

**DELEGATED DECISIONS**  
**25 SEPTEMBER 2012**  
**5.30 PM**  
**ROOM 4, CIVIC OFFICES**

**SCHEDULE**

<b>TIME</b>	<b>SUBJECT</b>	<b>DECISION MAKER</b>	<b>PAGE NUMBER</b>
5.30pm	Wolverton Town Centre Neighbourhood Plan Area Application	Councillor Hopkins	<b>Pages 2 to 10</b>
To Follow	Community Asset Transfer Frank Moran Centre	Councillor P Geary	<b>Pages 11 to 17</b>
To Follow	Community Asset Transfer Stony Stratford Library	Councillor P Geary	<b>Pages 18 to 24</b>
To Follow	Open Space Strategy	Councillor P Geary	<b>Pages 25 to 27</b>



**Wards Affected:**

Wolverton, Hanslope Park, Stony Stratford, Bradwell, Stantonbury

**DELEGATED DECISION**  
**25 SEPTEMBER 2012**

**WOLVERTON TOWN CENTRE NEIGHBOURHOOD AREA APPLICATION**

Author: Fiona Tarbit, Senior Planning Officer, Tel: (01908) 252318

**Executive Summary:**

In accordance with the Neighbourhood Planning Regulations 2012, Wolverton and Greenleys Town Council submitted an application to designate an area of Wolverton Town Centre as a Neighbourhood Area, which was advertised for six weeks public consultation between 13 June and 25 July 2012. Three responses were received and considered by the Town Council and Neighbourhood Plan Steering Committee.

This report recommends that the proposed Neighbourhood Area is approved as originally submitted.

**1. Recommendation**

- 1.1 That the Neighbourhood Area application for Wolverton Town Centre, as shown in Figure 1, Annex A, be approved in accordance with Section 61G of the Town and Country Planning Act, 1990 (as amended).

**2. Issues**

- 2.1 Wolverton and Greenleys Town Council submitted an application to Milton Keynes Council on 31 May 2012, to designate an area of Wolverton Town Centre as a Neighbourhood Area. This area is shown in ANNEX A. This application was made in accordance with Regulation 5 of the Neighbourhood Planning Regulations 2012, which requires a Parish Council submitting an area application to include:
- a map which shows the area to be designated;
  - a statement explaining why the Parish Council considers the area to be appropriate for designation; and
  - confirmation that the Parish Council concerned is the relevant body for the purpose of neighbourhood planning for that area.
- 2.2 In accordance with Regulation 6 of those regulations, Milton Keynes Council published the area application, and held a six week public consultation period between 13 June and 25 July 2012. This was advertised in the MK News, on the Council's website, and through information circulated to all Members and Town and Parish Councils. Wolverton and Greenleys Town Council, and the Neighbourhood Plan Steering Committee also undertook some further awareness-raising in Wolverton through their own mailing lists.

- 2.3 Three responses were received to the Wolverton Town Centre Neighbourhood Area application. The first, from Emberton Parish Council, advised that they had no objection to the designation of the Neighbourhood Area. Responses were also received from New Bradwell Parish Council and Cllr Marland, Ward Member for Wolverton. These responses raised concerns with the proposed Neighbourhood Area, and made recommendations that it be amended. These points are summarised in ANNEX B.
- 2.4 The consultation responses have been considered by Milton Keynes Council officers, and by Wolverton and Greenleys Town Council and the Neighbourhood Plan Steering Committee. Comments from these organisations are included in ANNEX B to address the concerns raised in the consultation responses. Wolverton and Greenleys Town Council agreed their responses as shown in ANNEX B at their Town Council meeting on 30 August 2012.
- 2.5 As shown in ANNEX B, the consultation responses raised concerns that the Neighbourhood Area should not include the 'Railcare site' as it is a major site that has a strategic role which should not be considered within a Neighbourhood Plan, and that including it within the Plan could cause a delay to its preparation process. It is intended that the Neighbourhood Plan would simply set out the overarching principles that the community would wish to see addressed in any future redevelopment of the site, and will not plan for the site in any significant detail. This advice has been acknowledged by the Neighbourhood Plan Steering Committee and they assert that the Plan will be prepared on that basis. It is therefore considered that the inclusion of the Railcare site within the Neighbourhood Area is appropriate.
- 2.6 The second main concern raised through the consultation responses was that the St Georges Way housing area should be included within the Neighbourhood Area. The inclusion of this area had already been considered at an earlier stage in the plan process. However, following liaison with colleagues in the Housing team about the future work they are proposing to do in the area, it is considered that the timescales for the Neighbourhood Plan would mean that it is inappropriate to include St Georges Way in the Neighbourhood Area at this time. This would not prevent a future Neighbourhood Plan (or an alternative piece of work, for example a Development Brief) being prepared for this area, and the residents of St Georges Way will continue to be involved in the work on this plan.
- 2.7 Having regard to the responses received and the comments made to address these points, it is therefore considered that it is appropriate to designate the Wolverton Town Centre Neighbourhood Area as originally proposed by the Town Council as shown in Figure 1, ANNEX A. This conclusion has been supported by Wolverton and Greenleys Town Council and the Neighbourhood Plan Steering Committee.
- 2.8 Since the consultation on the Neighbourhood Area, Officers have considered whether the area should be designated specifically as a Business Neighbourhood Area. The Localism Act 2011 states (61H of Schedule 9) that a Local Planning Authority can designate a neighbourhood area as a Business Area if it considers the area is "wholly or predominantly business in nature". This is not considered to be the case in the proposed area as the majority of units are (or contain) residential dwellings, therefore designation as a Neighbourhood Area is considered the most appropriate approach in this circumstance. The Neighbourhood Plan Steering Committee intends to continue and strengthen their engagement work with the local business community, and any suggestion coming

from that work that the plan should become a Business Neighbourhood Plan will be assessed.

