, the "call-in" procedure shall not apply to recommendations the Cabinet makes to the Council. The matters on which recommendations have been made to the Council, if any, are identified with an asterisk [*] in the above Minutes.***
- (2) ***Members of the Overview and Scrutiny Committee are entitled to call in decisions taken by the Cabinet for scrutiny before they are implemented, other than any recommendations covered under (1) above.***
- (3) ***Within three working days of the date on which a decision of the Cabinet or a Cabinet Member is published, not less than three members [one of whom must be the Chairman] of the Overview and Scrutiny Committee are able to "call in" a decision;***
- (4) ***To avoid delay in considering an item "called in", an extraordinary meeting of the Overview and Scrutiny Committee will be convened within seven days of a "call in" being received if an ordinary meeting is not scheduled in that period;***
- (5) ***When calling in a Cabinet decision for review the members doing so should in their notice of "call in":-
Outline their reasons for requiring a review;***
 - ***Indicate any further information they consider the Overview and Scrutiny Committee needs to have before it in order to conduct a review in addition to the written report made by officers to the Cabinet;***
 - ***Indicate whether, where the decision was taken collectively by the Cabinet, they wish the Leader or his nominee (who should normally be the Cabinet Member) or where the decision was taken by a Cabinet Member, the member of the Cabinet making the decision, to attend the committee meeting; and***
 - ***Indicate whether the officer making the report to the Cabinet or the Cabinet Member taking the decision or his/her representative should attend the meeting.***
- (6) ***The deadline of three working days for "call in" by Members of the Overview and Scrutiny Committee in relation to the above decisions by the Cabinet is the close of business on 2 July 2013***

Cabinet**16 July 2013**

Title	A Playing Pitch Strategy for Spelthorne		
Purpose	Resolution required		
Report of	Assistant Chief Executive	Confidential	No
Cabinet Member	Councillor Tony Mitchell	Key Decision	Yes
Report Author	Claire Moore		
Summary and Key Issues	<p>The previous playing pitch strategy expired in 2012. A new strategy is essential in order to inform decisions regarding pitch provision and the best use of open space for sport in all areas of the borough. It will also be used by the council, local clubs and National Governing bodies of sport when applying for funding to improve facilities in the borough.</p> <p>Following internal consultation the draft strategy went out for external consultation and feedback from various partners including Sport England, Surrey County Playing Fields, The County Sport Partnership and National Governing Bodies of Sport. Indications were that overall the draft strategy is a good one, with almost all of the fundamental features of a Playing Pitch Strategy being present and adequate. An action plan has been formulated from the recommendations in response to this feedback. A breakdown of the pitches has been added to the appendix. Changes made to the initial draft are shown in italics.</p>		
Financial Implications	<p>There are a number of actions in the plan that may require use of existing budgets and/or external funding. Details of these projects are listed in the action plan.</p> <p>A robust Playing Pitch Strategy is required as agencies such as Sport England require that a strategy is in place when applying for external funding.</p>		
Corporate Priority	<p>Service delivery</p> <p>Communication</p> <p>Efficient use of assets</p>		
Recommendations	The Cabinet is asked to adopt the Playing Pitch Strategy for implementation.		

1. Background

- 1.1 The Playing Pitch Strategy provides a complete assessment of playing pitch provision across Spelthorne and was undertaken in house by officers of Spelthorne Borough Council during 2012/13. It replaces the previously adopted strategy from 2007. The report follows the methodology recommended by Sport England as set out in the publication "Towards a Level Playing Field". This strategy was produced to meet a number of objectives which can be summarised as follows:-
- (a) to provide a carefully quantified and documented assessment of current and future needs for playing pitches within the borough focusing on quantity and quality issues within the supply and demand equation.
 - (b) to provide information to assist asset management planning of council owned playing fields and associated buildings.
 - (c) to provide information to assist in decisions associated with the provision of public open space.
 - (d) to provide information to underpin the protection, enhancement and qualitative improvement of the existing pitch stock
 - (e) to provide information to help identify improvements in community access to educational and non - local authority pitches
 - (f) to provide information to identify any necessary development and creation of new pitches to meet identified deficiencies
 - (g) to enable appropriate local standards of provision to be developed to ensure the adequate provision of additional pitches in relation to new housing developments
 - (h) to provide a framework for delivering government policies for social inclusion, environmental protection, community involvement and healthy living
 - (i) to provide robust information and evidence of need for funding bids for new and improved provision.
 - (j) to promote sports development and help unlock latent demand by identifying where the lack of facilities might be suppressing the formation of teams.

2. Key issues

- 2.1 The previous playing pitch strategy expired in 2012. A new strategy is essential in order to inform decisions regarding pitch provision and the best use of open space for sport in all areas of the borough. It will also be used by the council, local clubs and National Governing bodies of sport when applying for funding to improve facilities in the borough.

