

Agenda

Economy and Property Committee Meeting

Date: Thursday, 30 January 2025

Time 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT

Membership:

Councillors Monique Bonney (Chair), Hayden Brawn, Ann Cavanagh, Lloyd Chapman, Shelley Cheesman, Roger Clark, Simon Clark, Alex Eyre, Elliott Jayes, Peter Marchington, Lee-Anne Moore, Sarah Stephen (Vice-Chair), Terry Thompson, Mark Tucker and Ashley Wise.

Quorum = 5

Pages

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1. Emergency Evacuation Procedure

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- (b) Exit routes from the chamber are located on each side of the room, one directly to a fire escape, the other to the stairs opposite the lifts.
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- (d) Anyone unable to use the stairs should make themselves known during this agenda item.

2. Apologies for Absence

3. Minutes

To approve the [Minutes](#) of the Meeting held on 17 December 2024 (Minute Nos. 507 – 517) as a correct record.

4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves, their families or friends.

The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPIS) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

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| 5. | Disposals and Community Asset Transfer Policies | 5 - 18 |
| 6. | Land at Great East Hall | 19 - 24 |
| 7. | 44 Trinity Road, Sheerness - the Old Library | 25 - 30 |
| 8. | Forward Decisions Plan | 31 - 32 |
| 9. | Exclusion of the Press and Public | |

To decide whether to pass the resolution set out below in respect of the following item:

That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3:

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Issued on Wednesday, 22 January 2025

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**Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

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| Economy and Property Committee | |
|---------------------------------------|---|
| Meeting Date | 30th January 2025 |
| Report Title | Disposal and Community Asset Transfer Policies |
| SMT Lead | Emma Wiggins, Director of Regeneration & Neighbourhoods |
| Head of Service | Joanne Johnson, Head of Place |
| Lead Officer | Kieren Mansfield, Strategic Programmes and Assets Manager |
| Classification | Open |
| Recommendations | That the draft Disposal Policy (as at Appendix I) and the draft Community Asset Transfer Policy (as at Appendix II) are adopted by Swale Borough Council. |

1. Executive Summary

- 1.1 On adopting the Property Asset Strategy on 14th November 2023, the Regeneration and Property Committee (as was) also approved a set of principles as a basis to consult on an updated Disposal and Community Asset Transfer (CAT) policies.
- 1.2 A draft consultation document regarding these policies was approved by Committee on 24th July 2024 and used to consult with the local community, Parish and Town Councils and local organisations.
- 1.3 This report presents the updated draft policies, reflecting the consultation responses received, with a view to adoption.

2. Background

- 2.1 On adopting the Property Asset Strategy on 14th November 2023, the Regeneration and Property Committee (as was) also approved a set of related principles as a basis to consult on new Property Disposal and Community Asset Transfer (CAT) policies. The consultation document was approved by the Committee in July 2024 and the consultation took place over 8 weeks ending in October 2024.
- 2.2 The consultation included public access to a map of the Borough that identifies the Council's ownership of land and buildings, via the website. This was to allow local organisations to identify assets which may be of interest to them and to help make the consultation more tangible.
- 2.3 The amended Property Disposal and Community Asset Transfer (CAT) policies are attached at Appendix I and II respectively. They have been drafted in light of the agreed Property Asset Strategy, the principles agreed by the Economy and Property Committee and the responses received during the consultation.

2.4 Whilst broadly supportive, responses received raised some issues (see below), which the updated content of the policies have sought to reflect. The issues raised were:

- Consultation with Town and Parish Councils about disposals should take place, to provide local information and the opportunity for them to register potential interest, with the possibility of being preferred bidders.
- A suggestion to consider the heritage and historic value of assets as part of the assessment when considering disposals.
- The need for effective follow-up on community assets that have been transferred, to ensure appropriate use and management.

3. Proposal

3.1 That the draft Disposal Policy (as at Appendix I) and the draft Community Asset Transfer Policy (as at Appendix II) are adopted by Swale Borough Council.

4. Alternative Options

4.1 Do not approve/update the policies. This is not recommended as the existing policies are relatively dated and the context has changed. The updates are reflections of this and the policies have been amended in light of the responses to the consultation.

5. Consultation Undertaken

5.1 With the approval of the Economy and Property Committee, an 8 week consultation on the draft policies, supported by background information, took place. The document was circulated to Parish and Town Councils and community organisations, and the consultation more widely promoted, with an 8 week response period concluding in mid-October. The draft policies were reviewed in light of comments received.