### 3. Options

3.1 Once a Neighbourhood Area application is submitted, the 2012 Regulations require the Council to come to a view on it and publicise that decision. This report recommends that the area originally proposed by the Town Council is approved as a Neighbourhood Area. However, if it is considered that this recommendation is not appropriate, the Neighbourhood Area application could be refused. Wolverton and Greenleys Town Council and the Neighbourhood Plan Steering Committee could then choose to submit a revised application to Milton Keynes Council which will then be subject to further advertisement and consultation.

### 4. Implications

#### 4.1 Policy

The National Planning Policy Framework sets out that Neighbourhood Plans must be in general conformity with the strategic policies of the development plan. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood Plans and Development Orders should not promote less development than set out in the Local Plan or undermine its strategic policies. In Milton Keynes, the strategic policies are set out in the adopted Milton Keynes Local Plan and the emerging Core Strategy.

Once a Neighbourhood Plan has successfully passed all of the stages of preparation, including an examination and referendum, it is 'adopted' by the local planning authority, forms part of the authority's Development Plan and is a material consideration when considering development proposals. In terms of the planning policy hierarchy, a Neighbourhood Plan, once adopted carries more weight than a Supplementary Planning Document.

#### 4.2 Resources and Risk

The Localism Act and the 2012 Regulations place new duties on local planning authorities in relation to Neighbourhood Planning. These new duties have implications for staff resources as the Council has a duty to support Parish Councils wishing to undertake Neighbourhood Planning. Staff resources to support Neighbourhood Planning will come from the existing staff within the Development Plans team. Decisions on any significant resource issues for the Council as a result of officer involvement in Neighbourhood Planning will be taken separately, as necessary.

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

#### 4.3 Carbon and Energy Management

The proposal does not impact on carbon and energy management

#### 4.4 Legal

Neighbourhood planning is part of the Government's initiative to empower local communities to take forward planning proposals at a local level as outlined in Section 116 of the Localism Act, 2011. The Act and the subsequent 2012 Regulations confer specific functions on local planning authorities in relation to neighbourhood planning.

At its meeting of 25 July 2012, Cabinet agreed the decisions in the Neighbourhood Planning process that would be delegated to the Cabinet Member responsible for Strategic Planning. This scheme of delegation included the decision of whether to accept and designate a Neighbourhood Area, as is recommended in this report.

#### 4.5 Other Implications

Stakeholders:

The proposed Neighbourhood Area application has been the subject of consultation for six weeks and the views of stakeholders are reported in this report and set out in ANNEX B.

Consultation and involvement of stakeholders is an important part of the neighbourhood planning process and will ultimately be tested by a single issue referendum at the end of the process.

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

**ANNEX A** – Figure 1: Wolverton Town Centre Neighbourhood Area

**ANNEX B** – Table summarising consultation responses to the Wolverton Town Centre Neighbourhood Area application, and Milton Keynes Council and Wolverton and Greenleys Town Council comments.