Following internal consultation the draft strategy went out for external consultation and feedback from various partners including Sport England, Surrey County Playing Fields, The County Sport Partnership and National Governing Bodies of Sport. Indications were that overall the draft strategy is a

good one, with almost all of the fundamental features of a Playing Pitch Strategy being present and adequate. An action plan has been formulated from the recommendations in response to this feedback. A breakdown of the pitches has been added to the appendix. Changes made to the initial draft are shown in italics.

3. Options analysis and proposal

- 3.1 To approve the adoption of the strategy and enable the above objectives to be met.
- 3.2 Not to approve the strategy for adoption meaning that the council and local clubs may miss out on external funding because the required strategy is not in place.

4. Financial implications

- 4.1 There are a number of actions in the plan that may require use of existing budgets and/or external funding. Details of these are listed in the action plan.
- 4.2 A robust Playing Pitch Strategy is required as agencies such as Sport England require that a strategy is in place when applying for external funding.

5. Other considerations

- 5.1 This document is utilised by Planning as part of open space assessments and needs analysis in relation to new developments.
- 5.2 Adoption of the strategy will enable the strategy to be used by local clubs and organisations when they are applying for funding to improve sports facilities in the borough.

6. Risks and how they will be mitigated

There is a risk that partners are not satisfied with the strategy for some reason however consultation has taken place with key partners and feedback given has been considered and incorporated in the attached strategy which minimises this risk.

7. Timetable for implementation

- 7.1 Following the strategies approval, the recommendations will be actioned according to priority. An action plan has been formed from the recommendations giving timescales for implementation.

Background papers: There are none

Appendices: Action Plan

Action Plan

General (G)

	Action	Lead Agency	Partners	Required Resources	Timescale
G1	Investigate changing the use of SBC pitches to help address deficiencies.	SBC	Local clubs Grounds maintenance contractor	SBC staff resources (Leisure Services, Streetscene, customer Services). SBC budgets	Short term – within 1 year. July 2014
G2	Investigate the possibility of realigning existing playing field areas to improve pitches and create more pitches to help improve carrying capacity and address deficiencies.	SBC	Local clubs NGB's Grounds maintenance contractor	SBC staff resources (Leisure Services, Streetscene, customer Services). SBC grounds SBC budgets	Short term - – within 1 year. July 2014
G3	Work in partnership with Surrey County Council and individual schools to secure more community use on school sites to help address deficiencies.	SBC	Surrey County Council Schools	Staff resources (Leisure Services).	Medium term – within 2 years. July 2015
G4	Identify potential sites for re-instatement or potential new pitches and undertake feasibility studies to assess potential	SBC	Land owners Local Clubs	SBC staff resources (Leisure Services, Streetscene, planning)	Medium term - – within 2 years. July 2015
G5	Consider re-instating changing facilities on sites where there are pitches without changing facilities to help address deficiencies.	SBC	Local Clubs	SBC staff resources (Leisure Services, Streetscene). SBC budgets External funding	Medium term – within 2 years. July 2015
G6	Review self management arrangements and investigate possible lease arrangements to help access funding and reduce maintenance costs for	SBC	Local Clubs	SBC staff resources (Leisure Services, Asset Management and	Short – within 1 year. July 2014

	SBC.			Legal)	
G7	Consider extending the football playing season on grounds with no cricket to help ease fixture congestion and increase capacity.	SBC	Grounds maintenance contractor	SBC staff resources (Leisure Services, Streetscene and customer services)	Short term – within 1 year. September 2013.
G8	Update the supply and demand information annually to help ensure information is current and carry out a full playing pitch strategy in 5 years time	SBC	Pitch providers Local Clubs NGB's	SBC staff resources	On going. First review complete by July 2014. Full strategy to be re-written by 2019
G9	Establish a playing pitch working group with representatives from the different council departments involved in pitch provision to help deliver the action plan and provide a joined up approach to pitch provision.	SBC		SBC staff resources (Leisure Services, Streetscene, customer Services).	Short term – within 1 year. July 2014
G10	Continue to review fees and charges annually and review block booking policy to ensure these are in line with other local providers	SBC		SBC staff resources (Leisure Services, customer Services, finance, Streetscene).	On going – annual reviews in line with financial year
G11	Continue to engage with user groups and consider resurrecting the playing pitch forum to help deliver the action plan	SBC	Local Clubs NGB's League reps	SBC staff resources (Leisure Services, Streetscene, customer Services).	On going
G12	Review the pitch maintenance schedule regularly to ensure it meets the needs of all pitches taking into account that some pitches may need more maintenance than others. Review long term	SBC	Local clubs Grounds maintenance contractor	SBC staff resources (Leisure Services, Streetscene)	Short term by July 2014 then on going

	management to ensure high standards of provision.				
G13	Support clubs and other organisations with funding applications to improve facilities.	SBC	Local Clubs Schools NGB's Active Surrey (SCC)	SBC staff resources (Leisure Services)	On going
G14	Prioritise investment in facilities based on the results of the study to help meet deficiencies and ensure good standards of provision.	SBC		SBC staff resources (Leisure Services, Streetscene, Asset Management) SBC budgets	Short term – within 1 year. July 2014