6 Implications

| Issue | Implications |
|----------------------------------|---|
| Corporate Plan | The Council's Corporate Plan 2024-2027 identifies a priority under the Community section to "work in partnership with the local towns and parishes and voluntary sector on our community assets." New policies for Disposal and CATs will support this and the wider delivery of the Property Asset Strategy, which is identified as a priority under the Economy heading |
| Financial, Resource and Property | There are no direct financial implications arising from the draft policies directly. However, they would provide part of the policy base which would inform decisions about the disposal and retention of the Council's property assets. Appropriate management of the Council's property assets supports its overall financial position. The Property Asset Strategy acknowledges the need for rationalisation, with disposals offering the opportunity to |

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| | <p>secure capital receipts, make budgetary savings and/or reduce potential current and future liabilities.</p> <p>Implementing all disposals requires significant input from the relevant service and the property and legal teams. Where legal and other costs are incurred to move a potential disposal forward, these are currently not budgeted for. Such costs can only be fully offset where the financial benefit to the Council of a disposal or Community Asset Transfer outweighs such costs.</p> <p>The resources available within service areas and the property and the legal teams are a constraint on the volume of disposals and community asset transfers that can be worked towards and completed at any given time. This will also impact on the speed at which transactions can be moved forward, alongside a number of other factors, including the input of the organisation taking receipt of the asset.</p> |
| Legal, Statutory and Procurement | Other than acknowledging the Council's statutory obligations in respect of the disposal of Property Assets, none are identified at this stage. |
| Crime and Disorder | None identified at this stage |
| Environment and Climate/Ecological Emergency | None identified at this stage |
| Health and Wellbeing | None identified at this stage |
| Safeguarding of Children, Young People and Vulnerable Adults | None identified at this stage |
| Risk Management and Health and Safety | <p>None identified directly arising from this report. Future disposals and CATs could have significant implications for the Council, which will need to be considered on a case-by-case basis.</p> <p>The Council is in regular receipt of multiple enquiries from individuals and organisations with an interest in acquiring Council owned property assets. There is also a growing number of enquiries from Parish and Town Councils wishing to explore the possibility of Community Asset Transfers. This may grow, in the context of local government reorganisation.</p> <p>Given the resource limitations, it is not possible to advance all such enquiries and prioritisation will be required. In line with Property Asset Strategy and the draft disposals policy this would need to take account of the following:</p> <ul style="list-style-type: none"> • financial impact for the Council; • alignment with the Council's Priorities and • community and regeneration benefits. |

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| Equality and Diversity | None identified at this stage |
| Privacy and Data Protection | None identified at this stage. |

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Draft Disposal Policy
 - Appendix II: Draft Community Asset Transfer Policy

8 Background Papers

- 8.1 4th November 2023, Property Asset Strategy Report to Regeneration and Property Committee.
- 8.2 24th July 2024, Consultation – Disposals and Community Asset Transfer Policies, Report to Economy and Property Committee.

Appendix I Draft Disposals Policy

Purpose of the policy

The Council's Property Asset Strategy adopted in November 2023 makes it a priority that the Council only retain land and property where it makes strategic or financial sense to do so. This should be to deliver services in line with corporate priorities, to generate income, to provide a return on investment, to enable regeneration or to provide social value.

Having been informed by public consultation in the autumn of 2024, this policy sets out the framework for the disposal of Council property assets. It reflects the aims of the Property and Asset Strategy and should be read in conjunction with this and the Property Procedure Rules (adopted November 2023) as well as the Council's constitution. These documents provide guidance on the procedures to be followed for the disposal of Council owned property.

The Council has fairly wide discretion to dispose of its assets, including land or buildings. When disposing of assets, the Council is subject to statutory requirements, in particular to the overriding duty, under section 123 of the Local Government Act 1972, to obtain the best consideration that can be reasonably obtained for a disposal.

This duty is subject to certain exceptions that are set out in the General Disposal Consent (England) 2003. Within financial limits, this gives Councils wider powers to dispose of land and property at less than market value where it could be demonstrated that they promoted the economic, social and environmental well-being of the area.

One of the options available to local authorities for disposal of property assets at less than market, is a Community Asset Transfer (CAT). The Council views CATs positively as part of its long-term support for engagement and partnership with Parish and Town Councils, and the voluntary and community sector and therefore an aligned but separate policy is also in place for this form of disposal.

Definition of Disposal

Under the relevant legislation a disposal includes the grant of a lease of more than 7 years or an assignment of an existing lease which has more than 7 years to run. This policy does **not** apply to all disposals falling within this definition. This policy will apply where the disposal falls within the Community Asset Transfer Policy or where the disposal is the subject of a freehold transfer or a lease of no less than 99 years.

All other property transactions are regarded as lettings.

Identifying Surplus and Underused Property Assets

The Property Asset Strategy sets out the need for ongoing asset review, which allows the Council to consider, rationalise and streamline (and where appropriate, to supplement) its property portfolio. This process assesses the financial viability of assets to guide disposal decisions, but also takes account of a wider set of considerations.

The disposal of a property asset will be considered if it is identified as surplus or underused. Disposal may also be considered where it could proactively advance the Council's priorities and objectives.

Identifying whether a property asset is surplus, will be based on meeting one or more of the following criteria:-

- (a) It makes no contribution to the delivery of the Council's services,
- (b) It has no viable potential with regard to the delivery of the Council's Corporate Plan and its wider strategy framework
- (c) An alternative and more cost-effective service delivery site has been identified.

