

ABERDEEN CITY COUNCIL

COMMITTEE	Education, Culture and Sport
DATE	22 November 2012
ACTING DIRECTOR	Patricia Cassidy
TITLE OF REPORT	Community Centres – Progress Towards Implementation of New Lease and Management Agreement
REPORT NUMBER:	ECS/12/050

1. PURPOSE OF REPORT

This report provides an update on the current position in relation to moving community centres to the “leased” type model.

The report also provides an update to committee on the seven centres which have lease that are currently operating on the basis of tacit relocation and which are due to come to an end on 28 November 2012.

2. RECOMMENDATION(S)

It is recommended that the Committee:

- a. Notes the progress of the following centres, where the leases are continuing on the basis of tacit relation, onto the new lease and management agreement arrangements: Balnagask, Balgownie, Catherine Street, Froghall, Inchgarth, Sheddocksley and Tillydrone Community Centres.
- b. In respect of these centres, where the Management Committee has been unable or unwilling to sign up to the new lease and management agreement prior to 28 November 2012, for each of these Community Centres, to either:
 - i. Instruct officers to provide a temporary licence for the Management Committee, within the same terms and conditions of the new lease and management agreement, through to 31 January 2013 (with the exception of constitutional requirements: the association may still be in the process of amending their constitution to one that meets the requirements of the lease and management agreement), or
 - ii. Note that the Management Committee will cease to be legally responsible for, and will have no right to legally occupy the Community Centre from midnight on 28 November 2012, and

- instruct Council Officers to take appropriate legal steps to terminate the occupancy and arrange to provide an interim service from, or mothball that Community Centre, until such time as a new Management Committee can be put in place, or
- iii. Confirm that the Management Committee will cease to legally be responsible for, and will have no right to legally occupy the Community Centre from midnight on 28 November 2012, and instruct Council Officers to take appropriate legal steps to terminate the occupancy and arrange to put in place a sustainable programme under the responsibility and management of the Council, or
 - iv. Confirm that the Management Committee will cease to legally be responsible for, and will have no right to legally occupy the Community Centre from midnight on 28 November 2012, and instruct Council Officers to take appropriate legal steps to terminate the occupancy and mothball the Community Centre in the interim and report back with recommendations for the centre following the conclusion of the Community Asset review.

All of the above, to be subject to clause 5.3.9 in this report.

- c. Notes the progress in relation to moving the remaining Community Centres onto the new Lease and Management Agreement.

3. FINANCIAL IMPLICATIONS

The provision of Community Centres by the Council represents a cost to the public purse of approximately £3.3million of revenue funding per year. This includes buildings costs such as repairs and energy costs that are covered by the Council, as well as the annual development grant of £10,565 plus an additional £500 per year for indemnity insurance (for leased centres) and £625 per year for Management Committees of learning centres. The community centres also draw on the corporate Repairs and Maintenance budget on a prioritised basis. There are also capital funding implications. Further details on the assets will be reported to committee when the asset review work (part of the Audit of CLD and Libraries Services) is complete.

It is noted that at the time of writing this report, the subgroup representing community centres have stated that they will not sign the lease and management agreement unless the Council agrees to include additional repairs and maintenance obligations for the Council within the lease. It is noted that the inclusion of this demand, would have unpredictable and potentially unaffordable financial implications for the Council.

The total repairs and maintenance budget for all approximately 1200 Council assets is £3.345million. Previous Condition Surveys have highlighted that to resolve significant immediate repairs to these Community Centres would cost approximately £2.5million. To put this in context the Council's Property Asset Management Plan 2012 outlines that the outstanding maintenance for all Council assets is in the order

of £60.7million. Historically these types of repairs have been funded by both revenue and capital monies. If the Council is legally required to maintain the community centres to the standard being requested by the Community Centre subgroup this would put significant pressure on both capital and revenue monies. When compared with all the Council's operation property portfolio, few of these facilities have been identified by officers as top priorities when assessing the programme for the Condition & Suitability Capital Programme, which is approved annually by the Finance & Resources Committee. If these repairs are prioritised this could result in the building fabric of essential operational buildings such as schools falling further into disrepair. Due to both revenue and capital monies being finite, this could have significant implications for users of all other Council buildings.

4. OTHER IMPLICATIONS

4.1 Legal Implications

The legal relationship between the Council as funding body and owner of the Community Centres and Management Committees as the operators of Community Centres are governed via a Management Agreement and Lease. The model Management Agreement and Lease was developed following a considerable period of negotiation, and was approved at the Full Council meeting on 4 April 2012.

At the time of writing this report, final legal amendments are still being negotiated between the Council's and the Community Centre subgroup's legal advisors, and a further update on the outcome of these negotiations will be presented for consideration at the Committee.