Football (F)

	Action	Lead Agency	Partners	Required resources	Timescale
F1	Use the results of the assessment to increase mini and junior pitches. Consider re-designating surplus adult pitches as junior or mini pitches taking into account the need for 9 v 9 pitches going forward	SBC	Local clubs Middlesex FA Local league Schools	SBC staff resources (Leisure Services, Streetscene, customer Services).	Short term – within 1 year. July 2014
F2	Investigate the issues preventing or limiting community use on school sites and work in partnership with Surrey County Council and individual schools to secure more community use on school sites to help address deficiencies.	SBC	Schools Surrey County Council	SBC staff resources (Leisure Services)	Medium term – Within 2 years. July 2015
F3	Review self management arrangements and investigate possible lease arrangements to help access funding and reduce maintenance costs for SBC.	SBC	Local clubs	SBC staff resources (Leisure Services, Asset Management and Legal)	Short – within 1 year. July 2014
F4	Consider extending the football playing season on grounds with no cricket to help ease fixture congestion and increase capacity.	SBC	Grounds maintenance contractor	SBC staff resources (Leisure Services, Streetscene, customer	Short term – within 1 year. September 2013

				Services). SBC budgets	
F5	Work with the FA to investigate increasing access to floodlit 3G training facilities	SBC	Middlesex FA Local Clubs Land owners	Staff resources(Leisure Service, planning) External funding	Medium term – within 1 year. July 2014
F6	Continue to monitor growth areas in the sport and the possible effect on future demand		Middlesex FA Local Clubs	SBC staff resources (Leisure Services)	On going

Cricket (C)

	Action	Lead Agency	Partners	Required resources	Timescale
C1	Consider removing the unused pitch at Long Lane and installing a cricket pitch in Shepperton where there is the greatest need. Consideration should be given to the management of this facility and access to changing facilities	SBC	Local Clubs Surrey Cricket	SBC staff resources (Leisure Services, Streetscene)	Short term – within 1 year. April 2014
C2	Investigate the issues preventing or limiting community use on school sites and work in partnership with Surrey County Council and individual schools to secure more community use on school sites to help address deficiencies.	SBC	Schools Surrey County Council	Staff resources (Leisure Services)	Medium term – Within 2 years. April 2015
C3	Continue to engage with Surrey Cricket and the local clubs through the Spelthorne Cricket development group	SBC	Surrey Cricket Local Clubs	SBC staff resources (Leisure Services)	On going
C4	Continue to monitor growth areas in the sport and the possible effect on future	SBC	Surrey Cricket Local Clubs	SBC staff resources(Leisure	On going

	demand			Services)	
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Rugby Union and Rugby League (R)

	Action	Lead Agency	Partners	Required resources	Timescale
R1	Work with local clubs to support improvements to the quality of facilities	SBC	Local Clubs NGB's	SBC staff resources(Leisure Services, Streetscene, customer Services).	On going
R2	Continue to monitor growth areas in the sport and the possible effect on future demand.	SBC	NGB's Local Clubs	SBC staff resources (Leisure Services)	On going
R3	Monitor the agreement between the Rugby League Club and the current host Rugby Union and offer support should a new venue need to be found.	SBC	Local Clubs	SBC staff resources (Leisure Services)	On going

Hockey (H)

	Action	Lead Agency	Partners	Required resources	Timescale
H1	Support England Hockey in opposing the change of use from a sand based pitch to 3G if hockey clubs are the predominant user of the facility.	SBC	England Hockey	SBC staff resources (Leisure Services)	On going
H2	Support clubs with funding applications for resurfacing pitches and new facilities	SBC	Local Clubs	SBC staff resources(Leisure Services)	On going

H3	Continue to monitor growth areas in the sport and the possible effect on future demand.	SBC	England Hockey Local Clubs	SBC staff resources(Leisure Services)	On going
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Artificial turf pitches (ATP)

	Action	Lead Agency	Partners	Required resources	Timescale
ATP1	Work in partnership with providers to ensure full community access to existing and new ATP's being developed	SBC	Pitch providers	SBC staff resources(Leisure Services)	On going
ATP2	Consider the development of a new ATP to enhance sports training facilities in the borough.	SBC	NGB's	Staff resources (Leisure Services, Planning)	long term – over 2 years.