Except where a concession has been made or can be considered under the relevant policies to support a wider Council objective, a property asset will be deemed to be underused if:

- (a) The income it generates is below that which could be achieved from one or more of:
 - (i) An alternative use
 - (ii) Disposing of the site and investing the income
 - (iii) Intensifying the existing use, mindful of the viability of doing so
- (b) A significant part of the site is vacant and is likely to remain so for the foreseeable future
- (c) The cost of retaining the asset outweighs its likely income generation.
- (d) The asset has no potential with regard to the delivery of the Council's Priorities or its contribution to Council priorities is deemed not to represent value for money against the financial opportunity cost.

Criteria for Disposal

The following criteria shall be considered in determining the potential disposal of an asset:

Financial Viability

The financial viability of retaining or disposing of an asset will be assessed. This includes:

- an evaluation of the ongoing maintenance and whole life costs;
- potential income generation;
- the projected market value of the asset and whether this can be enhanced in advance of any disposal and
- whether the benefit of the expected capital receipt would outweigh existing income.

Prevailing Market Conditions

Property market conditions will influence whether it is an appropriate time to dispose of an asset. Minor sales of low value property will not be influenced as greatly but the impact on the achievable financial receipt for higher value properties may be significant. Retention of the property must, however, be weighed against the cost of holding the property.

Council Priorities

The alignment of the asset with the Council's strategic goals will be considered. These goals may include alignment with the Council's Corporate Plan and wider strategy framework; service delivery objectives; community need and the Council's sustainability targets.

Community Benefit/Impact

The potential community benefit of retaining or disposing of an asset will be assessed, through a community impact assessment. The view of the relevant, local parish council and/or ward Members will be sought to inform this community impact assessment (CIA). Consideration of community impact will include the potential for community use of a property asset but also its historic, heritage and aesthetic value, primarily using the Council's adopted local heritage listing criteria.

Regeneration

The potential for the asset to contribute to economic development or wider regeneration in the borough will be considered. This could include the potential for job creation, business development, and the promotion of economic growth. This will be included within the community impact assessment.

Legislative Framework and Government Guidance

This policy will comply with the relevant UK legislation and Government guidance. Considerations will include but not be limited to:

- The Local Government Act 1972: which gives local authorities the general power to dispose of land held by them in any manner they wish.
- The Localism Act 2011: which introduced the "General Power of Competence" providing local authorities with greater freedom to act in the best interests of their local communities.
- The Ministry of Housing, Communities & Local Government's (MHCLG) Non-Statutory Guidance on Disposal of Land by Local Authorities (February 2020): which provides guidance on achieving best consideration for the disposal of assets.
- Subsidy Control Act 2022, which regulates the giving of subsidies out of public resources.
- Part 5 of the Localism Act 2011 entitles community groups to nominate assets in their locality to be placed on the List of Assets of Community Value. The governance arrangements in respect of this legislation and are in place. In the

event of a nomination of a Council owned property asset, this will impact on the potential disposal of the asset.

These considerations and will be recorded in making a decision to dispose, whether that be through officer delegation or through committee approval, in line with the approved Scheme of Delegation.

The process and determination of the method of Property Disposal are set out in the Council adopted Property Procedure Rules (sections 1.10-1.13).

Appendix II - Draft Community Asset Transfer Policy

Purpose of the policy

The Council views CATs positively as part of its long-term support for engagement and partnership with the Parish and Town Councils and the voluntary and community sector.

Having been informed by public consultation in the autumn of 2024, this policy sets out the framework for the disposal of Council property assets through Community Asset Transfers. It reflects the aims of the Property and Asset Strategy and should be read in conjunction with this and the Council's Disposal Policy.

The Property Procedure Rules (November 2023) and the Councils constitution provide guidance on the procedures to be followed in the disposal of Council owned property.

Background

The Council has fairly wide discretion to dispose of its assets, including land or buildings. When disposing of assets, the Council is subject to statutory requirements, in particular to the overriding duty, under section 123 of the Local Government Act 1972, to obtain the best consideration that can be reasonably obtained for a disposal.

This duty is subject to certain exceptions that are set out in the General Disposal Consent (England) 2003. Within financial limits, this gives Councils wider powers to dispose of land and property at less than market value where it could be demonstrated that they promoted the economic, social and environmental well-being of the area.

Subsequent central government policies have also encouraged the community ownership and management of assets through a series of initiatives, most recently the 2011 localism act.

The overarching aims of these policies have been to:

- sustain viability and improve service provision;
- deliver sustainable solutions that are accepted, agreed, 'owned' and driven by the local community;
- increase the number of local people helping to run or own local services or assets;
- realise wider community benefits such as increased levels of volunteering, social capital and civic participation; and
- improve the leverage of external funding into the local area through increased funding opportunities, encouraging economic development, and social enterprise activity.

The Assets of Community Value provisions within the 2011 localism act entitle community groups to nominate assets in their locality to be placed on the List of Assets of Community Value. There is a separate process in respect of this legislation and is **not** covered by this policy, except where an Asset of Community Value is considered for a Community Asset Transfer.

Definition and of Community Asset Transfer (CAT)

The term 'Community Asset Transfer' (CAT) is defined as 'where the Council transfers land or buildings into the ownership or management of a Voluntary and Community Sector (VCS) organisation or statutory body'.

