

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**JUNE 2010**

**REPORT OF HEAD OF  
DIRECT SERVICES**

### **CABINET DECISION**

**Arts Leisure & Culture – Lead Cabinet Member – Councillor Mrs M Womphrey**

#### **CLARENCES COMMUNITY FARM**

1. Summary

The Clarences Community Farm has for many years been a major feature of the Clarences. It occupies a good location within easy access for residents and has the potential to play a greater roll in providing training to the local and wider community. In recent years the farm has been subject to scrutiny due to foot and mouth and more recently, the threat of Ecoli resulted in the temporary closure of the farm until a decision as to the future viability has been agreed.

Newtown Community Resource Centre Ltd in partnership with Billingham Partnership and the Billingham Environmental Link Programme (BELP) have drawn up proposals to take over the ownership and management of the community farm site to use as a community resource to lever in funding and investment with long term proposals to turn the site into training facility to deliver work based and vocational training.

2. Recommendations

1. Approve the transfer of the land at Clarences Community Farm to Newtown Community Resource Centre Ltd in partnership with Billingham Partnerships Environmental Link Programme known as (BELP) at an undervalue. Heads of terms for the sale of the land with Newtown Community Resource Centre Ltd be delegated to the Corporate Director of Development and Neighbourhood Services in consultation with the Corporate Director of Resources and Director of Law and Democracy, such terms to ensure the provision of the services substantially in line with this report and restrict the future sale of the land by Newtown Community Resource Centre Ltd to ensure it remains of benefit to the community.
2. Agree the use of 2010/2011 budget up to £100,000 to assist Newtown Community Resource Centre Ltd with the establishment costs of the project as a one-off sum.
3. That members note the recurring £100,000 per annum saving to the council of these proposals from 2011/12 onwards.

3. Reasons for the Recommendations/Decision(s)

To ensure the future viability of the Clarences Community Farm site, as a community resource and visitor attraction.

#### 4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

**Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.**

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**SUMMARY**

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Newtown Community Resource Centre Ltd in partnership with Billingham Partnership and the Billingham Environmental Link Programme (BELP) have drawn up proposals to take over the ownership and management of the community farm site to use as a community resource to lever in funding and investment with long term proposals to turn the site into training facility to deliver work based and vocational training.

**RECOMMENDATIONS**

1. Approve the transfer of the land at Clarences Community Farm to Newtown Community Resource Centre Ltd in partnership with Billingham Partnerships Environmental Link Programme known as (BELP) at an undervalue. Heads of terms for the sale of the land with Newtown Community Resource Centre Ltd be delegated to the Corporate Director of Development and Neighbourhood Services in consultation with the Corporate Director of Resources and Director of Law and Democracy, such terms to ensure the provision of the services substantially in line with this report and restrict the future sale of the land by Newtown Community Resource Centre Ltd to ensure it remains of benefit to the community.
2. Agree the use of 2010/2011 budget up to £100,000 to assist Newtown Community Resource Centre Ltd with the establishment costs of the project as a one-off sum.
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**BACKGROUND**

1. The Clarences Community Farm is located off Holly Lane in Port Clarence and was established in 1991. The access lane to the farm is bounded on one side by terraced cottages, on the other are the remains of a burnt out building.

2. Visitor figures are low in comparison to other attractions within the borough. The facility provides a focus predominantly for local people rather than offering a service for the wider community of Stockton-on-Tees and until recently had little to offer the visitor. Despite attempts to market the farm to a wider audience the lack of facilities and the availability of other similar services outside of the borough have all added to diminishing visitor numbers.
3. The farm is in need of significant capital investment, internal and external facilities are old, worn and damaged as a result of vandalism. The play area, over time, has had the play equipment removed due to arson. Seats and picnic benches have been repeatedly burnt and the building itself requires major works to doors, windows, fixtures fittings and security. Doors and floors bear the scars of flood water damage and wear and tear.

