

## Cabinet Member for Finance Agenda

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<b>Date:</b>	<b>Monday, 13th April, 2015</b>
<b>Time:</b>	<b>12.15 pm</b>
<b>Venue:</b>	<b>Committee Suite 1,2 &amp; 3, Westfields, Middlewich Road, Sandbach CW11 1HZ</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relating to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Transfer of Assets for Community Use** (Pages 1 - 4)

To consider the transfer of assets to a number of town and parish councils.

5. **Transfer of the Gables , Nantwich** (Pages 5 - 8)

To consider the transfer of the Gables to Nantwich Town Council.

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For requests for further information

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**CHESHIRE EAST COUNCIL****REPORT TO PORTFOLIO HOLDER – FINANCE**


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**Report of:** Head of Communities

**Subject/Title:** Transfer of Assets for community use

**Date of Meeting:** 13<sup>th</sup> April 2015

**Portfolio Holder:** Councillor Peter Raynes

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**1.0 Report Summary**

- 1.1 As a Residents First Council, Cheshire East is building on the success of the work undertaken to date by transferring assets to Town and Parish Councils, allowing communities to take control and be responsible for the delivery of services at a local level to maximise community benefits.
- 1.2 In September 2011, Cabinet approved a list of 49 possible asset transfers, referred to as the Appendix 'A' list. To date, 37 (2 to complete soon) of those 49 asset transfers have successfully been completed, resulting in a raft of benefits being realised to further improve service delivery at a local level. The 12 outstanding assets are still being considered by the relevant Town and Parish Councils, and work continues to progress these.
- 1.3 The main aim of transfers is to strengthen our communities, allowing them to deliver local services. Transferring the assets has realised cost savings to the Council, but more importantly, it has enabled buildings to remain open and become sustainable. It has increased use by local communities, providing a wider range of services and activities, and attracted additional grant funding to improve local facilities.
- 1.4 Asset transfers strengthen our work to develop Community Hubs, working with local communities to identify the right places from which to deliver the right services at the right times.
- 1.5 In 2011, further asset transfer requests were reserved for consideration and placed on an Appendix 'B' list to be approved by the Portfolio Holder on a case by case basis. This report considers outstanding cases, and as part of our ongoing work, looks to prioritise work to progress requests.
- 1.6 The requests below are outstanding.
  - Alsager – Alsager office, Lawton Road
  - Audlem - Car park, playing fields and play area  
and land at rear of Audlem Public Hall
  - Bollington – Town Hall  
Land at front of Town Hall offices  
Atax Field, Bollington Cross
  - Disley – Ballcourt, station approach  
Land at A6  
Bentside Park  
Dane Hill

- Knutsford – Town Council Offices  
Civic Hall  
Ashworth Park  
Land at Longridge  
North Downs  
Booths Garden  
Taxi Office, Bexton Road
- Nantwich – Brookfield Hall, Brookfield Lane  
The Gables
- Poynton – London Road North Depot  
Anson Road Depot  
Garages off Barnaby Road  
Scout Hut off Coppice Road  
Land behind Petre Bank, Middlewood Road
- Middlewich – Brine Pump  
Land at Rutland Drive
- Sandbach – Disused playground, Princess Drive  
Belmont Avenues  
Wheelock playing fields / toilets  
Enterprise Centre

1.7 The outstanding Expressions of Interest, are being scored using an Asset Scoring Matrix, of these, 7 sites have been identified as priority based on expected community benefits. The sites each represent an excellent opportunity for local communities to fulfil their ambitions to improve local services and increase benefits for their local communities.

- a) Audlem - Car Park, playing field and playground and land at rear of Audlem Public Hall

Audlem Parish Council wish to take over the management functions of the open spaces and extend the use of the playing field staging regular local events and festivals. The Public Hall Committee have requested additional land to provide new community facilities. Work is ongoing with Audlem Parish Council regarding the transfers. The land transfer to the Public Hall Committee is recommended for transfer, and this will be the subject of a separate report later in April 2015.