Figure 1: Wolverton Town Centre Neighbourhood Area

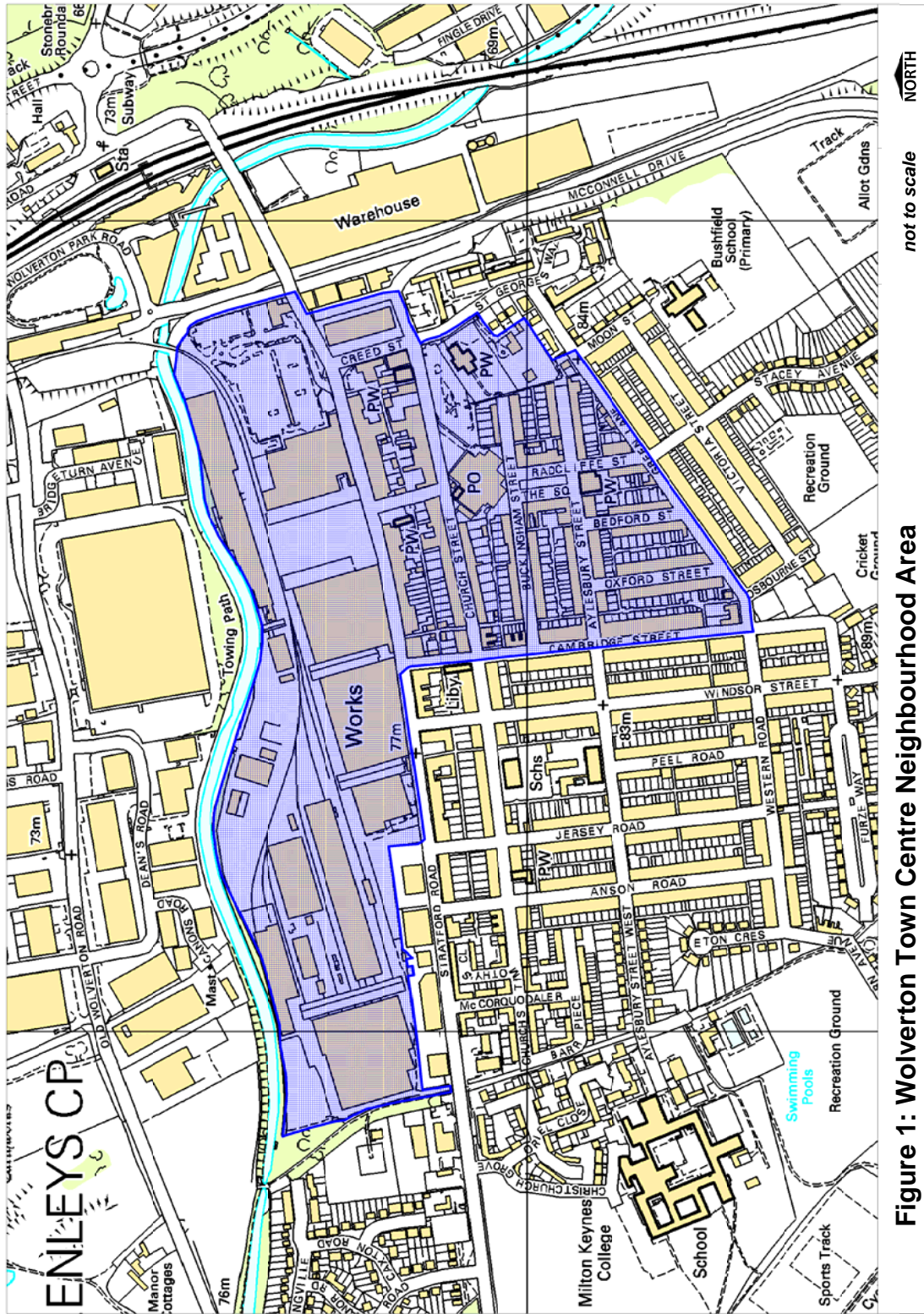


Figure 1: Wolverton Town Centre Neighbourhood Area





**Table summarising consultation responses to the Wolverton Town Centre Neighbourhood Area application, and Milton Keynes Council and Wolverton and Greenleys Town Council comments.**

<b>Respondent</b>	<b>Summary of comment</b>	<b>Milton Keynes Council response</b>	<b>Wolverton and Greenleys Town Council response</b>
<b>Comments to note</b>			
Emberton Parish Council	No objection to the application for the designation of a neighbourhood plan area in Wolverton	Noted	Noted
New Bradwell Parish Council	Recognise the issues in the area around the Agora and support its inclusion in the Neighbourhood Plan area.  Also, including some of the earliest phases of Wolverton's development is sensible to help set the context for the regeneration of the town centre.	Noted	Noted
<b>Including New Bradwell Parish Council in the Neighbourhood Plan process</b>			
New Bradwell Parish Council	NBPC should be more involved in the process because of New Bradwell's strong, historical relationship with Wolverton	Discussed at Neighbourhood Plan Steering Committee meeting on 30 July 2012 and recommended that a representative from NBPC should be invited to attend the NPSC meetings. This is a decision to be confirmed by Wolverton and Greenleys Town Council	Following a recommendation from the NPSC meeting on the 30th July that New Bradwell Parish Council should be invited to join the NPSC this has now been agreed by the Town Council.
<b>Including the St Georges Way residential area</b>			
Cllr Peter Marland, Ward Member for Wolverton	Given the proximity to the area that is the main focus of the issues in Wolverton, the links to the Town Centre and the nature of any mixed use development that could be included in the Plan, the current residential areas of St Georges Way and the Gables high-rise flats should be included in the Neighbourhood Plan area	The inclusion of the St Georges Way housing estate was discussed at an earlier stage in the development of the plan. Conversations were held with colleagues in MKC Housing about the value of including the residential area in the Neighbourhood Plan. MKC Housing have indicated that inclusion in a NP could be beneficial to bringing forward regeneration in this	Early discussions were held with the Housing Department about the inclusion of St George's Way housing estate in the Neighbourhood Plan area, and it was agreed by all parties that although there was a clear relationship between the estate and the neighbouring Town

