

COUNCIL

MONDAY, 28TH SEPTEMBER, 2020

At 6.15 pm

in a

VIRTUAL MEETING - ONLINE ACCESS,

SUPPLEMENTARY AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
4.	<u>MAIDENHEAD COMMUNITY CENTRE PETITION</u> Updated report – see paragraphs 2.9, 2.10, 2.11, 3.2 and 3.4.	3 - 8

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Report Title:	Maidenhead Community Centre Petition
Contains Confidential or Exempt Information?	No – Part I
Member reporting:	Councillor Johnson, Leader of Council & Lead Member for Business, Economic Development & Property.
Meeting and Date:	Extraordinary Council 28 th September 2020
Responsible Officer(s):	Russell O’Keefe – Executive Director
Wards affected:	St Marys

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REPORT SUMMARY

1. An [e-petition](#) containing 1599 signatures has been submitted to the Council stating: ‘We the undersigned petition The Royal Borough of Windsor and Maidenhead to Stop RBWM demolishing Maidenhead Community Centre and moving us to an inadequate temporary site.’
2. The York Road development, the first of the Council’s regeneration projects. requires vacant possession of Phase II and Phase III, for these to proceed.
3. Phase II is currently occupied by Maidenhead Community Centre (MCC), with a head lease held by Royal Voluntary Service and the freehold interest held by the Council. The Council has been in negotiations with both RVS & MCC regarding the surrender of the head lease and the relocation of MCC to relocate MCC to a new facility.
4. Members are able to debate the petition as set out in the council’s petition scheme in the constitution. The Part II report on the Council agenda sets out a proposed way forward so that phase II of the York Road development can progress and the future location of MCC can be secured. The proposed way forward, which would involve MCC moving to 4 Marlow Road, Maidenhead, would allow MCC to move to a site in line with the requirements they have indicated and would not involve a move to a temporary site.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council notes the report and debates the petition.

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report contained in appendix B.

	Comments
That Council debates the petition and takes it into account during consideration of the Part II report on the Council agenda.	The recommendations in the Part II report would provide MCC with a solution that would allow them to move to a facility in line with the

	Comments
This is the recommended option	requirements they have indicated and would not require a move to a temporary facility.
Royal Voluntary Service & Maidenhead Community Centre to remain insitu. This is not recommended.	This would affect the York Road regeneration project phase II, the delivery of housing and would impact the Council's capital receipt for land.

Background

- 2.1 An [e-petition](#) containing 1599 signatures has been submitted to the Council stating: 'We the undersigned petition The Royal Borough of Windsor and Maidenhead to Stop RBWM demolishing Maidenhead Community Centre and moving us to an inadequate temporary site.'
- 2.2 The regeneration of the town centre has brought forward many opportunities but also some challenges. The York Road development is the first of the Council's town centre joint venture regeneration projects and requires vacant possession of Phase II and Phase III for these to proceed.
- 2.3 Phase II encompasses the King George VI building for which Royal Voluntary Service (RVS) currently has a head lease from the Council (the freeholder). RVS has a 99 year lease on full repairing and insurance terms that was entered into in February 1984, with 63 years remaining.
- 2.4 RVS are currently subletting the building to Maidenhead Community Centre (MCC) with no formal lease arrangement in place. The overall building has approximately 4,340 sq ft of internal space, of which approximately 2,000 sq ft is used by MCC for hire space for its activities. MCC also enjoys the use of the kitchen and café area at just over 1,000 sq ft. The remainder of the internal space is for the use of RVS. The site also has a small amount of limited off street parking and some external space in poor condition that is not currently utilised.
- 2.5 MCC established use in January 2018, and offers a wide variety of activities including yoga, various fitness classes, indoor bowling, Maidenhead Arts, martial arts classes, two churches, Friends In Need and Men's Matters.
- 2.6 Following a previous petition by MCC a resolution was passed by Full Council in April 2018, that stated:
- 'This council agrees to either keep the existing York Road Community Centre, or as part of the central Maidenhead regeneration re-establish the York Road Community Centre in a new building so it can perform all its current activities, allow for planned expansion and still be easily accessible to all current and future users'.
- 2.7 The Council has been in negotiations with both RVS & MCC regarding surrender of the head lease and relocation of MCC, in line with the Council resolution in April 2018 to relocate MCC to a new facility.

- 2.8 Following Cabinet approval in February 2020, two options for relocation were offered to RVS and MCC. The options offered have been considered not suitable by RVS and MCC have also raised concerns with each of them.
- 2.9 Considerable thought has been given to an alternative way forward that provides RVS and MCC with a final option for relocation, taking into account the latest views they have expressed. The Part II report on the Council agenda sets out a proposed way forward so that phase II of the York Road development can progress and the future location of MCC can be secured. The proposed way forward would involve MCC moving to 4 Marlow Road Maidenhead and would not require a temporary move for MCC.
- 2.10 At 4 Marlow Road, over 6,000 sq ft of internal space would be available to MCC, situated adjacent to Kidwells Park, with up to 15 car parking spaces also available. This option would provide significantly greater space, with good access and parking and would only require a single move. However, this option would not meet the resolution made by Full Council for a new building.
- 2.11 The part II report also sets out a proposed way forward for RVS and an update on the discussions with them.
- 2.12 Separate to this process an application has been received to list the site as an Asset of Community Value and this is being considered separately in line with the relevant legislation.

