

## **Wiltshire Council**

### **Individual Cabinet member Delegated Decision**

**Ref: DL1-19**

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**Subject:** **GRANT OF 125 YEAR LEASE OF THE CANBERRA YOUTH & DEVELOPMENT CENTRE, MELKSHAM, TO YOUNG MELKSHAM**

**Cabinet member:** **John Thomson  
Deputy Leader of the Council**

**Key Decision:** **No**

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#### **Purpose of Report**

- 1.1 To seek authority for the transfer of the Canberra Centre at 56b Spa Road, Melksham, SN12 7NY to Young Melksham, a local charity, who provide services for children, young people and their families in Melksham.

#### **Background**

- 2.1 The Canberra Youth and Development Centre is a purpose-built youth centre which was operated by Wiltshire Council until 2014. The property comprises the Youth Centre building, access road, car parking and the playing-field behind the car park.
- 2.2 In 2015 it was reopened by Young Melksham, a local registered charity who have been renting the building for the past 3 years, and they rapidly expanded from delivering one youth club per week to five. Almost 200 young people every week now use the centre, which is well established in the community as The Youth Centre.
- 2.4 The Youth Centre facility will be managed and run by Young Melksham who provide services for children, young people and their families in Melksham, running youth clubs on Monday to Friday evenings and providing additional counselling and youth support services throughout the week. Further organised activities for young people are anticipated in the building and adjoining land during school holidays and the building can be made available to hire for community use to support other local groups and organisations.
- 2.5 Extensive consultation has been undertaken by the Centre with local residents, both adjacent to the premises and those who live the wider community, which demonstrates overwhelming support for the centre to be transferred to Young Melksham.

#### **Main Considerations for the Council**

- 3.1 The property is Held in Trust by Wiltshire Council. Wiltshire Council consider that the planned continued use of the premises by Young Melksham as a dedicated youth centre is fully compliant with the terms of the Trust.
- 3.2 The proposal to grant a 125 year lease is in line with Community Asset Transfer Policy (approved July 2011); although the Policy governance cannot be followed only because the property is Held in Trust by the Council on behalf of the beneficiaries of the Trust and not in its usual capacity as landowner. Appropriate due diligence has been undertaken for the proposed occupier, who already has awareness of the operating costs of the building.
- 3.3 Melksham Area Board has been notified of the proposal and CEM engaged in the process.
- 3.4 This lease presents an opportunity for Wiltshire Council to make economies by removing the costs-in-use of this property from their annual budget at a time when resources are scarce, whilst maintaining services offered by Young Melksham.
- 3.5 As the tenant, under the current short term lease Young Melksham, currently carries insurance for all risks, except buildings reinstatement, which it proposes to cover once the Community Asset Transfer has been completed.
- 3.6 Under the new lease Young Melksham will take responsibility for Facilities and Building Maintenance and will be implementing procedures for this, outsourcing only those maintenance issues they cannot undertake internally.
- 3.7 Young Melksham is governed by a Board of Trustees comprising local residents and professionals with a commitment to delivering services for young people.
- 3.8 The consultation procedure has made it clear that there is a desire in the local community for the building to be leased to Young Melksham.

### **Safeguarding Considerations**

4. The proposed lease will be for a term of 125 years, and responsibility for all safeguarding issues associated with working with young people (including DBS checks) will sit with the occupier.

### **Public Health Implications**

5. The proposed lessee will continue to promote health education, counselling and physical exercise, and provide organised games facilities in the adjacent field and hard court.

### **Environmental and Climate Change Considerations**

6. There are no direct environmental and climate change issues associated with this decision.

### **Equalities Impact of the Proposal**

7. Young Melksham is an inclusive organisation, and promotes integration.

### **Risk Assessment**

8. Various risks have been identified arising from (9) declining or (10) taking the Decision and these are summarised below:

#### **Risks that may arise if the proposed decision and related work is not taken**

- 9.1 There would be no continuity of occupation necessitating the continued renewal of the lease to the Charity every two years, with all the legal and administrative costs that that entails.
- 9.2 The current circumstances, *which may not readily again occur*, present this opportunity to provide a compliant occupier of the Centre who will continue to provide Youth services at this level in Melksham, in accordance with the terms of the Trust and Council policy, and the opportunity to remove a financial burden and make valuable budget economies should not be underestimated or overlooked.

#### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

- 10.1 The risk that the tenant may not be adequately financially resourced to undertake their obligations has been discounted in view of their funding arrangements – detailed in paras: 11.2 & 11.3, below.

### **Financial Implications**

- 11.1 All costs associated with the maintenance and management of the land will pass to Young Melksham under the terms of the lease.
- 11.2 The work of the charity is financed by two main sources, grant support and locally raised funds which are obtained through charging young people to attend the activities (apart from counselling), fundraising events and the hire of the facilities. Grant aid comes from several sources including the LYN (*Local Youth Network*), Town/Parish council, Wiltshire Community Foundation and other Wiltshire grant-giving organisations.
- 11.3 Following the Community Asset Transfer the tenant will also qualify to apply to national grant-giving organisations such as The Lottery, Children in Need etc.

## **Legal Implications**

- 12.1 The transaction will be a disposal by way of the grant of a 125-year lease at a peppercorn rent, in line with Community Asset Transfer Policy – approved July 2011.
- 12.2 The property is, however, held in Trust by the Council who is the sole trustee, and hence disposal will not be effected under the above policy but under the auspices of a Single Member Decision. Under the Trusts of Land Appointment of Trustees Act 1996 the Council has the powers of an absolute owner of the land, which include the power to grant a lease.

## **Options Considered**

13. Seek full value (if any) for the land from the sale of a 125-year lease in the Open Market (subject to the terms of the Trust) or transfer it to a compliant body for a use which meets the requirements of the Trust.

## **Conclusions**

- 14.1 Authorise the transfer of the property at 56b, Spa Road Melksham known as the Canberra Youth & Development Centre, to Young Melksham.

**Alistair Cunningham**  
**Corporate Director**

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## **Background Papers**

The following unpublished documents have been relied on in the preparation of this report:

None

## **Appendices**

None

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