For the purposes of this policy, those bodies consist of statutory parish and town councils together with properly constituted voluntary groups, charities and trusts.

The use of a CAT applies to Council assets where community activities are the primary purpose of the asset, e.g. community halls and allotments. This is usually at less than market value, as a means to further local social, economic and / or environmental objectives.

This policy will also apply where community assets are being managed by a VCS group under a short-term lease or management agreement and a request has been received from the group for a long lease transfer.

CAT is a voluntary process entered into proactively by public bodies. They can provide significant benefits to both local councils and community groups by empowering communities and promoting local stewardship. Swale Borough Council is keen to embrace the opportunities it presents. The Council's Corporate Plan 2024-2027 identifies a priority to "work in partnership with the local towns and parishes and voluntary sector on our community assets."

The Process

The process of considering, agreeing and implementing a Community Asset Transfer will require resources from both the Council and the recipient organisation and will take some time. Although a number of steps are involved in a Community Asset Transfer, there are three key stages for those groups who are interested: -

- Stage 1 - Expression of Interest.
- Stage 2 - Full Application and Business Case
- Stage 3 –Heads of Terms for the transfer and basis for a Joint Working Agreement.

The CAT process may be started by either the Council advertising an opportunity or by an individual/organisation making an unsolicited request to take on management responsibility for an asset.

Proposed Community Asset Transfers will generally be advertised on the Swale Borough Council website requesting Expressions of Interest. At its discretion, the Council may choose not to carry out an Expression of Interest process where:

- The asset is already occupied by a VCS organisation who has occupied the asset for three or more years and has fully complied with the terms of the tenancy/lease; and either
- The organisation has invested a capital sum in the asset that has had a significant impact on the quality of the asset or service being delivered; or
- A constituted group has been set up through a community engagement exercise with the express purpose of managing the asset.

For those indicating an Expression of Interest in an asset, the Council would normally expect to be able to consider a full application with accompanying business case within a period of no more than a year. If this is not achieved, the Council will consider its approach to the asset in question, including whether a proposed CAT remains the best option.

Principles for consideration in relation to Community Asset Transfers

The Council's Economy and Property Committee has agreed (to be confirmed by committee) the following principles which will underpin Swale Borough Council's approach to Community Asset Transfers.

1. **Risk Management:** The Council will identify potential risks associated with a CAT and develop a risk management strategy. This could include financial risks, management risks, and the risk of community conflict. A comprehensive risk management strategy will help to mitigate these risks and ensure the long-term sustainability of the asset transfer.
2. **Community Engagement:** The Council will engage the relevant local parish and/or ward councillors (and other relevant stakeholders if required) in the decision-making process for asset transfers. This can help to ensure local buy-in and support and may also open up additional sources of support and funding or alternative transferees.
3. **Clear Communication:** The Council will be transparent about the nature of the transfer and its potential implications. It will ensure community groups understand that they are receiving a valuable asset that can equate to a subsidy and what their responsibilities will be, particularly regarding property maintenance and repairs. This can prevent misunderstandings and poor asset maintenance and / or governance down the line.
4. **Long-term Financial Planning:** Community groups will be required to develop robust long-term financial plans that account for ongoing maintenance and repair costs, which remain under periodic review. This could involve setting up a sinking fund for future repairs or seeking external funding sources.
5. **Legal and Contractual Clarity:** The Council will ensure that the legal agreements surrounding the asset transfer are clear and understood by those

involved (although CAT recipients will always be advised to take independent advice).

6. **Regular Monitoring and Evaluation:** There will be a need to implement a monitoring and evaluation system to track the performance and impact of the transferred assets. This will allow the Council to understand progress against plans submitted in support of the CAT and whether action is being taken to address any issues arising. This will also prepare partners should it become clear that the asset is likely to fall into disrepair or be mismanaged.
7. **Exit Strategy:** Every transfer should have a defined and agreed plan in place for what happens if the community group is no longer able to or have failed in managing the asset. This might involve transferring the asset to another group, selling it, or returning it to council control.

Swale Borough Council's approach to Community Asset Transfer

The Council will seek to implement a new CAT policy through targeted awareness raising, outreach and support to encourage town and parish councils or Voluntary and Community Sector (VCS) organisations.

Transfers will only take place to a statutory body (such as a town or parish council) or properly constituted group (for example, but not limited to, a Trust, Charity, Community Interest Company or Charitable Incorporated Organisation)

Any organisation must be able to demonstrate that it has the skills and experience to run the asset and a fully worked up, credible Business Plan for the asset in question. A CAT will not proceed if an organisation cannot adequately address this.

Where a business case is unsustainable, or progress towards a business case is not within appropriate timeframes (usually no more than 12 months), officers will make recommendations based on property, strategic and financial considerations. This would maintain the focus on minimising risk and maintaining the long-term viability of the Council's assets, which is key to supporting the wider delivery of services.

The Council will endeavour to work to an agreed and achievable timescale for CAT completions. It should be understood that the process of implementing a successful transfer can take time and requires resources from both the Council and the organisation seeking to secure the property asset, as well as specific legal input on both sides.

