

Leasehold Disposal of Parkfield House & Grounds



FRAMEWORK

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1. Purpose of this document

This framework document sets out the basis on which a leasehold disposal and/or Community Asset Transfer of the Parkfield site (in part) could take place, and the process we will follow to decide which partner/community partner(s) are best placed to receive the asset and take forward its development.

The framework will set out the outcomes which the Parkfield site should deliver for the community, the responsibilities of Torbay Council and the tenant/community partner(s) in this process, and how we will work together.

2. Background and Context

Torbay Council recognises that the Parkfield site has been under-utilised for some time, and that it offers potential as a community asset to support the wellbeing of our residents, in particular our children and young people. Torbay Council's objective is to undertake a leasehold disposal and/or Community Asset Transfer (CAT) of the Parkfield site, to a partner or group of partners in the Voluntary, Community, and Social Enterprise sector, who will utilise/develop the asset to achieve an agreed set of strategic outcomes.

Community Asset Transfer (CAT) is a **change in management of land or buildings** from public bodies (e.g., local authorities) to community and voluntary sector groups, such as a social enterprise, a Community Interest Company etc. for less than market value to achieve a local social, economic, or environmental benefit.

Torbay Council is committed to working in partnership with our communities and recognises that our community partners possess a vast range of skills, experience, and knowledge. This makes them ideally placed to reinvigorate Parkfield for the benefit of local people of all ages, including children and young people. We also recognise that a creative, innovative approach is needed to ensure that Parkfield as an asset can be brought back into use in a way which is sustainable for the long term.

Our aim in undertaking an appropriate leasehold disposal/Community Asset Transfer in this way is:

- To ensure that Parkfield can be used to support the delivery of positive wellbeing outcomes for Torbay residents, both now and in future.
- To ensure that improving outcomes for children and young people are considered as a priority
- To ensure that Parkfield is developed in a way which is both community-led and sustainable; both financially and environmentally.
- To endeavour to safeguard the Parkfield site as a community asset, and if possible, to avoid commercial development of it in future.
- To demonstrate a commitment by this administration to working in partnership with the community, for the community.

3. Decision Making Process

The following process will be followed:

1. Community partners will be invited to submit full proposals to Parkfield Project Board (via the TDA). These would provide detailed information on how they would deliver their vision, the outcomes their plans would achieve once implemented, how they would assess/measure success, and how they would ensure financial sustainability of the model.
2. Business cases would then be the subject of a technical review by Council officers and the TDA for compliance with the framework, and any necessary legal or financial checks required at this stage would be undertaken, in line with due diligence.
3. Any proposal that meets the aims set out above and is technically compliant with this framework, will then be considered by the Parkfield Project Board and the Council's Senior Leadership Team, with recommendations then passed on to the Cabinet for the final decision.

We are committed to an open, fair, and transparent process. To ensure the future of Parkfield as a community asset, it is important that the decision-making process is robust, and that all necessary due diligence is carried out.

The Parkfield Project Board is made up as follows:

- Senior Responsible Officer - Kevin Mowat
- Project Lead Officer - Becky Morgan
- Lead Elected Member – Councillor Swithin Long
- TDA Lead Officer - Paul Palmer
- Adults Lead Officer - Jo Williams
- Children's Lead Officer - Nancy Meehan
- Communications & Engagement Lead Officer - Kate Spencer

4. The Parkfield Site

4.1. [Scope of the leasehold disposal/Community Asset Transfer](#)

The scope of the leasehold disposal / CAT includes the following areas shown in Figure 1 on page 6, taken from the Report on Title undertaken in 2019:

- 1 - BMX Track
- 4 – Parkfield House Stable Block
- 5 – Parkfield House
- 6 – Community woodland
- 7 – Remainder

Pedestrian and vehicular rights of way

The Council would be willing to explore through a head lease arrangement, the inclusion of the areas currently occupied by Torbay Education Limited (2, 2a and 2b) and Natural Environment Services (3).

4.2. Format of Leasehold Disposal/Community Asset Transfer

There are two options:

- A Community Asset Transfer on a leasehold basis, which transfers the ownership and/or management of the site within scope from Torbay Council to a community organisation, at less than its full market value, in order to further local social, economic and/or environmental objectives as set out in this framework.
- A straightforward long-lease arrangement without Community Asset Transfer.

In either case, we commit to offering a long-term lease of minimum 25 years, to include tenant only break clauses, which allow the leaseholders to hand the asset back to Torbay Council at 3-yearly intervals, should the necessity arise.