- b) Bollington - Atax Field – Bollington Cross

Bollington Town Council wish to take on the field, to expand a very successful leisure facility, and they will oversee future management responsibilities. Decision report is currently being produced.

c) Middlewich - Brine Pump

The Brine Pump is a scheduled monument and the Middlewich Heritage Trust wish to own the asset, so that they can apply for heritage funding to restore it. The current physical state requires immediate emergency work to make it safe, and then significant investment to restore the heritage asset. The Trust's application for Heritage Lottery Funding has been declined due to access issues and potential visitor numbers. In order to reapply, the Trust needs to obtain access via adjacent land. Work is underway to explore options and a decision report will be presented soon.

d) Poynton - Anson Museum

Poynton Town Council are keen to acquire the site and work closely with local people and volunteers to manage and improve the conditions of the site and introduce facilities to benefit the local community. This includes a larger space for the engine museum, improved car parking and storage facilities. The transfer is recommended and a decision report will be presented later in April 2015.

e) Knutsford - Town Council Offices

Knutsford Town Council are interested in taking over the Town Council offices as part of the development of a Knutsford Community Hub. Work is underway to bring a decision report for consideration in April 2015.

f) Nantwich - The Gables

Nantwich Town Council would like to take ownership of The Gables, with the view to selling it and using the funds raised for community benefit, by developing the Civic Centre as part of the development of Nantwich Community Hub. This transfer is recommended and part of a separate report for decision on the 13<sup>th</sup> April 2015.

g) Sandbach - Wheelock playing fields / public conveniences

Sandbach Town Council wishes to take on the above, as they provide an ideal location for allotments, potentially a community orchard, and play facilities. A decision report is being produced for later in April 2015, recommending transfer of the above.

## **2.0 Decision Requested**

2.1 To agree that the assets listed in 1.7 be prioritised for approval to transfer.

2.2 Decision reports for these assets to be considered to transfer approval as a priority.

2.3 That work continues with Town and Parish Councils to confirm their interest in the other assets listed above which remain outstanding. To then fully assess

the remaining asset transfer requests, and make recommendations for the Portfolio Holder.

### **3.0 Reasons for Recommendations**

The above assets offer extensive community benefits and these will be better realised through local management of them.

### **4.0 Wards Affected**

Audlem, Bollington, Middlewich, Knutsford, Poynton, Nantwich and Sandbach.

### **5.0 Local Ward Members**

All

### **6.0 Policy Implications including - Carbon reduction - Health**

In line with the Council's strategic outcomes and local management of the above will contribute to a wide range of policies such as the Mental Health and Wellbeing plan.

### **7.0 Financial Implications**

To be considered as part of the decision making reports as individual assets are considered for transfer.

### **8.0 Legal Implications (Authorised by the Borough Solicitor)**

To be considered as part of the decision making reports as individual assets are considered for transfer.

### **9.0 Risk Management**

Asset transfers to date have realised a wide range of benefits for the Council and local communities. Each transfer will be the subject of a decision report, which will fully consider potential risks.

### **10.0 Background**

This is part of the Council's Asset Transfer and Devolution Programme as agreed in 2011 and considers the next stages required.

### **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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**CHESHIRE EAST COUNCIL****REPORT TO PORTFOLIO HOLDER – FINANCE**

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**Report of:** Property Services Manager  
**Subject/Title:** Transfer of the Gables, Nantwich  
**Date of Meeting:** 13<sup>th</sup> April 2015  
**Portfolio Holder:** Councillor Peter Raynes

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**1.0 Report Summary**

- 1.1 The purpose of this report is to seek approval to transfer the freehold title of the property known as the Gables, Nantwich to with associated car parking to Nantwich Town Council.

**2.0 Decision Requested**

- 2.1 It is recommended:
- 2.2 THAT the property known as the Gables, Nantwich together with the land used for car parking shown edged red and hatched on the attached plan be sold for a consideration of £1 which is less than best consideration, to Nantwich Town Council.

