

Wards Affected:

Stony Stratford

**TRANSFER OF COMMUNITY ASSETS – STONY STRATFORD LIBRARY
TRANSFER OF OWNERSHIP TO STONY STRATFORD TOWN COUNCIL****Authors:** Neil Hanley, Community Solutions Programme Manager Tel (01908) 253632

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Executive Summary:

Following a pilot scheme under the Community Asset Transfer programme, it is proposed that the property and all of the assets of Stony Stratford Library are transferred to Stony Stratford Town Council. This future arrangement will lead to savings on building running costs, and under the leadership of this Town Council continue to provide improved high quality provision for the people of Milton Keynes into the future.

1. Recommendation(s):

That the Freehold ownership of all of the assets of the Stony Stratford Library site be transferred to Stony Stratford Town Council, on the basis of the Heads of Terms attached to this report (**Annex A**).

2. Issues

- 2.1 In a report to Cabinet in January 2012, it was suggested that a pilot be undertaken with five community assets which have the potential for transfer: Green Park Community Centre, Stony Stratford Library, Simpson Village Hall, Frank Moran Centre, and Downs Barn Pavilion and Sports Ground. Stony Stratford Town Council (SSTC) as the only applicant for Stony Stratford Library had to under-go a robust process before the asset was considered for transfer.
- 2.2 The Toolkit: *'Milton Keynes Council's Approach to Community Asset Transfer'* referred to in the report to Cabinet in January 2012 was applied to the pilot. Through the two stage application process and subsequent assessment panels, SSTC demonstrated that they met the criteria in terms of being a locally run, locally controlled, non-profit distributing, inclusive, and democratic organisation. Their subsequent business plan submission clearly demonstrated that as an organisation they meet the required requirements under the CAT programme for the freehold transfer, and in the opinion of officers they have the relevant experience of delivering services to the local community.
- 2.3 There is a lease dated 26 October 2009 to Stony Stratford Town Council of one room on the ground floor. The permitted use is offices only. The lease ended 9 June 2011 as it was for 3 years from 10 June 2008.

SSTC has provided this statement from their business plan:

“Under the ownership of SSTC, the building currently known as Stony Stratford Library will become a centre for learning at the heart of the local and surrounding communities. Building on the professionally run library service already in place, opportunities for learning will be available to all members of the community improving and enhancing their skills and life chances.”

In their business plan, SSTC sets out the firm commitment going forwards as follows:

“A diverse offering of lectures and talks will ensure that use of the building is maximised outside the usual opening hours for the core library service. The centre will focus on becoming a knowledge hub and will not compete in the already well provided hall hire market that exists in the parish.”

- 2.4 The proposal is that Milton Keynes Council operates the Library Service in partnership with the Town Council. This arrangement also proposes to transfer the site, for the sum of £1, subject to restrictive covenants, claw back and a right of pre-emption to protect the Council's interests in ensuring that the asset continues to be used for community related purposes. The agreed Heads of Terms are identified in the attached **Annex A**. The Council is able to transfer the properties at less than best value through the use of the well-being powers contained in the General Disposal Consent, which allows for such a disposal where it benefits the economic, social or environmental well-being up to a maximum of £2 Million. The property has been valued at less than £2 Million and at less than the State Aid threshold of 500,000 euros.
- 2.5 Controls would be centred upon general property related restrictions and claw-backs based upon facility use. These will be in the form of community protections related to restrictive covenants to ensure that the use of the facility is of a similar or related nature, that commercial activities can only be complementary and supportive to the overall use of the facility and that the facility cannot be left vacant for more than one year or sold or leased to another organisation without the Council's permission. There will also be claw-back provisions requiring the payment of money to the Council in the event of a change of use. If these covenants are breached the facility could (at the Council's option) revert to Council ownership.
- 2.6 This partnership will mean that the Library Service can reduce running costs as a result of a new Partnership Agreement with the Town Council. Under this agreement both parties seek to support the development of the building in order to pursue the following aim of enhancing the quality of library services and community facilities in Stony Stratford. In accordance with the above aim, the partnership will have the following objectives:
- to maximise the use of the building
 - to promote library and information services from the building
 - to ensure that public library opening hours are maintained from the building.

The alternative option would be for the Council to continue taking full responsibility for Stony Stratford Library its liabilities and relevant capital investment in the future. However, this does not recognise the value of 'Localism', enabling local community partners to take more responsibility for local assets and to empower these new arrangements with those organisations that may be best-placed to achieve this.

4 Implications

4.1 Policy

The Council's approach to Community Asset Transfer was formally adopted on 31st July 2012 following a delegated decision. The objectives of the programme are firmly embodied within the current version of the Corporate Plan and the guiding principles of the Council's Organisational Transformation Programme.

Cleaner, Greener Safer, Healthier MK: Public libraries contribute significantly to a person's health and sense of well-being.

Visiting MK: Libraries contribute to a strong, retail and cultural offer.

The "Future Libraries - Strategic Review of Milton Keynes Libraries and Vision for the Future" adopted by Cabinet in February 2012, recommends that new community agreements will be established, where achievable, with local and town councils to maximise the wider use of the library assets.

4.2 Resources and Risk

There will be revenue saving as a result of the implementation of the new partnership agreement between the Town Council and Milton Keynes Council of £12,506 in 2012/13 and £20,881 in 2013/14 of operation.

Y	Capital	Y	Revenue	N	Accommodation
N	IT	Y	Medium Term Plan	Y	Asset Management

4.3 Carbon and Energy Management

Maintaining the resources at Stony Stratford Library would provide a service for a wide variety of community groups locally which they would otherwise have to travel further afield to achieve. Libraries provide information about a variety of environmental issues. (e.g. light bulb swaps and the loan of energy meters.)

4.4 Legal

Throughout, the Council's Legal team have been closely monitoring the impact of any legislation that might affect the progress of CAT and will continue to do so in the future. The proposal is in line with the Government's Localism Act 2011.

Transfers at undervalue would potentially contravene State Aid regulations, which means they would be unlawful. Officers will need to look into whether State Aid applies with every transfer at undervalue.

Under S123 of the Local Government Act 1972, property disposals are to occur on the basis of best value being obtained. The Local Government Act General Disposal Consent 2003 provides a relaxation to this requirement up to a maximum value of £2M.

The **Public Libraries Act 1964** makes it the statutory duty of the local authority to provide library services for those who live, work or study in its area.

4.5 Other Implications

As an integral part of this transfer arrangement an Equalities Impact Assessment has been completed (**available on request**).

The programme was promoted on the Council's web link applications and the two stage application process was made available on-line.

Thorough public consultation on the Community Asset Transfer (CAT) Toolkit took place over a three-month period (31st January 2012 – 24th April 2012). Stakeholders had the opportunity to attend numerous events that were held across Milton Keynes and a public engagement event was held at Stony Stratford Library clarifying the specific aspects related to this proposed asset transfer.

The local Ward Members as a key stakeholder are aware of this development and have been involved in the consultation.

Y	Equalities/Diversity	N	Sustainability	N	Human Rights
Y	E-Government	Y	Stakeholders	N	Crime and Disorder

Background Papers:

Annex A: Heads of Terms for the transfer of Stony Stratford Library

Annex B: Plan of Land to transfer