Cabinet**16 July 2013**

Title	Manor Park Café & Beresford House.		
Purpose	Resolution required		
Report of	Assistant Chief Executive	Confidential	No
Cabinet Member	Councillor Nick Gething	Key Decision	No
Report Author	Dave Phillips		
Summary and Key Issues	To request approval of three proposed leases of Council land: 1. Manor Park Community Café Lease approval 2. Beresford House Fordbridge Park Lease approval		
Financial Implications	Rental income for use of Council assets		
Corporate Priority	*Efficient use of assets		
Recommendations	Cabinet is asked to agree to the grant of a Lease, in accordance with the terms as set out in this report, to: (1). Mr. and Mrs. Rowe for the purpose of a new community café in Manor Park, Shepperton. (2). Spelthorne Mental Health Association for the use of Beresford House within Fordbridge Park.		

1. Background

- 1.1 Members will be aware that the council have been in negotiations with two separate parties to provide externally funded facilities with community access within three of our major parks.
- 1.2 **The First is for a community café in Manor Park Shepperton.**
- 1.3 It is proposed to build a café with community facilities on the site of the old and disused public toilet block in Manor Park.
- 1.4 Planning permission has been granted and heads of terms are being drawn up for the new lease.
- 1.5 125 Year lease. Initial ground rent £5000 per annum, with 5 yearly reviews. Public Toilet Access. Construction cost (Leaseholders finance) estimated between £200/250,000. Work will start once lease is agreed, and consequentially financial arrangements completed.
- 1.6 **The second case is to let Beresford House in Fordbridge Park**
- 1.7 The property was put out to informal tender following the surrender of the lease from the previous occupier. Spelthorne Mental Health Association (SMHA) submitted the most favourable bid for the site and we are now in the process finalising the lease agreement.
- 1.8 The previous use of the site was as a commercial office therefore planning consent is not required. The lease will be a full repairing lease with a term of 15 years, at a rent of £8,000 per annum with rent reviews at the 5th and 10th anniversary. SMHA is also responsible for “fitting out” works to make the property suitable for their use. The cost of these works is estimated to be in the region of £30,000.
- 1.9 Officers have been working with the Portfolio Holders and Members on these two schemes for some time and it was original anticipated that we would have used Delegated authority (PH2) to approve the disposal of an interest in land. However, as the income from both proposals exceeds the limit £75,000 per transaction Cabinet approval is now required.

2. Financial implications

- 2.1 No expenditure from the council. Income generated from ground rent and reduction in cost of maintaining a public toilet in the park.

3. Other considerations

- 3.1 Both schemes support Economic development, employment and additional community facilities for local residents at no on-going financial cost to the Council.

4. Risks and how they will be mitigated

- 4.1 Risk that leaseholders may not be able to raise finances for construction, in which case lease would be cancelled and land returned to the Council.

Background papers: There are none

Appendices: There are none

Cabinet**16 July 2013**

Title	Assets of Community Value		
Purpose	Recommendation required		
Report of	Monitoring Officer	Confidential	No
Cabinet Member	Councillor Robert Watts	Key Decision	No
Report Author	Clare Marland – Principal Lawyer		
Summary	<p>New legislative powers have come into force giving greater powers for community groups to formally identify assets which are of community value within the local authority's area. This will give the community early warning of any intention to sell to enable them to delay sales by 6 months to provide time to put together a bid to buy the asset. This report seeks to provide an overview of the new legislation and put in place the appropriate processes in order for the Council to deal with any requests made under the Act.</p>		
Financial Implications	<p>Although there are no immediate financial implications, local authorities may be liable for compensation claims resulting from this new process. According to current Government guidance, the level of risk to each authority will be up to £20,000 in any one financial year.</p>		
Corporate Priority	This item is a statutory requirement.		
Recommendations	<p>Cabinet is asked to agree that the following proposals are put in place in order to effectively deal with requests under the scheme:</p> <ol style="list-style-type: none"> 1. To create a new Member Panel to be referred to as the Assets of Community Value Member Panel, with the remit and terms of reference as set out in Paragraph 3 of this report. 2. The Leader be delegated authority to assess and determine recommendations made by the Assets of Community Value Member Panel. 3. The Head of Corporate Governance be delegated the authority to be the senior officer responsible for internal reviews of nomination decisions made under the Act and the Regulations. 4. The Chief Executive be delegated the authority to be the officer responsible for internal reviews of compensation decisions made under the Act and the Regulations. 5. The Head of Corporate Governance to agree all other processes and procedures for dealing with any applications made under this scheme. 		

1. Background

- 1.1 Part 5 Chapter 3 of the Localism Act 2011 introduces a new right for a community group to nominate land or buildings to the local authority that they consider to be of community value, with the intention to create an option for purchase by the community group if the asset is advertised for sale. This is now known as the Community Right to Bid. The provisions came into force in England on 20 September 2012 along with new regulations to assist with governing the process (The Assets of Community Value (England) Regulations 2012).
- 1.2 These regulations bring in some important detail for local authorities about the processes they will need to have in place to deal with this legislation. Local authorities have been given a key role in running the scheme and will make fundamental decisions such as whether a nominated asset fits the relevant criteria of an 'asset of community value', ensuring asset owners understand the consequences of the listing of an asset and dealing with a specific process when the asset is advertised for sale. Most importantly a local authority will be involved in any appeal process and may be liable to pay compensation in certain circumstances.

