

<b>*PART 1 – PUBLIC DOCUMENT</b>	<b>AGENDA ITEM No.</b>  <b>7</b>
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**TITLE OF REPORT: BALDOCK TOWN HALL TRANSFER – UPDATE AND AGREEMENT OF ALLOCATION OF S106 AND UNILATERAL UNDERTAKINGS FUNDS IN PRINCIPLE**

REPORT OF THE HEAD OF POLICY AND COMMUNITY SERVICES

**1. SUMMARY**

- 1.1 To provide an update to the members on progress to date with regard to the transfer of Baldock Town Hall from the Council to Baldock Town Hall Group
- 1.2 To seek agreement of members of the Baldock and District Area Committee that any existing S106 and Unilateral Undertakings funds held by the council in regard to 'community buildings' be assigned to this project to enable appropriate capital works to take place to ensure ease of access and compliance with Disability Discrimination Act requirements.

**2 FORWARD PLAN**

- 2.1 This report does not contain a recommendation on a key decision and is not included within the Forward Plan.

**3. BACKGROUND**

- 3.1 As Members are fully aware the Baldock Town Hall Group approached the Council in 2011 with a renewed proposal to seek transfer of the closed Baldock Town Hall, their intention being to develop an Arts and Heritage Centre for the town. A report seeking Cabinet approval to proceed was presented to and discussed at Cabinet in March 2012, when it was resolved;
  - (1) That the Business Plan presented by the Baldock Town Hall Group for the future management of Baldock Town Hall be received;
  - (2) That a letter of intent be issued to the Baldock Town Hall Group on terms agreed by the Strategic Director of Finance, Policy and Governance and the Corporate Legal Manager, in consultation with the Portfolio Holder for Finance and I.T, expressing Cabinet's support of the proposals in principle to enable the Baldock Town Hall Group to rely on the letter to secure relevant funding to take the project forward;

- (3) That, if satisfactory funding is obtained by Baldock Town Hall Group to take the project forward, then officers progress with a long term lease to the Baldock Town Hall Group and authority be delegated to the Strategic Director of Finance, Policy and Governance, in consultation with the Portfolio Holder for Finance and I.T., to agree the terms of the lease and any other appropriate legal documentation;
  - (4) That, in recognising that any agreement to proceed constitutes a community project to be resourced primarily by the Baldock Town Hall Group, the determination of what constitutes an appropriate level of specialist officer support be delegated to the Strategic Director of Finance, Policy and Governance, in consultation with the Portfolio Holders for Community Engagement and Rural Affairs and Finance and I.T., to ensure sufficient capacity remains for other existing Council projects;
  - (5) That a report detailing the progress made on this project be considered by Cabinet in 9 to 12 months time.
- 3.2 In the intervening period, dialogue has continued with the group, they have received and used the 'letter of intent' to open discussion with potential funders, and an update meeting was held between council officers and representatives in late July. Officers were told that it was proving difficult to secure some types of funding with a letter of intent, with a number of the more major grant bodies requiring sight of a draft lease agreement. Officers have since investigated this position and several lottery funding agencies have confirmed that they 'prefer' sight of a draft lease, but only where the parties are at the stage of progressing such legal agreement.
- 3.3 Cabinet were clear that progression to a lease arrangement should only progress once 'suitable funding' were available, but it is apparent that the BTHG felt such constraints could in themselves be hindering their opportunity to secure sufficient funding to take the project forward. In response to this, the Head of Policy and Community services convened a meeting with the Council's Leader, Deputy Leader and portfolio holder to discuss options in this regard. It has been agreed that officers should commence negotiations with the group regarding 'Heads of terms' and details of a draft lease, and the first meeting to take this forward is due to take place in late September.
- 3.4 Both elected members and members of the Baldock Town Hall Group should be aware that the negotiation and drawing up of a lease agreement can take a number of months, and part of the consideration for the group itself will be to determine in advance of that meeting what terms they will need in order to get the best return from funders. For example, the Heritage Lottery Fund require projects are 'sufficiently sustainable in return for their investment' and therefore require a minimum lease term of 80 years, with no break clauses. All these elements can be discussed in negotiations in due course.
- 3.5 The Baldock and District Area Committee will continue to be updated regarding progress.

#### **4. FUNDING**

- 4.1 The Baldock Town Hall Group are seeking to develop the Town Hall in a phased manner, and thus need a relatively small amount of funding to commence use of the hall. What is very apparent from discussions is that some of the initial improvements to the hall will relate to increasing accessibility, and in particular to ensure compliance with existing or future Disability Discrimination Act or Building Regulation requirements.
- 4.2 The BTHG have therefore been asked to draw up a short schedule of such small capital works, with the intention that these could be funded from existing S106 and unilateral undertakings budgets assigned for 'community buildings' in Baldock. The details of these works are to be finalised by the group's Architect, and final funding would only be allocated to individual works subject to the improvement fulfilling conservation, highways, planning and building regulation requirements in due course.
- 4.3 Officers therefore request Baldock and District Area Committee consider this request and commit that the approximately £13k funds held for community building improvements in Baldock be assigned in principle to this project only, so necessary works can be scheduled to take place in due course.

#### **5. LEGAL IMPLICATIONS**

- 5.1 The Council requires Section 106 Agreements and Unilateral Undertakings where appropriate under the Town and Country Planning Acts where development involves matters which cannot be controlled by planning conditions. There are strict rules which govern the negotiation and implementation of matters covered by Section 106 Agreements and in essence, these need to relate to the development proposed both in scale and kind.
- 5.2 The Development and Conservation Manager has indicated that the projects as outlined by the group fulfil the necessary requirements *in principle*, but each phase and improvement will remain subject to her final agreement to ensure the authority's compliance with legal conditions.

#### **6. FINANCIAL AND RISK IMPLICATIONS**

- 6.1 Any expenditure in regard to capital works at the Baldock Town Hall will need to be approved in advance of any works proceeding, and with the agreement not only of the Development and Conservation Officer, but also the Council's property team on behalf of the Council, owner of the property.

#### **7. HUMAN RESOURCE IMPLICATION**

- 7.1 There are no additional human resource implications arising from the proposals made in this report.

## **8. EQUALITIES IMPLICATIONS**

- 8.1 The Equality Act 2010 came into force on the 1<sup>st</sup> October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5<sup>th</sup> April 2011. There is a General duty, described in 7.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.
- 8.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give **due regard** to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 8.3 Should the proposals contained within this report take place, subject to the approval of the Development and Conservation Manager, they should enable increased accessibility to the Baldock Town Hall for all users from the local community.

## **9. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS**

- 9.1 Discussion has taken place regarding the allocation of S106 funding toward access improvements at the BTH with members of the BTHG, cabinet members and the Development and Conservation Manager.

## **10. RECOMMENDATIONS**

- 10.1 It is recommended that the Area Committee
- i) Note the progress being made with regard to the transfer of the Baldock Town Hall
  - ii) Agree that all S106/Unilateral Undertakings funding currently held by the Authority toward community facilities in Baldock be committed to accessibility works for the BTH project, subject to their fulfilling individual statutory and aesthetic requirements in due course.

## **11. REASONS FOR RECOMMENDATIONS**

- 11.1 To ensure local members are aware of progress with this proposed scheme
- 10.2 To provide the BTHG with access to a small amount of funding to ensure suitable access.

## **12. ALTERNATIVE OPTIONS CONSIDERED**

- 12.1 No alternative options are considered appropriate at this stage.

**13. AUTHOR**

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