Respondent	Summary of comment	Milton Keynes Council response	Wolverton and Greenleys Town Council response
<p>New Bradwell Parish Council</p>	<p>Including the St Georges Way area would encourage community cohesion. Would be a shame to miss the opportunity to engage with these residents particularly given their proximity to the plan area.</p>	<p>location, but it was considered that the timescales for the preparation of the plan did not fit with those for their future work in St Georges Way.</p> <p>It was also considered that there were other ways of achieving community engagement in any regeneration proposals, for example through a development brief led by the Town Council, or a future Neighbourhood Plan more focussed on the issues in the residential area of Wolverton. In the meantime, residents in the areas adjacent to the Town Centre will of course be fully engaged in the Neighbourhood Plan process, and not including the estate within the boundary of the Neighbourhood Area does not preclude their involvement in any way.</p> <p>A key focus of this Neighbourhood Plan is to bring forward the redevelopment of the Agora Shopping Centre, and including the potential regeneration of a residential area within that same plan could mean that main focus is side-lined. For example, residents of the St Georges Way area could vote against the plan at a referendum because of the future plans for their homes, which would therefore jeopardise the success of the town centre focused plan.</p> <p>Therefore, it is considered that the inclusion of the St Georges Way area would not be appropriate for the Wolverton Town Centre Neighbourhood Plan, and it is recommended that the Neighbourhood Area boundary is not amended in this location. In the</p>	<p>Centre, the issues associated with the Town Centre were different from the mainly housing issues likely to arise during any consultation about St George's Way.</p> <p>Discussions with officers from MK Council's Housing Department have taken place at regular intervals during the NP process, and there is an agreement that regular update meetings need to continue to take place so that any decisions made as part of the NP process do not adversely affect Milton Keynes Council's ability to regenerate the St George's Way area.</p> <p>The Town Council and NPSC are concerned that the referendum held at the end of the NP process is not adversely affected by any one interest group or issue. In particular the Town Council is concerned that including fundamental regeneration which may significantly affect people's homes could sway any vote about changes to the Town Centre generally, particularly as there has been no significant consultation on this to date.</p>

Respondent	Summary of comment	Milton Keynes Council response	Wolverton and Greenleys Town Council response
<b>Excluding the Railcare/St Modwen railway works site</b>			
Cllr Peter Marland, Ward Member for Wolverton	<ul style="list-style-type: none"> <li>- The requirements of how to plan and allocate the land use for this site are a separate and different set of issues to those which are active in the Town Centre.</li> <li>- The importance of this site and the demanding nature of the Town Centre are too important to include in the same plan, and including both runs the risk of neither site being given the planning importance required.</li> <li>- Site is of strategic importance as one of only three such rail operations in the UK capable of heavy plant work of trains. A Neighbourhood Plan is not the correct document to be making strategic economic and land allocation decisions on the future of this site.</li> <li>- Site also provides work for a highly skilled workforce, which wouldn't be considered in a plan centred on regeneration of retail and residential property</li> <li>- There is no long-standing consensus on the problems and aims for the site. The options for the site are too</li> </ul>	<p>We appreciate the concerns raised about the inclusion of the railway works land within the Neighbourhood Area. We agree that the site has significant strategic importance, and there is no intention that the Neighbourhood Plan would undermine the continued use of the site for its current purpose. However, the current operator of the site (Railcare) and the owners (St Modwen) have indicated that there is potential to consolidate operations on the site, which may make some of the land available for redevelopment.</p> <p>It is intended that the Neighbourhood Plan would only set out broad principles for the future redevelopment of the site rather than any detailed proposals, and it would recognise the continued need for employment uses on this important site, utilising its location on the railway network. Public engagement and consultation will be carried out to consider options for the principles of any future development on the site.</p> <p>The Neighbourhood Plan could also</p>	<p>The Railway Lands were included in the NP area because of the fundamental effect that any redevelopment of the 36 acre site is likely to have on the Town Centre, for instance if the whole site was redeveloped for housing (which is not the wish of local people) the Town Centre would have to be significantly bigger to cater for the needs of a vastly increased population.</p> <p>Part of the Railway lands site borders the core Town Centre area (at the bottom of Radcliffe Street) and what happens with this site (alongside the Community Centre and Tesco) is really important for the rest of the Town Centre.</p> <p>With the lease agreement between Alstom and Railcare coming up for renewal in 2017, it was felt to be really important to agree (and enshrine in a planning document)</p>

Respondent	Summary of comment	Milton Keynes Council response	Wolverton and Greenleys Town Council response
<p>New Bradwell Parish Council</p>	<p>numerous and diverse to be given proper consideration in a test Neighbourhood Plan and a single option could not be decided upon within the timescale of this plan.</p> <ul style="list-style-type: none"> <li>- Understand the logic of including the site, but concerned that the detailed negotiations required to plan for a site of this size could unduly delay the plans for the Agora and remaining retail areas.</li> <li>- Site provides a significant number of jobs and NBPC would be concerned if, through inclusion of the site in the plan, the current occupiers were encouraged to move prematurely.</li> <li>- Inclusion of the railcare site would complicate the plan and mean the intention and need to regenerate the town centre is diluted and delayed</li> <li>- Should consider how other tools or alternative approaches (e.g. a master plan) could be used for the site, with community involvement</li> </ul>	<p>incorporate recommendations for further work. This could include the identification of the site as an area of change, or an opportunity area in the future Local Plan, or that a more thorough Development Framework should be prepared for the area. The level of detail proposed for the Neighbourhood Plan would not preclude such additional work taking place in a MKC-led planning policy document.</p> <p>St Modwen has indicated that the lease for the site does not expire until 2017, so while additional detailed work is not urgent at this time, identifying broad principles provides a useful policy framework in the event that redevelopment comes forward ahead of schedule, possibly as part of a consolidation of on-site operations.</p> <p>Therefore, it is considered that the inclusion of the Railway works area is entirely appropriate for the Wolverton Town Centre Neighbourhood Plan, and it is recommended that the plan area boundary is not amended in this location.</p>	<p>some of the principles of redevelopment for the site, whilst acknowledging that any whole-scale redevelopment of the site would require a more detailed plan of some sort all of it's own.</p>

**Wards Affected:**

Denbigh

**TRANSFER OF COMMUNITY ASSETS – FRANK MORAN CENTRE TRANSFER OF OWNERSHIP TO WEST BLETCHLEY COUNCIL****Authors:**

Neil Hanley, Community Solutions Programme Manager Tel (01908) 253632

Paul Sanders, Assistant Director, Community Facilities Tel (01908) 253639

**Executive Summary:**

Following a pilot scheme under the Community Asset Transfer programme, it is proposed that the property and all of the assets of Frank Moran Centre are transferred to West Bletchley Council. This future arrangement will, under the leadership of this Town Council continue to provide improved high quality provision of various community activities for the people of Milton Keynes into the future.