All CAT proposals will be discussed by Swale Borough Council's Officer Property Review Group which will make recommendations to the relevant Committee or to officers where values fall within the limits of delegated authority. There will also be consultation with local ward members, appropriate Council officers and other organisations as deemed to be required.

Support for organisations

To pro-actively pursue CAT opportunities, support and training for community groups may be needed to ensure they can build and present a sustainable business model

and manage and maintain the assets effectively. Whilst no existing Council resource is currently available to support this, some external funding or advice may be available, depending on the nature of both the asset and any plans a group is seeking to bring forward for it. The Council will seek to signpost to any such support.

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| Economy and Property Committee | |
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| Meeting Date | 30 January 2025 |
| Report Title | Land at Great East Hall |
| EMT Lead | Emma Wiggins, Director of Regeneration and Neighbourhoods |
| Head of Service | Joanne Johnson, Head of Place |
| Lead Officer | Kieren Mansfield, Strategic Programmes and Asset Manager |
| Classification | OPEN |
| Recommendations | <ol style="list-style-type: none"> 1. That the Economy and Property Committee extend the time during which the Council commits to reserving an appropriate parcel of land for a community shop at Great East Hall, for a period of up to 12 months. 2. That any transfer of land to support the development of a Community Shop remains subject to meeting the previous conditions set by Committee on 8th March 2023. |

1 Purpose of Report and Executive Summary

- 1.1 This report sets out the background to a previous decision, taken by the then Regeneration and Property Committee in March 2023, to secure the transfer of land at Great East Hall, Sittingbourne, to the Council, with a small proportion of the land intended to support the development of a community shop.
- 1.2 Setting aside and ultimately transferring land to support the development of a community shop was subject to meeting conditions set by the committee, to be met by September 2024. These conditions have not been met and the committee resolution required a further committee report be considered for the continued reservation of the land identified for its construction.
- 1.3 The report recommends the extension of the deadline for a period of a further 12 months, to reflect the delays in securing the site and to provide time for the community to consider and bring forward the project, should it wish to do so, in changed circumstances.

2 Background

- 2.1 In March 2023 the Economy and Property Committee agreed in principle that officers proceed with negotiations for the transfer of a site of 0.848ha at Great East Hall, Sittingbourne to the Council (see site map at appendix I).

- 2.2 This land was originally intended to provide the Council a Multi-Use Games Area (MUGA) under a 2004 section 106 agreement. The terms of the variation involve the transfer of the land and the subsequent payment of £100,000 to SBC to support the delivery of a community shop or for wider community use, plus the removal of the haul road constructed across the site. It was the intention to secure the site unfettered of existing obligations associated with it.
- 2.3 Whilst the deed of variation is close to conclusion, progress against securing the transfer of the site (and the £100,000 that would be received on completion) has been stalled by legal complications. The current landowners, Vistry Group, need to take a leading role to remove a number of title constraints placed on the land and officers are continuing to push for this to be the case.
- 2.4 A community shop was an ambition of a then ward councillor and in turn is a reflection of a wider community frustration that amenities promised by the developers have not been delivered. Therefore, the Committee agreed that an appropriate parcel of land be reserved within the site for this use, subject to the receipt and independent review of a funded delivery plan for its construction; a business plan demonstrating financial sustainability and the formation of an appropriate legal entity through which the project can be progressed.
- 2.5 The time set by the Committee to meet the conditions was September 2024 and Committee resolved that if the conditions to enter into a transaction to enable the delivery of a community shop were not met, a further committee report be considered for the continued reservation of the land identified for its construction.
- 2.6 The then ward member promoting the community shop was provided UKSPF funded access to support through the Plunkett Foundation, a specialist charity supporting the development of community businesses. However, Plunkett have reported that little progress has been made in working towards the conditions set. They have seen limited evidence of the necessary, wider community involvement in taking the necessary steps to move the project forward or secure the commitment to a community shops operation.
- 2.7 It is also noted that within the immediate locality there are also retail developments planned, which could impact on the viability of a community shop proposal. In particular, the outline planning permission for 380 houses to the east of Great East Hall, makes provision for 450 sq. m for retail use, with an indicative location approximately 450m from the site to be transferred to the Council. However, delivery and timescales for this are uncertain at this stage.

3 Proposals

- 3.1 Reflecting the delays in securing the site and to provide time for the community to consider and potentially bring forward the project, it is recommended that the Economy and Property Committee extend the time during which the Council commits to reserving an appropriate parcel of land for a community shop at Great East Hall, for period of up to 12 months.

3.2 It is recommended that any transfer of land to support the development of a Community Shop remains subject to meeting the previous conditions set by Committee on 8th March 2023.

4. Alternative Options

4.1 Not to extend the time period for the reservation of an appropriate parcel of land for a community shop. This is not recommended as the context and community will to pursue the project is not yet clear. If there is community appetite, continuing to make a parcel of land available within the site will provide a degree of certainty, if the community wishes to undertake the work to meet the conditions set. It is also likely that securing the site will in any event take some additional time to secure, given the legal obstacles that need to be resolved.