2. Key issues

- 2.1 There are three main areas of the scheme which need a process to be implemented in order to ensure compliance with the new provisions; these are (i) dealing with nominations and the listing of assets, (ii) the procedure required on a disposal of an asset which has been listed and, (iii) the process of considering and agreeing whether any compensation is payable and at what level. I shall deal with each area in turn: -

2.2 Dealing with Nominations and Listing an Asset of Community Value

The Local Authority must maintain a list which will be known as a list of Assets of Community Value. Land or buildings can be nominated to be added to this list by either a Parish Council or a voluntary or community body with a local connection. The Regulations define what is a voluntary or community body and what they consider to be a 'local connection'. On receipt of a nomination the Local Authority must make sure the nomination comes from a body entitled to make it, as well as assessing the land/building to ensure that it meets set criteria of being of 'community value'.

The Local Authority has 8 weeks from the receipt of the nomination to decide whether it will be added to the list of assets of community value. During this time it must give notice of its consideration of the nomination to the owner. If the nomination is successful it will be added to the list. Notification must be issued to certain parties, most obviously, the owner and the nominator. The owner must be advised of the consequences for the land being included in the list and be advised of their right to request that the decision be reviewed.

Where a review is requested, the Regulations give some guidance of how this should be administered and the timescales involved. I attach a flow chart to show the process of dealing with a nomination at **Appendix 1**.

2.3 Process for dealing with a listed asset which the owner intends to sell

An owner whose asset has been listed cannot make a relevant disposal of the asset unless certain conditions are met. The Legislation defines a 'relevant disposal' and identifies disposals that would not be caught by the Act, for example a disposal made by an executor under a Will would not be a relevant disposal.

There are 3 important time limits that will need to be considered once an owner provides notification of the intention to make a relevant disposal. The Act defines 2 separate moratorium periods. Firstly there is an interim moratorium which is a 6 week period from the date of the notification whereby a community interest group can make a request to the authority to be treated as a potential bidder. If such a request has been made the full moratorium period will run. This is a period of 6 months from the date of notification by the owner to make a relevant disposal. The owner cannot enter into a binding contract for sale until the 6 month period has expired (unless they decide to sell to the community interest group). After this period has expired, the owner can sell to whomever they wish. The last date of importance is the end of the protected period which is a date 18 months from the notification of the owners wish to make a relevant disposal. This provides that no further moratorium will be applied during this period. I attach a flow chart to help demonstrate the process at **Appendix 2**.

Please note that a Community Interest Group is defined as being one of the following: -

- (1) A charity;
- (2) A company limited by guarantee which does not distribute any surplus it makes to its members;
- (3) An industrial and provident society which does not distribute any surplus it makes to its members; or
- (4) A community interest company.

2.4 Dealing with Compensation Claims

An owner or former owner of listed land is entitled to compensation from the responsible authority where they have incurred loss or expense which would not have occurred had it not been for the listing. The regulations identify that a claim could be made by an owner for the following: (i) any period of delay in entering into a binding agreement to sell land wholly caused by either the interim or full moratorium period, (ii) reasonable legal expenses incurred in a successful appeal to the First Tier Tribunal against the authority's decision to list the land, refusal to pay compensation or in regard to the amount of compensation offered or paid.

As with the listing process, an owner can first ask for an internal review of an authority's decision on compensation. If they are still unhappy they can appeal the decision to the First Tier Tribunal.

- 2.5 There are a number of processes that need to be established so that we can be ready to deal with a nomination. Consideration needs to be given to who will take responsibility for each part of the process, such as assessing nominations, maintenance of the relevant lists of assets and dealing with compensation claims in accordance with the regulations. An officer will also

need delegated authority to undertake reviews of decisions made to list an asset or in respect of compensation claims (the regulations specify that this must be “an officer of the authority of appropriate seniority who did not take part in making the decision to be reviewed”.)