**1. Recommendation(s)**

That the Freehold ownership of all of the assets of Frank Moran Centre to West Bletchley Council, on the basis of the Heads of Terms attached to this report (**Annex A**), and subject to the leasehold occupancy of the pre-school and an electricity substation be transferred

**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. These were: Green Park Community Centre, Stony Stratford Library, Simpson Village Hall, Frank Moran Centre and Downs Barn Pavilion and Sports Ground. West Bletchley Council (WBC) as one of two applicants for Frank Moran Centre had to under-go a robust process before the asset was considered for transfer. (The other applicant, Church Of God Of Prophecy did not progress beyond stage one).
- 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, WBC 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 The existing tenant Melrose Pre-School's lease expired in June 2010. The pre-school have a tenancy protected by the Landlord and Tenant Act 1954 and that they are entitled to call for a new 15 year lease.

WBC has provided this statement from their business plan:

*"WBC has a proven track record of supporting local residents, providing a range of services and facilities required by them, often in conjunction with appropriate other agencies from across the city. The council was re-accredited with Quality Status in November 2011 and holds the General Power of Competence."*

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

*"West Bletchley Council has been keen to secure additional premises to allow the work at the centre to both expand, in terms of numbers who can access them, and extend, in terms of the types of activities that can be offered. The Frank Moran Centre presents the best possible location, being situated within 100 metres of the existing centre. It is intended that the two venues will run 'side by side'."*

- 2.4 It is proposed to transfer the site, for the sum of £1, subject to the leasehold occupancy of the pre-school and an electricity substation; 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

### 3 Options

The alternative option would be for the Council to continue taking full responsibility for Frank Moran Centre 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 31<sup>st</sup> 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.

### 4.2 Resources and Risk

WBC would take full responsibility for the asset its liabilities and relevant capital investment into the future.

With the Freehold transfer taking place the Council's Landlord responsibilities would fall away resulting in a saving of £2,294 in revenue costs.

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 Frank Moran Centre would provide a service for a wide variety of community groups (particularly young people) locally which they would otherwise have to travel further afield to achieve.

### 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.

### 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 (31<sup>st</sup> January 2012 – 24<sup>th</sup> April 2012). Stakeholders had the opportunity to attend numerous events that were held across Milton Keynes and a public engagement event was held at Frank Moran Centre clarifying the specific aspects related to this proposed asset transfer.

The local Ward Members as key stakeholders 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 Frank Moran Centre