5. BACKGROUND/MAIN ISSUES

5.1 Transition to new Lease and Management Agreement - update

At the time of writing this report, three Management Committees have now signed up to the new Lease and Management Agreement. Due to the fluid nature of negotiations in relation to different Management Committees in relation to moving to the new lease and management agreement, a verbal update of the current position will be provided at Committee.

5.2 Community Centres with existing leases

As previously reported to this committee, the following Management Committees have been served with notices to quit on 28 November 2012: Balnagask, Balgownie, Catherine St, Froghall, Inchgarth, Sheddocksley and Tillydrone Community Centres. This is a required legal step in the process towards moving these centres onto the new Lease and Management Agreement.

An update on the progress of each of these centres towards the new Lease and Management Agreement is set out below. A further verbal update on the progress will be provided at the committee. It is noted that some of the centres listed below have identified that they will require to make some changes to their constitution to ensure that they are able to demonstrate that resources are used and safeguarded

for public benefit now, and in the future, and to ensure appropriate safeguards are in place in the event that their constitution allows for employees to be committee member office bearers. To make changes to their constitution, some of these Management Committees require to hold an Extraordinary General Meeting which requires a notice period of 28 days. While those centres that have identified this as a potential issue are seeking to plan their changes so that these are complete prior to 28 November, where this has not been possible to progress, despite the best efforts of the Management Committee, then officers would recommend that a short term licence should be provided by the Council, to allow these Management Committees to complete their constitutional amendments.

5.2.1 Balnagask Community Centre

The photographic schedule of condition was completed in September 2012. The centre is currently reviewing its constitution to ensure that it is fit for purpose and meets the requirements of the new Lease and Management Agreement.

5.2.2 Balgownie Community Centre

The photographic schedule of condition was completed in September 2012. The centre is currently reviewing its constitution to ensure that it is fit for purpose and meets the requirements of the new lease and management agreement. The carpark at this centre is shared with another user, so it has been agreed that it will be excluded from the Lease boundary.

5.2.3 Catherine St Community Centre

The photographic schedule of condition is complete. The Management Committee has reviewed the Lease and Management Agreement and has confirmed that it is happy that the final draft lease for their centre is prepared. The Management Committee want the process with the legal advisor to be completed prior to signing.

5.2.4 Froghall Community Centre

The photographic schedule of condition is complete. The Management Committee has reviewed the Lease and Management Agreement and has confirmed that it is happy that the final draft lease for their centre is prepared. The Management Committee want the process with the legal advisor to be completed prior to signing. The Management Committee have progressed through the suitability survey linked to the Community Asset Review.

5.2.5 Inchgarth Community Centre

A photographic schedule of condition is complete.

5.2.6 Sheddocksley Community Centre

At the time of writing this report, permission for access to carry out a photographic schedule of condition is still awaited.

5.2.7 Tillydrone Community Centre

The photographic schedule of condition is complete. The Management Committee have reviewed the Lease and Management Agreement and have confirmed that they are happy that the final draft lease for their centre is prepared. The Management Committee want the process with the legal advisor to be completed prior to signing.

5.2.8 Options

The following potential options have been identified to address a situation where a Management Committee have been either willing but unable to sign up to the lease and management agreement (for example for constitutional reasons), or are unwilling to sign up to the new lease and management agreement:

- i. Provide a temporary licence for the Management Committee, within the same terms and conditions of the new lease and management agreement, through to 31 January 2013 (with the exception of constitutional requirements: the association may still be in the process of amending their constitution to one that meets the requirements of the lease and management agreement), or
- ii. Note that the Management Committee will cease to be legally responsible for, and will have no right to legally occupy the Community Centre from midnight on 28 November 2012, and instruct Council Officers to take appropriate legal steps to terminate the occupancy and arrange to provide an interim service from, or mothball that Community Centre, until such time as a new Management Committee can be put in place, or
- iii. Note that the Management Committee will cease to legally be responsible for, and will have no right to legally occupy the Community Centre from midnight on 28 November 2012, and instruct Council Officers to take appropriate legal steps to terminate the occupancy and arrange to put in place a sustainable programme under the responsibility and management of the Council, or
- iv. Note that the Management Committee will cease to legally be responsible for, and will have no right to legally occupy the Community Centre from midnight on 28 November 2012, and instruct Council Officers to take appropriate legal steps to terminate the occupancy and mothball the Community Centre in the interim and report back with recommendations for the centre following the conclusion of the Community Asset review.

It is considered that a different option may be appropriate in respect of different community centres.

- 5.2.9 It is noted that there may be a situation whereby officers are instructed to provide a temporary licence and the Management Committee take a decision not to sign such a temporary licence. In such a situation, the Management Committee will, by default, cease to be legally responsible for the Community Centre from midnight on 28 November 2012. In these cases, officers will take appropriate legal steps to

terminate the occupancy and take action to provide an interim service from that centre until such time as a new management committee can be put in place (option ii).