3. Options analysis and proposal

- 3.1 Discussions have been had to consider who should be responsible for the processes under the Act. It’s important to note that there needs to be two separate levels of responsibility as the Council will be required to have its own internal review process for decisions made to list a nomination and on compensation claims.
- 3.2 Due to the strict timescales and time limits involved in each part of the process it will be important for those responsible to be able to assess matters quickly. Following various discussions with officers and the Leader, the proposals for decision making under the scheme are as follows: -
- 3.3 A new Member Panel is to be created and known as the Assets of Community Value Member Panel. The remit and terms of reference of this Panel will be as follows: -
 - (a) To assess and make recommendations to the Leader in respect of nominations made to the Council under the scheme.
 - (b) To assess and make recommendations to the Leader for how to deal with compensation payments claimed under the scheme following the receipt of appropriate valuation advice.
- 3.4 As set out above, the Panel will make recommendations to the Leader of the Council who will require a new delegation in order to make the final decision.
- 3.5 Officers suggest that this new Member Panel is constituted of 5 members, one taking the position of the chairman. Membership of the panel will be in compliance with the usual political balance provisions. Due to the timescales for dealing with requests, it is suggested that each party Leader decides which members will sit on each panel on a case by case basis to allow flexibility in terms of member availability. Appointment to this panel will not be permitted to members of the Cabinet or ward councillors where the asset concerned is within their ward.
- 3.6 For each nomination made, a report will be prepared by Legal Services and sent to the Member Panel outlining the matter for determination. The Local Land Charges department will create and maintain the appropriate Statutory Registers for successful and unsuccessful nominations.
- 3.7 In addition to the new panel, the following delegations will also be required in order to ensure that a proper review process is in place, if requested: -
 - (a) The Head of Corporate Governance be delegated the authority to be the senior officer responsible for internal reviews of nomination decisions made under the Act and the Regulations.
 - (b) The Chief Executive be delegated the authority to be the officer responsible for internal reviews of compensation decisions made under the Act and the Regulations.

4. Financial implications

- 4.1 The main financial implication is the potential compensation claims the authority could be faced with. In guidance issued by the DCLG, they state that they have reflected the estimated costs of compensation within the new burdens funding. In addition to this, the guidance states that the Government will meet the authority's costs of compensation payments exceeding £20k in each and any financial year.

5. Risks and how they will be mitigated

- 5.1 Having a clear and consistent approach to assessing nominations, reviews, compensation claims will limit successful compensation claims as far as possible.