## **DETAIL**

4. At the end of 2009, following numerous issues around health and safety linked with the national issues around the threat of Ecoli in petting zoo's, a decision was made to close the farm on a temporary basis until the future of the facility could be determined. The two staff working at the farm have been redeployed to other areas within the Council and the (moderate) livestock at the facility have all been relocated.
5. Interest in managing the Clarences Farm facility in the future has been shown from two organisations, Newtown Community Resource Centre Ltd (NCRC) and Billingham Environmental Link Partnership (BELP). Council Officers have worked with the two companies to broker a partnership arrangement. Following the signing of a Partnership agreement in February 2010, BELP staff have subsequently transferred to NCRC. Details of the vision for the Clarences Farm are included at Appendix A
6. Newtown Community Resource Centre Ltd and BELP have agreed common business objectives for the development of the Clarences Farm and propose a partnership arrangement for the future management of the facility, linking this with other community facilities in the area, such as the Clarences Allotments site.
7. The proposals are focussed upon the long term development of a Centre of Excellence, delivering work based and on site vocational training relative to the existing environmental, land based and recycling industries and emerging eco and energy enterprises.
8. The farm and surrounding areas will be secured by Newtown Community Resource Centre Ltd using staff funded through the Future Jobs Fund and through the appointment of a Project Manager. The first stages of the plans will be to utilise the farm facility to address some of the most pressing community issues in line with the BELP programme.
9. Newtown Community Resource Centre Ltd have developed a relationship with Saltholme Nature Reserve, Prior Pursglove College and Askham Bryan Agricultural college with the aim of establishing a programme of vocational training and related educational opportunities that play to the strengths of the partners in the area of environment, animal management, horticulture and equine studies. Following the establishment of the Centre it is intended to gain the appropriate license to operate the site with elements which will serve as a visitor attraction including Rare Breeds, a Worm Farm and Bees.
10. Saltholme have agreed to the extension of the grazing land/buffer zone as a means of addressing key issues such as, alleviating problems with horses and livestock on the allotments through the provision of good quality grazing land. This provides benefit to the community from the reserve, assisting in the development of the allotment site for horticulture and providing land and facilities required for the delivery of Environmental bases studies in line with the BELP programme

11. Newtown Community Resource Centre Ltd have secured resources to employ 22 community caretakers. It is proposed to deploy 8 of these to the Clarences to provide support in addressing issues, such as security, maintenance, fly tipping, allotment issues, management and community cohesion. They will be integrated into the existing team of 7 staff based within the Clarences Community Resource Centre to assist in day to day management of the site. Together with the project manager for Saltholme Village Enterprises this provides a strong base from which to move forward to deliver the BELP programme, engaging with the unemployed, people in receipt of sickness benefit and young people who are NEET through harnessing the existing interest of workless individuals in countryside activities, stock animals and horses through a structured programme of local training.
12. The heads of terms for the sale of the land to Newtown Community Resource Centre Ltd, in partnership with BELP will include, but not be restricted to, a restriction on the use of the land for uses for the benefit of the community or Borough as a whole and a right of first refusal for the Council to buy the land back at the value at which we sell it should Newtown Community Resource Centre Ltd wish to dispose of the land in the future.

## **CONTEXT**

13. As members will recall a report was presented to Cabinet on 16<sup>th</sup> April 2009 which detailed the procurement process for the contract for the delivery of employability and skills work through the Communities Fund Allocations.
14. The Procurement Process resulted in 90 Pre Qualification Questionnaire being issues with the return of 21 completed and returned from various organisations. Financial scoring was undertaken by the Local Authority Finance team and Guide Star, an independent organisation who specifically examined the financial infrastructure of the Voluntary and Community Sector, Third Sector, and not for profit organisations, using payment performance data, as well as published accounts, to ensure a more robust financial evaluation. Equality and diversity was evaluated by Local Authority Diversity Team.
15. At the end of this comprehensive procurement process Newtown Norton and Clarences Community Association (Newtown Community Resource Centre Ltd) was chosen to deliver the 8 Lower Super Output Areas across Billingham and Newtown, including the Clarences.
16. Newtown Community Resource Centre Ltd is a third sector not for Profit Company that operates community resource centres across the borough. Embedded in local communities, the centres provide bases for the delivery of services in respect of health, employment, training, childcare and family support.
17. Billingham Partnership serves as the Northern Area Partnership Board of Stockton Renaissance and is a democratically run partnership between local residents groups, voluntary organisations, public service providers and the business community. The partnership developed the Billingham Environmental Link Programme (BELP) to develop links with Environmental Organisations and assets within the Billingham Area.

## **FINANCIAL IMPLICATIONS**

18. There is £100,000 within current revenue budgets for Clarences Community Farm. It is proposed that the 2010/2011 budget up to £100,000 is used to support the partnerships first year development and set up costs. From year 2 onwards a recurring EIT saving of £100,000 per annum for the Authority will be realised.