**Annex B:** Plan of Land to transfer

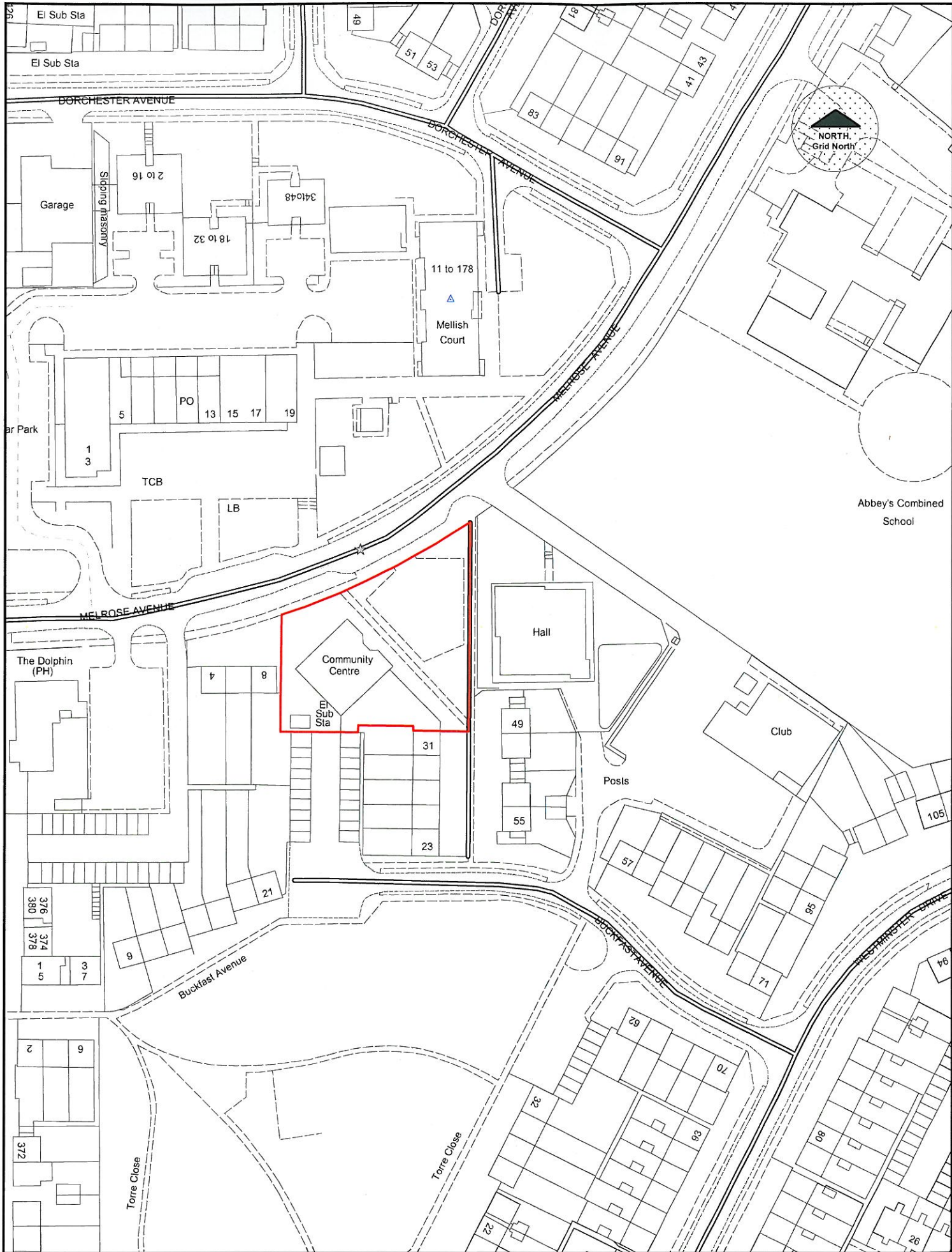




## HEADS OF TERMS FOR PROPOSED TRANSFER

<b>Premises:</b>	The Frank Moran Centre, Melrose Avenue, Milton Keynes, MK3 6PA.
<b>Vendor:</b>	Milton Keynes Borough Council, Civic Offices, 1 Saxon Gate East, Milton Keynes, MK9 3EJ
<b>Purchaser:</b>	West Bletchley Town Council, 1 Porchester Close, Bletchley, MK3 6FF.
<b>Property Tenure:</b>	Freehold
<b>Purchase Price:</b>	£1.00
<b>Restrictive Covenants:</b>	A restrictive covenant to be entered into at the time of the purchase preventing the use of the Property for commercial purposes except those supporting and ancillary to the provisions of the primary purpose as specified in the Stage 2 Business Case (for the benefit of the community of Milton Keynes).
<b>Clawback:</b>	Calculated at 100% of the capital value of the Property, assuming a use other than the primary community use, reducing by 2% per annum in the event that the restrictive covenants are breached.
<b>Pre-emption:</b>	In the event that West Bletchley Town Council decides within 25 years of its purchase to sell the freehold interest or grant a lease of the Property or the property is left vacant for more than one year then the Council has the right to acquire the property at a price of £1.
<b>Grant Funding</b>	The purchaser will be required prior to accepting any grant funding to inform and agree with MKC. Negotiations will need to take place between the purchaser, funding organisation and MKC to ensure minimal impact on the title of the asset.
<b>Condition of transfer:</b>	As a condition of the transfer the acquiring body will be obliged to manage the premises if let in accordance with the MKC Property Strategy and in line with the requirements of Commercial Landlords Accreditation Scheme (CLAS).
<b>Statutory Consent:</b>	Unless specified no statutory consents have been granted to the purchaser as part of CAT process and the

	purchaser will be responsible for undertaking these when and if they are required.
<b>Costs:</b>	Each side is to be responsible for their own legal and surveying costs associated with the initial sale of the Property.
<b>Existing Tenant:</b>	West Bletchley Town Council will take on Landlords responsibility with regards to Melrose Pre School who currently have a lease of part of the Frank Moran Centre and the electricity substation.
<b>Reinvestment:</b>	<p>The purchaser will be required to maintain a reinvestment fund operating as follows: the purchaser will:</p> <ul style="list-style-type: none"> <li>- maintain accounts showing all income and costs in relation to the premises;</li> <li>- provide audited accounts of these matters to MKC yearly and allow MKC to carry out its own audit if required;</li> <li>- pay the operating surplus into a separate account and spend it only on the premises, which account shall also be dealt with in the yearly audit mentioned above;</li> <li>- MKC may require to approve items of expenditure.</li> </ul> <p>Consideration will be needed as to how long this arrangement will last, whether MKC wishes to be able to suggest works of improvement, and whether MKC should hold the surplus account.</p>



Map Title Frank Moran Centre

Scale 1:1250



**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

Paul Sanders, Assistant Director, Community Facilities Tel (01908) 253639

**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.

### 3 Options

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 31<sup>st</sup> 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 (31<sup>st</sup> January 2012 – 24<sup>th</sup> 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