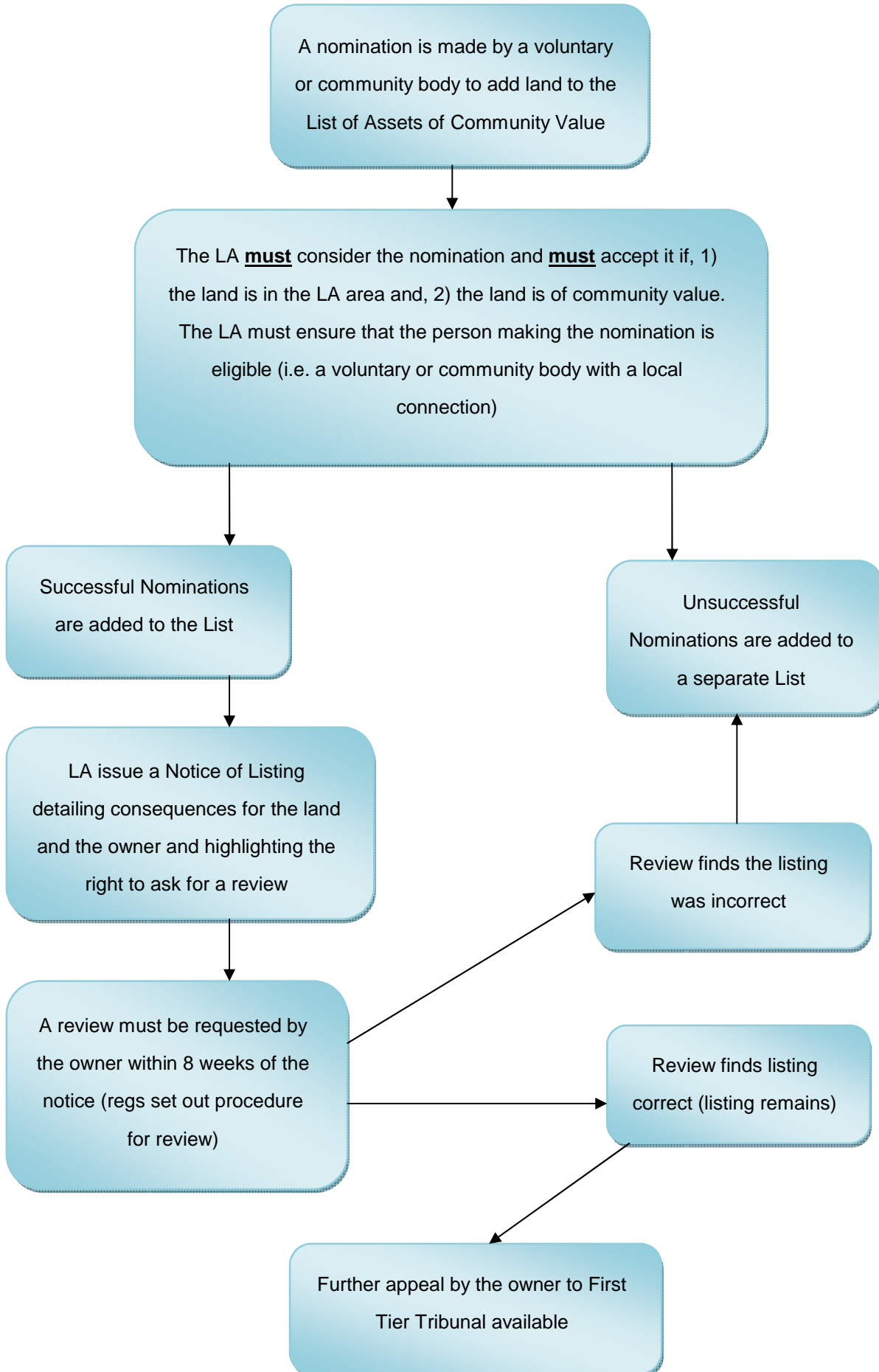
6. Timetable for implementation

- 6.1 The Act and Regulations are now in force and so the Council could receive a nomination at any time. It is therefore suggested that the proposals are put in place as swiftly as possible to ensure that this Council is ready and able to deal with any request that may arise.

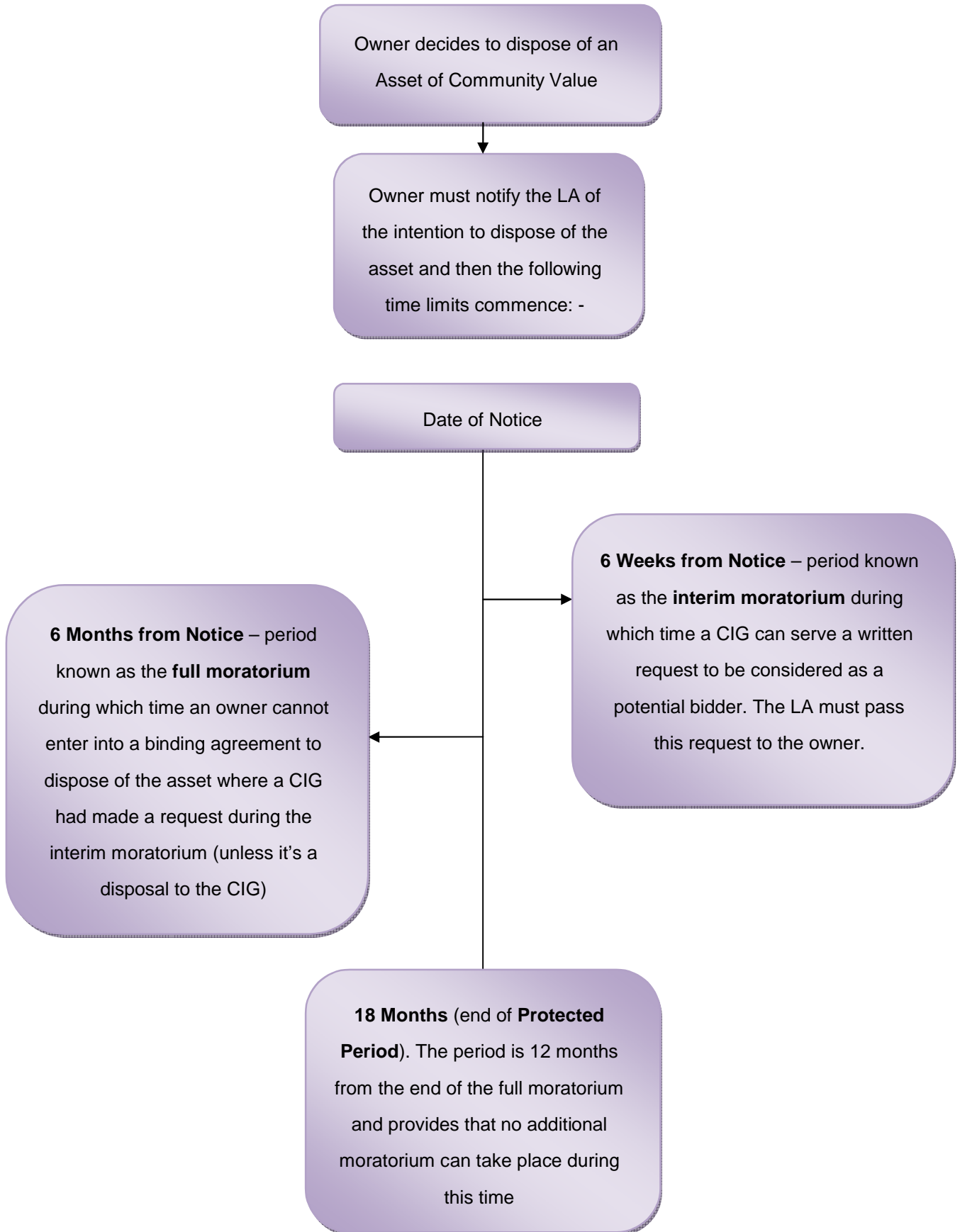
Background papers: There are none

Appendices 1 & 2 - Flow Charts

Community Right to Bid – Nomination Process – Appendix 1



Community Right to Bid – Asset marketed for sale – Appendix 2



Note: CIG means Community Interest Group which is defined in section 2.3 of the report

