

AT A MEETING

- of the -

**COMMUNITY ASSOCIATION WORKING GROUP** held at the Council House, Walsall on **Wednesday 28 February 2007** at 6.00 p.m.

**PRESENT**

Councillor Towe  
Councillor Burley  
Councillor Ault  
Councillor Beely  
Councillor Bott  
Councillor Griffiths  
Councillor K.Phillips

**ALSO PRESENT**

Mr. D.Chell	Bloxwich Community Partnership
Mr F. Gleeson	Moxley Peoples Centre
Mr. W. Palmer	Chair of the Walsall Federation of Community Organisations
Mrs. G. Fereday	Brownhills Community Association

**OFFICERS PRESENT**

Julie Ball	Head of Neighbourhood Partnerships and Programmes
Steve Law	Estates Manager
Carol Mason	Community Development Manager
Stuart Bentley	Scrutiny Officer

09/2006. **APOLOGIES AND SUBSTITUTIONS**

The Chair advised the panel that apologies for non-attendance were received on behalf of Councillor Woodruff.

10/2006. **DECLARATIONS OF INTEREST AND PARTY WHIP**

Councillor Bott declared an interest through a family member's involvement with Darlaston Community Association.

11/2006. **ITEMS FOR INFORMATION**

The Chair stated that the Darlaston Community Association lease document had been circulated as requested at the previous meeting.

(annexed)

Councillor Bott stated that the lease was now out-of-date as it did not include the new facilities on the site. Steve Law replied that the lease defined the site at the time of signing and, under the terms of the lease, any additions were the responsibility of the association. He added that it was not common practice to update site plans where there is no change in the extent of that site.

In response to a comment about the accountability of the associations to the council, Julie Ball stated that there was obligation for organisations to act under the requirements of the charities commission. As independent organisations they are not accountable to the Council regarding their activities, except in relation to their occupancy of Council premises.

#### 12/2006. FEEDBACK ON FURTHER OPPORTUNITIES

Councillor Towe invited Julie Ball to feedback on the further research she had undertaken since the previous meeting. Julie Ball stated that, having looked again at the documents circulated at the previous meeting, it would appear that the possible funding streams noted were still very much in their early stages of development and, therefore, very little detail had filtered down to the operational level. She added, however, that she and Carol Mason would continue to pursue any opportunities arising as and when they were available.

#### 13/2006. LIABILITIES

Councillor Towe stated that this was now the nub of the problem and it was imperative that everyone was comfortable with a definition of what constituted a major and minor repair. Steve Law replied that a working definition, within Property Services, was that a major repair was funded through capital funds, whereas a minor repair would be funded through revenue funds. He had pressed further and they had added that a £2000 threshold figure was used within the service. Julie Ball asked if this could be placed in the lease, or at least signposted. Steve Law replied that he was not sure this would be appropriate as leases were usually more about liabilities for internal or external repairs rather than a cost limited. Councillor Burley referred to section 5 of the Darlaston Community Association lease and asked if this would apply in the new lease arrangements with provision to cap liabilities. Steve Law replied that it would be possible to include a cap, but it was not usual with tenancy contracts.

Mr. Palmer asked if the council would have any responsibility for repairs at all under the new lease arrangements. Councillor Towe replied that they certainly would as the council would be the landlord with the associated responsibilities. Mr. Palmer replied that the current outstanding repairs would need to be addressed before any leases would be signed. Councillor Towe replied that a schedule of repairs would have to be agreed, so that everyone knew where they were. Mr. Chell added that, historically, his association had always been responsible for interior repairs and this had always been affordable. Councillor Ault stated that there was a need for itemised agreements. Councillor Towe agreed, but there was a need for a record of what major and minor repairs, both internally and externally. Julie Ball replied that this had already been done through the conditions surveys. Mr. Chell added that he had other properties, both owned and leased, that were insured. Steve Law added that the buildings could be insured under the councils block policy and, in the case of leases to shops, the premiums were recharged to the tenant.

Mr. Palmer then stated that he would like to see some equality across the board when granting leases, especially in light of the granting of a 99 year lease to the scouts in Streetly and the different arrangements in place for WVA and CAB.. Councillor Towe asked for some clarification as to why the 99 year lease had been granted to the Scouts in this case. Steve Law replied that the land had been highlighted by the scouts as a possible site and they had approached the council. He had been asked to value the land, which he did at £500. The subsequent decision to grant a 99 year lease at £1 per year meant that a cabinet decision was required to effectively release the land for less than best consideration.

Councillor Phillips asked whether those associations who already had a lease could renegotiate onto the new lease arrangements. Julie Ball replied that it might be possible, but there would be a need to look at any implications. An exercise to look at the differences in the leases would be undertaken. She added that organisations such as CAB, who were currently not subject to a lease arrangement, had been informed about the policy being developed for CAs and NRCs and the potential impact this would have on their current arrangements in the future.

Councillor Burley stated that a further meeting to discuss a draft lease would be useful. There was general agreement on this point.

Councillor Griffiths stated that a cyclical repair agreement was needed. Mrs. Fereday asked if the condition surveys would include the drainage system. Steve Law replied that they currently did not and they would have to be picked up in a further survey.

Councillor Phillips asked the representatives of the community associations what their preferred lease length would be. There was a consensus that 25 years would be required to be able to secure external funding. Councillor Towe asked the officers if this was in line with current thinking. Julie Ball replied that there was no right or wrong answer and that the LGA only went as far as recommending that a lease needed to be at least 10 years with a peppercorn rent. Councillor Ault asked if the leases could be reviewed after 5-10 years with the possibility of an extension to bring it back up to the 25 years needed to attract the funding. Steve Law replied that extensions could be built in and anyway the lease would be subject to tenancy law. These could be agreed on an individual basis. Councillor Towe agreed that a 25 year lease with a periodic review, centre by centre, seemed to be the consensus view. He asked if officers could prepare something along those lines for the next meeting. Steve Law replied that he would and added that condition surveys would be updated before a lease was signed.

Councillor Towe asked for any further comments. Julie Ball raised the issue of sub-letting by the associations adding that she appreciated that many associations would need a revenue stream to keep them solvent. Steve Law replied that the associations would need to obtain an agreement from the council to sub-let but it would not otherwise be an issue. Julie Ball added that this would further cement the council's commitment to supporting the voluntary and community sector.

Councillor Griffiths raised the issue of accountability. Julie Ball replied that it was not the role of the council to judge if an association was profitable. If the council had concerns it had redress to the charities commission for help. She added that a risk assessment would be undertaken on the matter.

Mr. Palmer asked if all the associations could be informed of progress. Councillor Burley replied that it might be useful if Mr. Palmer could co-ordinate any response from the associations.

Councillors Towe and Burley then asked whether management bodies for the associations would be needed before a lease was agreed. Julie Ball and Steve Law replied that management bodies as such might not be appropriate for all the associations, but it was fair to say that the council would not enter into an agreement with an unformed body. Carol Mason added that these bodies were run by volunteers and her team were continuing to support organisations to try and widen participation.

#### AGREED

- That officers prepare a draft Heads of Terms for the next meeting of the group.
- That the next meeting of the group would be held on 22 March 2007 at 6pm.

Their being no other business the meeting terminated at 7:20 p.m.