**3.0 Reasons for Recommendations**

- 3.1 The Gables has a long association with Nantwich residents and has been used as a community venue for over 50 years, providing lunches and housing various voluntary groups.
- 3.2 The Gables use is limited now, and so moving it to more local ownership, will enable it to be better utilised, or sold as part of a local review and work to develop Community Hubs in Nantwich. A network of Community Hubs in Nantwich, will ensure that assets are sustainable and that they work together to provide the right services, in the right places, at the right times.
- 3.3 The property is currently occupied by two tenants, a Luncheon Club on the ground floor and the Citizens Advice Bureau (CAB) on the first and second floor. The CAB is moving into Nantwich Library in May 2015, leaving just the Luncheon Club. The proposal is that the Luncheon Club will remain in occupation as a tenant of Nantwich Town Council until they decide to relocate.

**4.0 Wards Affected**

- 4.1 Nantwich North

**5.0 Local Ward Members**

- 5.1 Councillor Arthur Moran  
Councillor Penny Butterill

**6.0 Policy Implications including - Carbon reduction  
- Health**

- 6.1 N/A

**7.0 Financial Implications**

71. The Council proposes to forego the capital receipt in this instance to support the promotion of well being as outlined herein and to create savings.

**8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 8.1 The Localism Act 2011 introduced the General Power of Competence, which allows the Council to do anything an individual can do, provided it is not prohibited by other legislation. These powers have replaced the previous wellbeing powers, however, the use of these powers must be in support of a reasonable and accountable decision made in line with public law principles.
- 8.2 The General Disposal Consent 2003 authorises the disposal of land for 7 years or more at less than best consideration if the undervalue is £2million or less, if the undervalue is higher than £2million consent to the disposal is required from the Secretary of State. A certificate of best consideration will be required.
- 8.3 Notwithstanding the above powers the Council has a fiduciary duty to the taxpayers and must fulfil this duty in a way which is accountable to local people.
- 8.4 All disposals must comply with the European Commission's State aid rules. When disposing of land at less than best consideration the Council is providing a subsidy to the occupier of the land. In such cases the Council must ensure that the nature and the amount of the subsidy complies with State aid rules, failure to comply means that the aid is unlawful and may result in the benefit being recovered with interest from the recipient. If the occupier receives less than approximately £155,000 (200,000 Euros) in state aid over a 3 year period then the De Minimis Regulation will apply (small amounts of aid are unlikely to distort competition). There will need to be a determination as to whether this is a state aid issue

**9.0 Risk Management**

- 9.1 N/A



## **10.0 Background**

- 10.1 The Gables (edged red on plan below) is a former Crewe and Nantwich Borough Council Asset which has been used for a mix of community and office use for many years.
- 10.2 The property comprises a three storey character property with 1 car parking space attached to the rear. There is also additional land included for which is a small additional car park.
- 10.3 The property has a value in the region of £240,000 - £280,000, and the car park £25,000- £30,000 so the Councils wellbeing powers will be used as best consideration will not be achieved.
- 10.4 The transfer will include a covenant that the property is restricted to community use only on the proposed and any subsequent transfer and a claw back for any sale will be linked to community benefit. Any sale proceeds to be re-invested in the Civic Centre as part of a Community Hub for Nantwich.
- 10.5 It is understood that as a former private residence the property was gifted to the community and that Rotary funds were made available to support the building. As a consequence of this, and perhaps as the result of changes of responsibility for the building to the then local authority, various individuals and trustees groups have believed that a covenant was placed to ensure that the proceeds of any subsequent sale of The Gables would be reinvested for the benefit of the local community in Nantwich. As a Residents First Council it is therefore important that the transfer ensures that the asset delivers community benefit. Therefore, the transfer will include a clawback clause so that any sale proceeds are reinvested for community benefit. The transfer will state that sale proceeds are to be invested into the Civic Centre, as part of the development of the Nantwich Community Hub, and that this is available to the community of Nantwich at preferential rates.

## **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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