Cabinet**16 July 2013**

Title	Lease of office premises at Council Offices, Knowle Green to Surrey County Council		
Purpose	Resolution required		
Report of	Assistant Chief Executive	Confidential	No
Cabinet Member	Councillor Nick Gething	Key Decision	No
Report Author	Dave Phillips, Head of Asset Management		
Summary and Key Issues	Surrey County Council currently uses office space at the Council Offices in Knowle Green for the purposes of exercising the functions of Adult Social Services within the County Council in the local area. Due to the changes in the amount of space the County requires and the subsequent relocation of the staff within the offices, the leasing arrangements need to be revised to reflect the current position. This report seeks authority to grant a new lease to the County to formalise the current arrangements.		
Financial Implications	If Cabinet are mindful to grant this new lease arrangement, the Council will receive a rental income of £22,519 per annum and a service charge payment of £27,207 per annum.		
Corporate Priority	Efficient use of assets		
Recommendations	The Cabinet is asked to approve the grant of the new Lease to Surrey County Council for office space at the Council Offices, Knowle Green for 5 years until 4 December 2016.		

1. Background

- 1.1 Surrey County Council (SCC) previously entered into a lease with Spelthorne Borough Council (SBC) dated 19 October 2010 in respect of office premises on the first floor, west wing of the Council Offices at Knowle Green. The lease was for a term of 1 year 7 months, with an expiration date of 11 July 2012. The lease permitted the use of the office premises solely for the purpose of SCC's Local Director of the Spelthorne Community Support Team carrying out their functions.
- 1.2 During the course of the term of that lease, the Council's former Head of Customer and Office Services agreed with SCC to surrender the existing lease and grant a new lease. The purpose of the new lease is to enable SCC's Adult Social Services departments to occupy office accommodation at Knowle Green, in recognition of SCC and SBC working together to improve delivery of public services and achieve greater efficiency of joint service provision (partnership objectives).
- 1.3 Therefore the primary purpose of a new lease is to achieve the co-location of services and staff and to facilitate joint working and an opportunity to share knowledge and expertise.
- 1.4 A new lease would permit the use of office premises on the first, second and third floors, west wing of the Council Offices at Knowle Green, solely for the purpose of operating the functions of SCC. SCC has also requested the ability to share occupation of the office premises with external organisations who they work closely with in pursuance of the partnership objectives.

2. Key issues

- 2.1 In order to protect the Council's interest and formalise the arrangements with SCC, a lease needs to be put in place as soon as possible.
- 2.2 The Council's constitution provides that Cabinet authority is required for the approval of disposals of land or interests in land exceeding an estimated value of £75,000 per transaction. The rental value of this lease transaction is estimated to be £112,595. This excludes the income to be received via the service charge.

3. Options analysis and proposal

- 3.1 In practice these arrangements have been in place for some time, however it is imperative that this arrangement is now formalised in order to protect the Council's interest and allow for proper management of the letting.
- 3.2 The terms of a new lease have been negotiated and the proposed new lease will be for a term of 5 years, from 5 December 2011 to 4 December 2016. The rent to be paid by SCC is £22,519 per annum and they will also be required to pay a service charge of £27,207 per annum.
- 3.3 If the lease is completed, it will be excluded from sections 24 to 28 of the Landlord and Tenant Act 1954. This prevents SCC from having an automatic right to renew the lease, as well as preventing SCC from having the right to remain in occupation.

4. Financial implications

- 4.1 Valuation advice has been taken in respect of setting the rent in the usual way. When the lease completes, SCC will be invoiced for the backdated rent as at 5 December 2011.

5. Other considerations

- 5.1 With regards to SCC sharing occupation of the office accommodation with external organisations, the Legal department advises that the safest way of preventing those external organisations from obtaining a secured tenancy, is for the external organisation to enter into a licence with the Council and SCC. This measure will also assist the Council in monitoring who is in occupation of the Council Offices. SCC has confirmed currently there are no external organisations in occupation of the office accommodation.

6. Risks and how they will be mitigated

- 6.1 The risk of SCC obtaining a secured tenancy will be mitigated by entering into a formal lease arrangement that excludes sections 24 to 28 of the Landlord and Tenant Act 1954.
- 6.2 The risk of SCC sharing occupation of the office accommodation with external accommodation will be dealt with in the lease. The alienation clause in the lease provides that SCC must grant a licence agreement (the Council will also be a party) of the premises to any external organisation. The duration of the licence agreement will not go beyond 4 December 2016 (the date SCC's lease expires).

7. Timetable for implementation

- 7.1 The terms of the proposed new lease have been negotiated and the Councils' respective legal departments can move to complete the new arrangements swiftly if Cabinet are mindful to authorise the grant of the new lease.

Background papers: None.

Appendices: None.