**Subject to Contract &  
Without Prejudice**

## HEADS OF TERMS FOR PROPOSED TRANSFER

<b>Premises:</b>	Stony Stratford Library, 5-7 Church Street, Stony Stratford, Milton Keynes, MK11 1BD.
<b>Vendor:</b>	Milton Keynes Borough Council, Civic Offices, 1 Saxon Gate East, Milton Keynes, MK9 3EJ
<b>Purchaser:</b>	Stony Stratford Town Council, The Library, 5-7 Church Street, Stony Stratford, MK11 1BD.
<b>Property Tenure:</b>	Freehold
<b>Purchase Price:</b>	£1.00
<b>Restrictive Covenants:</b>	A restrictive covenant to be entered into at the time of the purchase preventing the use of the Property for commercial purposes except those supporting and ancillary to the provisions of the primary purpose as specified in the Stage 2 Business Case (for the benefit of the community of Milton Keynes).
<b>Clawback:</b>	Calculated at 100% of the capital value of the Property, assuming a use other than the primary community use, reducing by 2% per annum in the event that the restrictive covenants are breached.
<b>Pre-emption:</b>	In the event that Stony Stratford Town Council decides within 25 years of its purchase to sell the freehold interest or grant a lease of the Property or the property is left vacant for more than one year then the Council has the right to acquire the property at a price of £1.
<b>Grant Funding</b>	The purchaser will be required prior to accepting any grant funding to inform and agree with MKC. Negotiations will need to take place between the purchaser, funding organisation and MKC to ensure minimal impact on the title of the asset.
<b>Condition of transfer:</b>	As a condition of the transfer the acquiring body will be obliged to manage the premises if let in accordance with the MKC Property Strategy and in line with the

	requirements of Commercial Landlords Accreditation Scheme (CLAS).
<b>Statutory Consent:</b>	Unless specified no statutory consents have been granted to the purchaser as part of CAT process and the purchaser will be responsible for undertaking these if and when required.
<b>Costs:</b>	Each side is to be responsible for their own legal and surveying costs associated with the initial sale of the Property.
<b>Access:</b>	Appropriate access rights to enable full and unrestricted use of the building for community purposes to be granted, if required
<b>Service Agreement:</b>	Draft may 2012
<b>Investment fund:</b>	<p>The purchaser will be required to maintain a reinvestment fund operating as follows: the purchaser will:</p> <ul style="list-style-type: none"> <li>- maintain accounts showing all income and costs in relation to the premises;</li> <li>- provide audited accounts of these matters to MKC yearly and allow MKC to carry out its own audit if required;</li> <li>- pay the operating surplus into a separate account and spend it only on the premises, which account shall also be dealt with in the yearly audit mentioned above;</li> <li>- MKC may require to approve items of expenditure.</li> </ul> <p>Consideration will be needed as to how long this arrangement will last, whether MKC wishes to be able to suggest works of improvement, and whether MKC should hold the surplus account.</p>

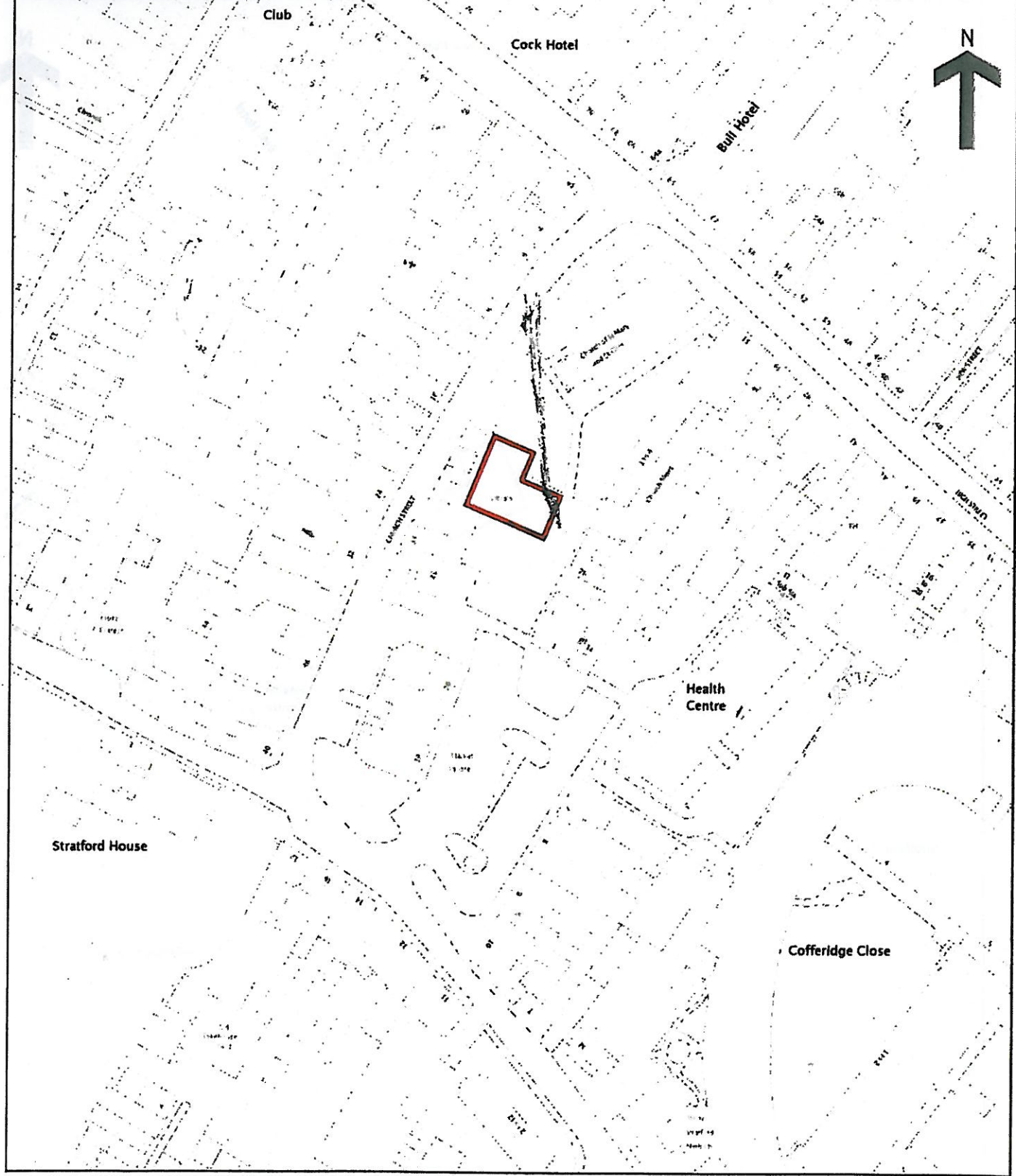
Story Stratford.