5 Consultation Undertaken or Proposed

5.1 A community workshop attended by the ward Member and a small group of residents was held in December 2021, to discuss the possibility of establishing a community shop. During the first half of 2022 a soft market research exercise was undertaken by the community which produced a good response, from nearly 400 people. This indicated a level of interest in using a community shop. There has subsequently been attempts to form a working group through a previous ward member, but this has not generated a sufficiently active group to advance the project.

5.2 The views of those ward Members with residents in the immediate vicinity of the site have been specifically sought by officers.

6 Implications

| Issue | Implications |
|----------------------------------|--|
| Corporate Plan | Securing the acquisition of the land at Great East Hall and the subsequent transfer to support a community shop are identified in the Asset programme in the Annual Plan for 2024-2025. This service objective links to the Corporate Plan action to <i>Implement the Property Asset Strategy to support best use of our assets.</i> |
| Financial, Resource and Property | The land at appendix 1 would be transferred to the Council, subject to the resolution of outstanding legal issues. Any associated costs are to be found from existing budgets. The Council has made no direct financial commitment to the community shop, with the cost of delivery of a new build requiring significant fund raising. At present the support for developing community proposals for the community shop is funded by the UKSPF. However, the opportunity to continue to provide support |

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| | <p>through Plunkett is potentially closing, with the current UKSPF programme ending in March 2025 and the terms of any new grant money for 2025/26 not yet known. There are no identified internal resources to provide this support or for delivery.</p> <p>The land transfer could provide a potential future opportunity to utilise the land for community use and/or realise value from some form of future development. This could potentially generate a future income and/or capital receipt for the Council. This would be subject to a future committee report.</p> <p>When transferred as un-landscaped open space there will be an increased maintenance, management and insurance liability for the Council, whilst the future of the site is determined.</p> |
| Legal, Statutory and Procurement | The Head of Place will need to complete the necessary negotiation, due diligence and agree draft contracts as applicable and undertake the work required in consultation with the Head of Mid-Kent Legal Partnership. Any future use of the site will be subject to all necessary consents being secured. |
| Crime and Disorder | None identified at this stage. |
| Environment and Climate/Ecological Emergency | <p>None identified at this stage. Any future use of the site would be subject to planning application(s) that will require environmental assessments.</p> <p>The existing unmanaged site, which has now remained relatively undisturbed for some years may also be contributing to local bio-diversity and any planning applications relating to the site will need to meet bio-diversity net gain requirements.</p> |
| Health and Wellbeing | The transfer of land will mean that a planned Multi-Use Games Area would not be delivered. However, there is other provision of open space in the immediate vicinity of this site. |
| Safeguarding of Children, Young People and Vulnerable Adults | None identified at this stage |
| Risk Management and Health and Safety | Any transaction is subject to an amendment to the relevant section 106 agreement. Other risks associated with the proposed transfer of the land have been identified through the due diligence process and requires significant work on the part of the existing owners to resolve. |
| Equality and Diversity | Any future disposal(s) relating to the site would be subject to community impact assessment. |

| | |
|-----------------------------|--------------------------------|
| Privacy and Data Protection | None identified at this stage. |
|-----------------------------|--------------------------------|

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- **Appendix I** – Site plan of land at Great East Hall

8 Background Papers

- Land at Great East Hall, report to the then Regeneration and Property Committee, 8th March 2023.

Appendix 1. The site at Great East Hall included within the offer from Countryside Properties



| Economy and Property Committee | |
|---------------------------------------|--|
| Meeting Date | 30 January 2025 |
| Report Title | 44 Trinity Road, Sheerness – the Old Library |
| EMT Lead | Emma Wiggins, Director of Regeneration and Neighbourhoods |
| Head of Service | Joanne Johnson, Head of Place |
| Lead Officer | Kieren Mansfield, Strategic Programme and Assets Manager |
| Classification | PART EXEMPT |
| Recommendations | <ol style="list-style-type: none"> 1. That the Council retains and maintains the building in its current condition, to be reviewed after a period of no more than 18 months. 2. That officers explore opportunities to bring the building back to a useable standard during this period. |

1 Purpose of Report and Executive Summary

- 1.1 44 Trinity Road, Sheerness (known as the Old Library) is owned by Swale Borough Council. Having been vacant for several years and not currently in a lettable condition, the position is such that the building could be considered for disposal. The report considers the options available to the Council in terms of the next steps in managing the property.
- 1.2 The report recommends that the property is retained and maintained for at least a further 18 months (given considerations set out in the report and at exempt appendix I) and to give an opportunity to identify any future funding or proposals that could bring the property back into beneficial use.
- 1.3 The information at appendix II is exempt as it contains information relating to the financial or business affairs of particular persons, including the authority holding that information (Swale Borough Council). This seeks to ensure the Council is able to contemplate financial or business affairs in relation to the property, without prejudice.

2 Background

- 2.1 44 Trinity Road, Sheerness (known as the Old Library, see attached plan at appendix I) was historically used for a range of community uses but has now remained vacant for several years. More recently the building has been subject to vandalism, including significant internal fire damage, with an adverse visual impact in a prominent town centre location.

