

CLASSIFICATION: PUBLIC
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TRANSFER OF MANAGEMENT OF COMMUNITY CENTRE LOCATED WITHIN HOWE DELL PRIMARY SCHOOL ESTATE

1 Executive Summary

- 1.1 The Town Council is working with Howe Dell Primary School to enable the community centre to be used by the wider community following the end of Covid-19 pandemic related restrictions.
- 1.2 Following a review it has become clear that the decision to locate the community centre within the grounds of Howe Dell Primary School, and run the heating system through the school facilities, has created an inefficient and incoherent management and booking structure.
- 1.3 It is proposed that subject to certain conditions being met, management of the site will be transferred wholly to Howe Dell Primary School, with arrangements reviewed after one year to ensure wider community use was still maintained.

2 Recommendation

- a) That the Resources, Operations and Estate Management Committee recommend to Full Council that they **AGREE** to transfer management of the Howe Dell Community Hall to Howe Dell Primary School.
- b) That the agreement is subject to a review in 12 months to ensure the wider community (i.e. in addition to the school itself and their partners) has had access to the facility.
- c) That before a transfer takes place Hatfield Town Council will undertake any necessary work as the current head leaseholder; with the agreement that Hatfield Town Council will not be liable for any maintenance and repairs required at the site from the point of transfer onwards.
- d) That the Town Clerk be delegated to formalise the transfer with Hertfordshire County Council and Howe Dell Primary School.

3 Background and Explanation

Section 106 Requirements

- 3.1 On 29 December 2000 several parties agreed a draft deed of Planning Obligation under Section 106 of the Town & Country Planning Act 1990 relating to land at Hatfield Aerodrome, Comet Way, Hatfield. Those parties were Welwyn Hatfield District Council, Hertfordshire County Council, the City and District of St Albans District Council, BAE Systems PLC, Arlington Property Developments Limited, The University of Hertfordshire Higher Education Corporation and Hatfield Business Park. Hatfield Town Council was not party to the agreement.
- 3.2 The agreement made provisions for a community centre, to be located on the 'Primary School Site', with the funding ("the Community Centre Contribution") payable to the then Welwyn Hatfield District Council. The primary school site is Howe Dell Primary School.
- 3.3 Early in the development stage Hatfield Town Council agreed to take on the management of the Community Centre. This involved becoming a Tenant of Hertfordshire County Council, who owned the land.

Operational problems

- 3.4 There have been practical problems with letting the community hall facility given its location within a primary school grounds. Legal requirements and guidance has changed a number of times over the years, but Ofsted and the Department of Education make quite clear on best practice when it comes to visitors to school ground. Visitors to the school should not be allowed to wander about the school grounds unaccompanied. Furthermore the guidance makes clear that good access control is essential to the security of the school during the school day, and that procedures should be in place to ensure that no one is able to access the school buildings unacknowledged.
- 3.5 The ecological design of the school also means the heating and hot water system for the hall is not separate and is dependent on the school staff facilitating its operation.
- 3.6 Therefore any management of the site requires the cooperation and assistance of the school and their staff. Transferring responsibilities to Howe Dell Primary School will lead to a smoother booking and management system for users.

Partner perspectives

- 3.7 Hertfordshire County Council have confirmed that they are happy for the lease to be transferred over to Howe Dell Primary School on two conditions: that a consultation is carried out to determine the continued of the community for the hall and the school is happy to take on this responsibility.
- 3.8 Howe Dell Primary School were able to carry out a community consultation which demonstrated sufficiently to Hertfordshire County Council that the hall was still required. The school leadership have also confirmed that they are happy to take on the responsibility for the lease.

4 Impacts

Legal

- 4.1 There are requirements under the Section 106 agreement that the hall is made available to the community. However this is not specifically defined and officers from Hertfordshire County Council and Welwyn Hatfield Borough Council have been required to interpret the obligation.
- 4.2 Both Hertfordshire County Council and Welwyn Hatfield Borough Council, who are ultimately responsible for ensuring the Section 106 obligations are met, have agreed that the proposed arrangements, whereby the school has sole use of the community hall during weekdays and makes it available to the wider community in the evenings and weekends, would meet the obligations.
- 4.3 Hatfield Town Council do not have any obligations beyond those set out in the lease agreement with Hertfordshire County Council. The lease term commenced on 18 February 2008, and was due to last 25 years (therefore ending on 18 February 2033). Under the terms of the lease Hatfield Town Council is not permitted to assign, underlet, part with or share possession of the community hall, save its ability to allow members of the public, community and voluntary organisation to use the facilities. However there are provisions to give notice and surrender the lease to the landlord.
- 4.4 Decisions on the purchase, leasing or disposal of land is a matter for the whole Council. It is therefore for this Committee to make recommendations to the Full Council.

Finance

- 4.5 Up keep and maintenance costs associated with the community hall has historically been below the income that has been generated. There are also a number of investment requirements for the hall moving forward. Transferring the lease to the school would mean this financial burden would rest with Hertfordshire Country Council.

Risk

- 4.6 There is a risk that should Hatfield Town Council transfer the lease to Howe Dell Primary School, that the wider community use envisaged by the Section 106 obligation may not be realised. This particular risk will be mitigated by having a review of operations after one year.
- 4.7 Failure to transfer the lease also has its own risk, including but limited to i) a financial burden falling onto Hatfield Town Council to upgrade the facility in the coming years; ii) contributing to safeguarding and site security issues; iii) and continued inefficient management and booking arrangements.