Land Registry  
Official copy of  
title plan

Title number **BM365460**  
Ordnance Survey map reference **SP7840SE**  
Scale **1:1250**  
Administrative area **MILTON KEYNES**



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**Wards Affected:**

All Wards

**Title:** Open Space Strategy Consultation Process**Author:** Phil Snell, Project Manager - Tel: 01908 253606**Executive Summary**

A joint Open Space Strategy between MKC, the Parks Trust, and HCA has been developed (limited to publicly accessible land, but not limited to any particular land manager or owner). The establishment of this partnership framework strategy will ensure that the quality of open space is maintained and that it continues to contribute and enhance the communities' quality of life and well being.

**1. Recommendation(s).**

- 1.1 That approval be given to the commencement of external consultation on the Draft Public Open Space Strategy using the Council's consultation toolkit.

**2. Key Points**

- 2.1 The Draft Public Open Space Strategy has been prepared as part of the engagement and consultation process to ensure public open space in Milton Keynes (MK) is fit for purpose. The purpose of the Strategy is to provide a compelling vision for public open space in MK for the next 10 years; in which key stakeholders share common values and deliver the identified strategic objectives.

- (a) This strategy (Public Open Space Strategy), once adopted, will replace the previous Open Space Strategy<sup>1</sup> (2007). The reasons being;

- The outgoing Open Space Strategy was in need of a refresh in some areas (policy papers, partnerships, well being etc).
- The outgoing Open Space Strategy does not reflect current economic and political challenges.
- The Public Open Space Strategy focuses on public open space rather than the broader concept of open space. However, it acknowledges the interconnected nature of Public Open Space and identifies the need to

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<sup>1</sup> <http://www.miltonkeynes.gov.uk/parks-and-open-space/documents/OSS.pdf>

work with other groups and organisations to realise the holistic and ecological benefits.

- 2.2 As Milton Keynes continues to develop new challenges and opportunities will be encountered. The policy agenda and context for delivering quality open space is undergoing change. This strategy therefore integrates and proposes partnership working and effective community involvement as key to an efficient, sustainable and effective public open space network.
- 2.3 The strategy has adopted several approaches in the consulting, drafting and logical layout. These approaches have been adapted to facilitate the strategy. The strategy sets out a framework through which the local authority and its partners can work with each other and develop their shared vision for public open space for their areas.
- The initial process to inform the strategy was carried out over two facilitated workshops and the subsequent reports written by Big Green Campus facilitators.
  - A project board has been established, comprising two managers from the Milton Keynes Council and one manager from the Parks Trust to draft the strategy.

### 3. **Alternative Options**

- 3.1 The Council can decide not to proceed with the draft strategy, however this has been identified as a key component of the Organisational Transformation Programme and without the strategy Public Open Space may be left vulnerable to changing local and national policy objectives.
- 3.2 The Council can decide not to carry out consultation on the draft strategy, however this would not be compliant with the Parish Protocol or the transparency agenda.

### 4. **Implications**

#### 4.1 Policy

4.2 The production of the draft strategy is in line with the Organisational Transformation Programme (Alternative methods of service delivery), Localism Act (2011) and National Planning Policy Framework (2012).

#### 4.3 Resources and Risk

The resources to fund the strategy exist as part of the Organisation Transformation Programme 2012/13 programme. The main risks to strategy are:

- A substantial number of respondents reject the whole premise of the strategy.

- There is a failure to engage significantly with stakeholder

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

#### 4.4 Carbon and Energy Management

The Draft Public Open Space Strategy recognises the important role that parks and open space can play in capturing carbon, reducing heat island effects and the general principle of ecoservice functioning.

#### 4.5 Legal

The power of public authorities to change policy is constrained by the legal duty to be fair (and other constraints which the law imposes). 1) A change of policy which would otherwise be legally unacceptable and may be held unfair by reason of prior action, or inaction, by the Authority. 2) If it has distinctly promised to consult those affected or potentially affected, then ordinarily it must consult.

#### 4.6 Other Implications

None

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

Background Papers:        Draft Open Space Strategy