19. The land has been valued at £30,000. The sale to Newtown Community Resource Centre Ltd has been agreed at a price of £1 in recognition of the benefit that Newtown Community Resource Centre Ltd, together with BELP, can bring to the community and the Borough by retaining and enhancing the facility for community use. There are further benefits and opportunities due to their existing presence and projects in the community, relationships and agreements with other organisations in the locality that will assist with the success of this project.

## **LEGAL IMPLICATIONS**

20. The heads of terms for the sale of the land to Newtown Community Resource Centre Ltd, in partnership with BELP will include, but not be restricted to, a restriction on the use of the land for uses for the benefit of the community or Borough as a whole and a right of first refusal for the Council to buy the land back at the value at which we sell it should they wish to dispose of the land in the future.
21. The land value and sale has been agreed in recognition of the benefits that Newtown Community Resource Centre Ltd, together with BELP, can bring to the community and the Borough by retaining and enhancing the facility for community use.
22. The Council can only sell land at less than the best consideration it would achieve on the open market with the consent of the Secretary of State. However, the General Disposal Consent (England) Order 2003 provides consent to dispose of land where the purpose of disposal is likely to contribute towards the achievement of the promotion or improvement of the economic, social or environmental well-being of the area or its residents, provided that the difference between the market value of the land and the sale price is less than £2million. In this case the purpose for which the land is being sold meets the required criteria and the Council is reminded of its obligation to fulfil its fiduciary duty in a way that is accountable to local people.
23. NCRC with BELP have developed a range of partnerships to establish a programme of vocational training and related educational opportunities for the local community that play to the strengths of the partners in the area of environment, animal management, horticulture and equine studies as well as supporting community cohesion and employment opportunities as referred to in paragraphs 10 & 11 above.

## **RISK ASSESSMENT**

24. The proposal to transfer the land at Clarences Community Farm is categorised as low to medium risk for the following reasons:
  - The sale to Newtown Community Resource Centre Ltd will be made subject to a condition that in the event they wish to dispose of the property at any time in the future they must first offer to transfer the property to the Council for £1 and a restriction will be placed on the registered title at the Land Registry to prohibit any registration of a disposition without a certificate signed by the Council's solicitor that this requirement has been met. The restriction will ensure that a prospective purchaser will be reluctant to purchase without ensuring we have declined to purchase the land back and the land registry will not register the disposal. The transfer will also include suitable restrictions to prevent the land being used other than for community use/benefit. These restrictions will bind any future purchaser should the Council decline to take up the offer to repurchase the property.
  - Both Newtown Community Resource Centre Ltd and BELP have a proven track record in the delivery of projects. In addition Newtown Community Resource Centre Ltd are one of the Council's four providers under the Communities Fund programme with an

allocation of almost £2.5m to tackle worklessness, improve skills and increase levels of enterprise in the Newtown and Billingham areas.

## **SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS**

25. The priority theme directly linked to the worklessness agenda is Economic Regeneration and Transport. The Partnership aims to bring more people into employment, strengthen their knowledge base, promote a more entrepreneurial culture and strengthen key industrial clusters.
26. The key ambition at the heart of this vision is “a strong local economy with better jobs and improved employability”. Contributions to other priority themes of the Sustainable Community Strategy are:
- Environment & Housing – Improving the quality of life for local people and improving our facilities thus improving the local environment
  - Safer Communities – by improved facilities and security to tackle crime and the fear of crime and anti social behaviour
  - Children and Young People – By encouraging participation with youth groups and young local people we will promote health, well-being and achievement
  - Health and Well Being – By encouraging participation with and supporting adults in learning we will promote healthier communities by the use of environmental learning tackling key health issues
  - Stronger Communities - through working with long term unemployed, people in receipt of sickness benefit and young people within the community, promoting participation and community cohesion

## **EQUALITIES IMPACT ASSESSMENT**

27. This report has been subject to an Equality Impact Assessment and has been judged to have a positive impact, particularly around community cohesion.

## **CONSULTATION INCLUDING WARD/COUNCILLORS**

28. Ward Councillors have been consulted over the proposals for the Clarendes Farm. Billingham Town Council received a paper on the proposals at their meeting on 29<sup>th</sup> June 2010. The Cabinet Members for Arts, Culture and Leisure, Environment, Economic Regeneration & Transport and Housing & Community Safety have also been consulted via the Urban Environment Task Group meeting.

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Education related

Yes

Background Papers:

BELP Programme  
Community Fund Allocations - Cabinet Report 16 April 2009

Ward(s) and Ward Councillors:

Clarences

Property

Transfer of Land to the NCRC in consultation with Land & Property and Legal Services