In the case whereby officers are instructed to provide a temporary licence, and the Management Committee signs up to the temporary licence, but does not then sign up to the new lease and Management Agreement prior to 31 January 2013, then the Management Committee will, by default, cease to be legally responsible for the Community Centre from midnight on 31 January 2013. In these cases, officers will take appropriate legal steps to terminate the occupancy and take action to provide an interim service from that centre until such time as a new management committee can be put in place (option ii).

In the case where a decision is made for officers to provide an interim or ongoing service from a community centre, it is highlighted that, for capacity reasons, the programme may require to be reduced or stopped in the short term, until a sustainable programme can be put in place.

If a Management Committee declines to sign up to the new Lease and also refuse to remove themselves from the building, in the absence of any signed lease or licence, officers will take the necessary legal steps to secure vacant possession of the premises.

6. IMPACT

Corporate – This report relates to ‘Aberdeen – the Smarter City’

- We will work with our partners to seek to reduce the levels of inequality in the city.
- We will enhance the physical and emotional wellbeing of all our citizens by offering support and activities which promote independence, resilience, confidence and self-esteem.
- We will provide a high quality education service within our schools and communities which will improve attainment and life chances of our children and young people to achieve their full potential in education, employment or training.
- We will improve access to and increase participation in arts and culture by providing opportunities for citizens and visitors to experience a broad range of high quality arts and cultural activities.
- Working with our third, public and private sector partners, we will provide opportunities for lifelong learning which will develop knowledge, skills and attributes of our citizens to enable them to meet the changing demands of the 21st century.
- We will aim to have a workforce across the city which has the skills and knowledge to sustain, grow and diversify the cultural economy.
- We aspire to be recognised as a City of Culture, a place of excellence for culture and arts by promoting Aberdeen as a cultural centre hosting high quality and diverse cultural events for the whole community and beyond.
- We will embrace the distinctive pride the people of Aberdeen take in their city and work with them to enhance the sense of well-being here, building strong communities which look out for, and look after one another.

This report also relates to the Combined Community Plan and Single Outcome Agreement as follows:

- Protecting children and vulnerable adults
- People of all ages take an active part in their own learning to achieve their full potential Learning and training is appropriate and accessible to learner's needs
- Children and young people access positive learning environments and develop their skills, confidence and self esteem to the fullest potential
- Children, young people and their families/carers are involved in decisions that affect them. Their voices heard and they play an active and responsible role in their communities
- Educational attainment in Aberdeen is continuously sustained and improved
- School leavers enter positive destination of employment, training or further and higher education with a focus on and support for young people who require More Choices and More Chances
- Children and young people actively participate in their communities and have optimum involvement in decision making
- All children, young people and their families have access to high quality services when required and services provide timely, proportionate and appropriate response that meeting the needs of children and young people within Getting it Right for Every Child, (GIRFEC) requirements
- Improve the quality of life in our most deprived areas
- Citizens are increasingly more active in their communities regardless of age, gender, sexual orientation, ethnic origin, where they live, disability or faith/religion/belief and contribute to 'active citizenship'
- Develop pathways to participation which enhance the diversity of local representation at and engagement with regional, national and international arts, heritage and sporting events
- Our public services are consistently high quality, continually improving, efficient and responsive to local people's needs

Public – This report will be of interest to the public, as the recommendations will impact on services delivered throughout the city.

An Equality and Human Rights Impact Assessment has been completed in respect of this budget decision.

7. BACKGROUND PAPERS

20/9/12 Education, Culture and Sport Committee, Community Centres

6/7/12 Education, Culture and Sport Committee, Community Centres

28/3/12 Special Education, Culture and Sport Committee, Community Centres

23/2/12 Education, Culture & Sport Committee, Community Centres

24/11/11 Education, Culture & Sport Committee, Community Development Fund –
Childcare and Out of School Provision

24/11/11 Education, Culture & Sport Committee, Community Centres

15/9/11 Education, Culture & Sport Committee, Update on Implementation of
Budget Decision - Reduce Communities Team

17/6/11 Finance & Resources Committee, Kaimhill Community Facilities – Update
on Progress of Management Agreement

2/6/11 Education, Culture & Sport Committee, Update on Implementation of Budget Decision - Reduce Communities Team
2/6/11 Education, Culture & Sport Committee, Lease Agreements for Voluntary Organisations Occupying Woodside Fountain Centre
24/3/11 Education, Culture & Sport Committee, Implementation of Budget Decision – Reduce Communities Team
25/4/07 Council Meeting, Woodside Community Centre – Extension and Refurbishment

8. REPORT AUTHOR DETAILS

Gail Woodcock
Service Manager Communities
gwoodcock@aberdeencity.gov.uk
01224 522732

Karen Donnelly
Legal Manager
kdonnelly@aberdeencity.gov.uk

Mike Duncan
General Manager – Asset Management
mjd@aberdeencity.gov.uk