- 2.2 The property was advertised inviting Expressions of Interest alongside Masters House in 2022. There were no substantive offers at that stage. There has been some interest in the building since for community/learning use but its condition means that it is currently unable to be occupied and would require investment, that to date has not been forthcoming.
- 2.3 The property has been secured and asbestos removed, to permit access to undertake cost surveys. These indicate that there are substantial costs involved to bring forward a refurbishment of the building.
- 2.4 If a suitable source of external funding were available to support the refurbishment this would positively impact on the Council's ability to undertake such works. This possibility has been promoted to external partners as a potential 'quick win' project, in the event that resources become available.
- 2.4 There are options available to the Council in terms of this property asset including:
- **Dispose** of the building as it is. A third party may have an interest based on the site's value, involving demolition of the building, with this cost likely to reduce the achievable receipt.
 - **Demolition.** This may render the site more saleable or create a future development opportunity.
 - **Fund the refurbishment,** although this would be a capital cost to the Council's limited resources.
 - **Retain and maintain** the building, in its current condition for a period to see whether external funding opportunities come forward to support refurbishment for occupation. Retention also provides the Council with a greater stake and potential influence in relation to the future of surrounding land holdings, including the Water Tower site, which is not owned by the Council, but is currently understood to be for sale. The land to the rear of the property is also vacant and undeveloped.

3 Proposals

- 3.1 It is recommended that the Council retains and maintains the building in its current condition, to be reviewed after a period of no more than 18 months.
- 3.2 It is also recommended that officers explore opportunities to bring the building back to a useable standard during this period.
- 3.3 This retains the possibility of bringing forward the building for beneficial use, with associated potential revenue to the Council. This is set against an evolving external funding landscape. This possibility, in a priority community, has been promoted to external partners as a potential 'quick win' project, in the event that

resources become available. Retaining the property also provides the Council with a greater stake and potential influence in relation to the future of surrounding land holdings, including the Water Tower site.

4. Alternative Options

- 4.1 Potential options are set out in the main body of the report, with the recommendation to retain and maintain the property for a further period.
- 4.2 Disposal is not recommended. There would be a potential opportunity cost should we be able to take advantage of a changing external funding environment to generate more financial and community value from the property. The Council would potentially also reduce its influence on how surrounding land holdings might come forward.
- 4.3 Demolition is not recommended at this stage, given that this would involve an upfront cost to the Council and would also present a potential opportunity cost, should we be able to take advantage of a changing external funding environment.
- 4.4 Funding the refurbishment is not recommended given the capital cost to the Council's limited resources. The options for re-use of the existing building are also limited by its location within the flood zone (with much of it being single storey) and the absence of outdoor space and parking.

5 Consultation Undertaken or Proposed

- 5.1 The property has not been actively marketed since 2022. Some interest has been expressed in the building since but to date no proposals which would satisfactorily address the building's condition have been received to date.

6 Implications

| Issue | Implications |
|----------------------------------|---|
| Corporate Plan | The building is identified within the asset management priorities within the Annual Delivery Plan. The recommendation leaves the door open to it potentially being bought into beneficial use to support either the community or economy priority |
| Financial, Resource and Property | The building's current annual cost to the revenue budget is estimated at c.£4,000, based on business rates payable and a limited provision for any remedial works to the security measures in place should there be further attempted break ins. This currently comes from within the service budget. Further implications are set out at exempt appendix II |
| Legal, Statutory and Procurement | The information at appendix II is exempt as it contains information relating to the financial or business affairs of particular persons, |

| | |
|--|---|
| | <p>including the authority holding that information (Swale Borough Council). This seeks to ensure the Council is able to contemplate financial or business affairs in relation to the site, without prejudice.</p> <p>Any future proposals which require Council led expenditure would need to be considered in light of the relevant procurement policies. Any future development of the site will be subject to all necessary consents being secured.</p> <p>If to be disposed of or let, the Head of Place will need to complete the necessary negotiation, due diligence and agree draft contracts as applicable and undertake the work required in consultation with the Head of Mid-Kent Legal Partnership.</p> |
| Crime and Disorder | None identified at this stage. |
| Environment and Climate/Ecological Emergency | None identified at this stage |
| Health and Wellbeing | None identified at this stage |
| Safeguarding of Children, Young People and Vulnerable Adults | None identified at this stage |
| Risk Management and Health and Safety | <p>As a vacant building that the has been the subject to unlawful entry and vandalism, there remains a risk that this could be repeated. Any further instances may generate costs for the council to resecure the building. The building has been secured and is subject to a regular monitoring as vacant property asset.</p> |
| Equality and Diversity | Any future disposal(s) relating to the site would be subject to community impact assessment. |
| Privacy and Data Protection | None identified at this stage. |