3. KEY IMPLICATIONS

- 3.1 The relocation of key stakeholders would enable regeneration of the area to proceed without delay. In order to realise the benefits of Phase II of the York Road development, including 51 new homes (17 of which are affordable homes), vacant possession is essential. Whilst there is a cost to this, there is also a benefit in a very significant capital receipt for the land and the regeneration of this key town centre site.
- 3.2 The proposed relocation of MCC to 4 Marlow Road, Maidenhead would allow MCC to continue activities in an area with good transport connections and car parking provision close by to serve all its user groups, especially those with mobility restrictions.
- 3.3 Compulsory Purchase Orders could be applied to both Phase II and Phase III of the York Road development, in order to obtain vacant possession and deliver the continued regeneration and housing supply that is much needed in the borough (if final agreement cannot be reached with the relevant organisations). However, this would be a last resort as we believe that the proposed solution in the Part II report meets all reasonable requirements.
- 3.4 The relocation to 4 Marlow Road, would require an appropriate home and relocation of the existing youth service that is running from this centre. This is being considered and assessed as part of the family hub consultation process which will see a decision by end of October. Therefore if relocation is agreed, for MCC, this is likely to take place in January 2021.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The Part II report on the agenda sets out the financial implications of the proposed solution.
- 4.2 If phase II of York Road were to not go ahead the Council would not receive a very significant capital receipt for its land.

5. LEGAL IMPLICATIONS

- 5.1 The Council has the power to dispose of land in its ownership (disposal including the grant of a lease) under s123 of the Local Government Act 1972 provided the land is sold at a consideration not less than the best that could reasonably be obtained in the market.
- 5.2 Section 226(1)(a) of the Town and Country Planning Act 1990 is the most commonly used power by local authorities to facilitate development and regeneration in their area, and is the power proposed to be used in respect of the York Road development.
- 5.3 Section 226 of the Town and Country Planning Act 1990 (“the 1990 Act”) confers power on a local authority to acquire land compulsorily for development and other planning purposes.
- 5.4 Section 226(1) (a) of the 1990 Act gives a local authority power to acquire compulsorily any land within its area if it thinks that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to that land.
- 5.5 The power to acquire land compulsorily conferred by Section 226(1) (a) of the 1990 Act is subject to subsection 1A, which provides that the acquiring authority must not exercise the power unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to the achievement of one or more of the following objectives:
 - the promotion or improvement of the economic well-being of their area;
 - the promotion or improvement of the social well-being of their area; or
 - the promotion or improvement of the environmental well-being of their area.

6. RISK MANAGEMENT

- 6.1 The current assumptions for the York Road development are for Countryside to begin Phase II in February 2021. This would require surrender of the lease and/or relocation by RVS/MCC no later than January 2021.
- 6.2 There would be a substantial financial cost for external legal advice and CPO consultants that would add both time and financial risk to Phase II and Phase

III of the York Road development if a CPO route needed to be pursued, but would secure for the Council the land receipt and housing for this site.

6.3 **Table 3: Impact of risk and mitigation**

Risks	Uncontrolled risk	Controls	Controlled risk
Delayed relocation of MCC – Phase II of York Road	High	Relocation by negotiation or by CPO if necessary.	Medium
Compulsory Purchase Options	High	An application could be made for a CPO for both Phase II and Phase III for York Road development. This would take approximately 12-18 months, which would place delays to phase II but not phase III. An application is likely to be successful if the Council can demonstrate relocation options have been offered.	Low

7. POTENTIAL IMPACTS

- 7.1 Equalities. The Equality Act 2010 places a statutory duty on the council to ensure that when considering any new or reviewed strategy, policy, plan, project, service or procedure the impacts have been considered. An Equality Impact assessment screening has been completed for the proposed solution.
- 7.2 The proposed solution in the Part II report on the Council agenda would relocate key stakeholders into alternative suitable facilities that are more energy efficient, have a better carbon footprint and are more sustainable, both environmentally and economically. The condition of the existing facility is poor.
- 7.3 No personal data has been kept or used by staff whilst looking at relocation and redevelopment options for these facilities.

8. CONSULTATION

- 8.1 Public consultation was undertaken on the York Road development.
- 8.2 Discussion has been undertaken with RVS and MCC on the options.

TIMETABLE FOR IMPLEMENTATION

- 8.3 The current assumptions for the York Road development are for Countryside to begin Phase II in February 2021. This would require surrender of the lease and/or relocation by RVS/MCC no later than January 2021.

BACKGROUND DOCUMENTS

- 8.4 Not Applicable.

9. CONSULTATION (MANATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Johnson	Lead Member for Business, Economic Development & Property.	17/9/20	
Duncan Sharkey	Managing Director	17/9/20	
Adele Taylor	Director of Resources (151 Officer)	17/9/20	17/09/20
Andrew Valance	Head of Finance	17/9/20	
Elaine Browne	Head of Law	17/9/20	
Mary Severin	Monitoring Officer	17/9/20	
Nikki Craig	Head of HR, Corporate Projects and ICT	17/9/20	
Louisa Dean	Communications	17/9/20	
Kevin McDaniel	Director of Children's Services	17/9/20	
Hilary Hall	Director Adults, Commissioning and Health	17/9/20	
Karen Shepherd	Head of Governance	17/9/20	17/9/20

REPORT HISTORY

Decision type: Petition for debate at full Council	Urgency item? No	To Follow item? Not applicable
Report Author: Russell O'Keefe – Executive Director		