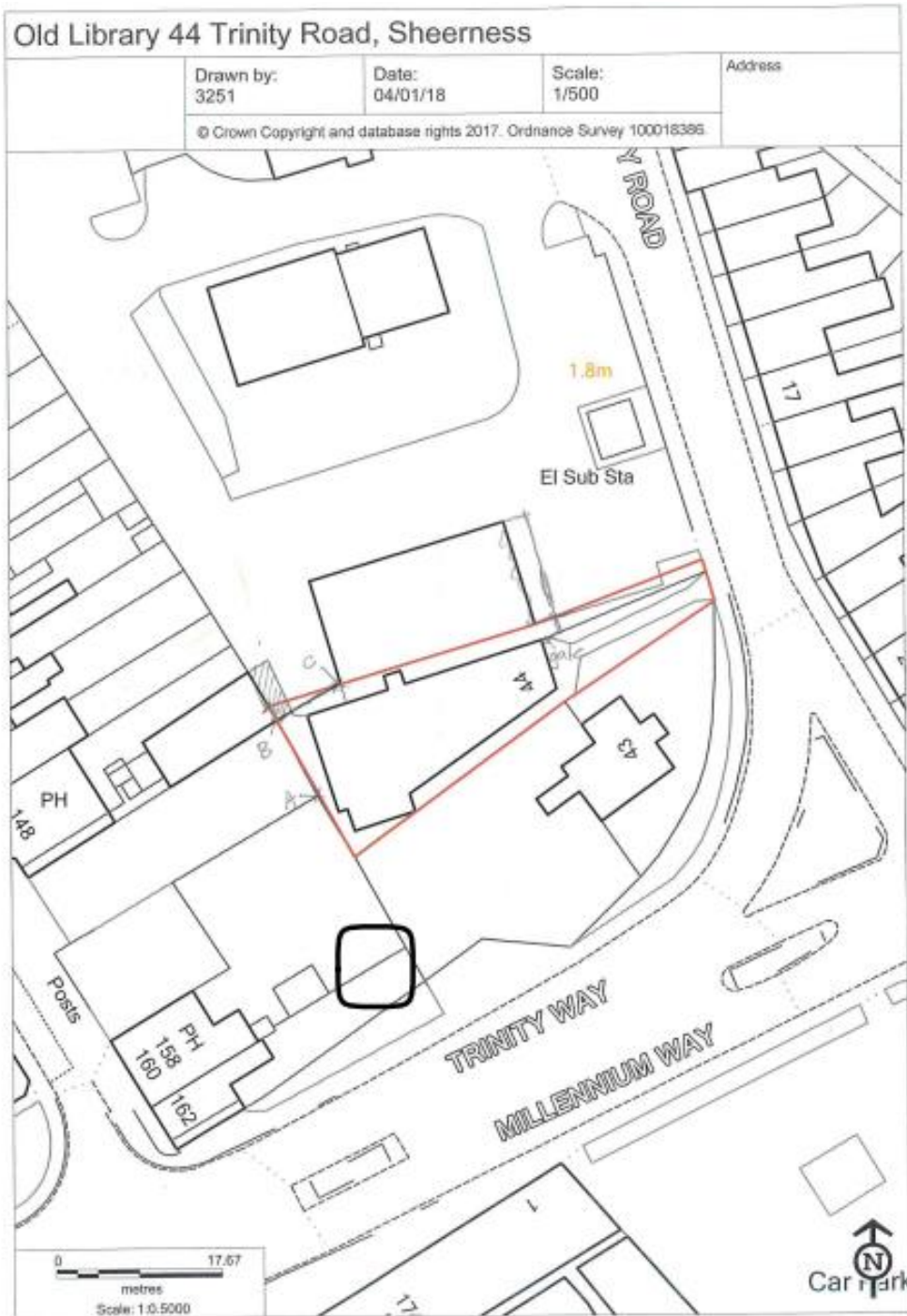
7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- **Appendix I** – Property location plan
 - **Appendix II** – Cost estimates and implications - exempt

8 Background Papers

None

Appendix I



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Economy and Property Committee Forward Decisions Plan – January 2025

| Report title, background information and recommendation(s) | Date of meeting | Open or exempt | Lead Officer and report author |
|---|------------------------|-----------------------|--|
| Land rear of Guildhall, Queenborough - disposal | 20 March 2025 | Part Exempt | Head of Service: Joanne Johnson Report Author: Kieren Mansfield |
| Markets Operation – Contract Award | 20 March 2025 | Part Exempt | Head of Service: Joanne Johnson Report Author: Kieren Mansfield |
| UKSPF 2025/26 | 20 March 2025 | Open | Head of Service: Joanne Johnson Report Author: Kieren Mansfield |
| Procurement of Provision of RNLI Lifeguard Service | 20 March 2025 | Open | Head of Service: Joanne Johnson Report Author: Mike Knowles/Jay Jenkins |
| Bourne Place / Princes Street – contract award | TBC | Part Exempt | Head of Service: Joanne Johnson Report Author: Kieren Mansfield |
| Great East Hall – future of land | TBC | Part Exempt | Head of Service: Joanne Johnson Report Author: Kieren Mansfield |
| 44 Trinity Road – future of property | TBC | Part Exempt | Head of Service: Joanne Johnson Report Author: Kieren Mansfield |

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