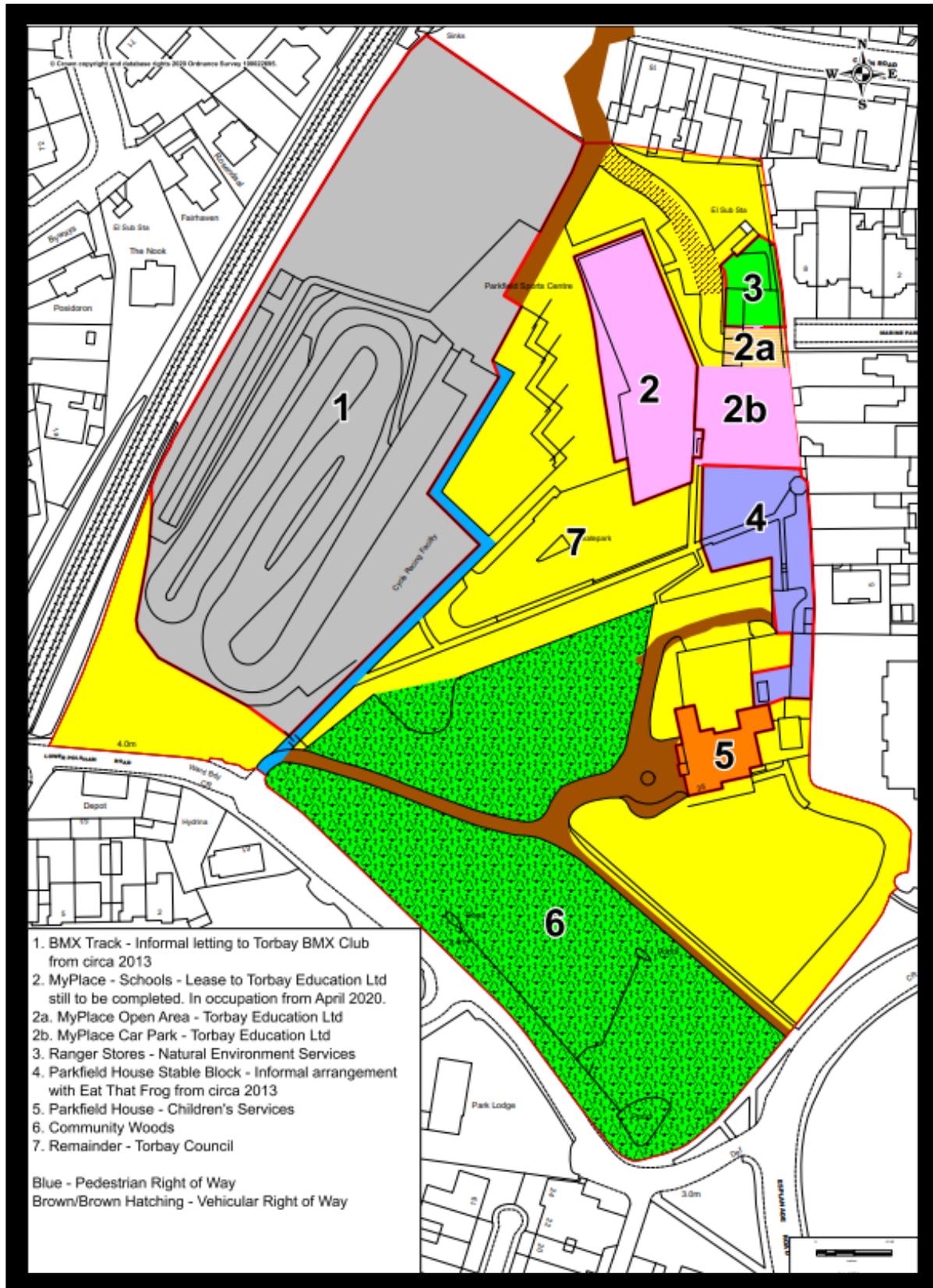
4.3. Building Condition and Status at Parkfield House

Parkfield House is a Grade II listed building, which presents both opportunities and challenges. The walls and gate piers on the site, and a garden house to the north of Parkfield (known as the folly), are also listed. The southern part has significant mature tree cover, most of the trees being the subject of Tree Preservation Orders (TPOs).

We want to ensure that any partner(s) taking on the site are fully sighted on the implications of this. We have undertaken an Asset Condition Survey (March 2022), which outlines the current condition of the building. We would recommend that partner(s) read this thoroughly and consider the practical and financial implications of this, as part of their planning.

A copy of the Asset Condition Survey is included in the information pack, along with additional guidance produced by English Heritage on managing a listed building.

Figure 1: Map of the Parkfield site with current occupancy



4.4. Incumbrances (Legal Restrictions and Covenants)

There are several restrictions and covenants on the site, which should be taken into consideration when developing proposals. These are:

National Trust

The National Trust holds a residual beneficiary interest in the property under a Deed of Covenant. Torbay Council is required to inform the National Trust of plans for the site and seek consent for any changes, therefore it is important that any proposals respect the restrictions outlined within the Deed of Covenant. These include:

- BMX Track and My Place (parts 1 and 2 on the map) - Not without the previous consent to use or permit the land at any time to be used for any purpose other than a nursery, garden, parkland, or recreational area, in each case accessible to the public at large.
- Parkfield House (part 5 on the map) - Not without the previous consent to use or permit the same as a time to be used for any noisy noxious or offensive behaviour or as a public house or amusement arcade; or to alter or permit to be altered the external elevations of the buildings on this part of the property, nor make or permit to be made any additions or alterations without the written consent of the National Trust.
- Woodland and gardens (including part 6 on the map) - Not without the previous consent to use or permit the same at any time to be used other than as a nursery garden recreational area or parkland accessible to the public at large and without the erection of any buildings or places of amusement.

Big Lottery Fund

The Big Lottery Fund have a Deed of Dedication on the site, which runs until latest 9 March 2030. Torbay Council will seek a Release of Deed for disposal of the land (in this case, “disposal” includes assignment, transfer or charge on the land, the granting of any lease or licence on the land, or any other possession or sharing arrangements with another party, in respect of the land). Torbay Council will also seek prior written consent to use the land for purposes other than the original MyPlace project.

Western Power

Pursuant to a transfer of a substation dated 16 May 2011, part of the Property is subject to rights of way to and from the substation in favour of Western Power Distribution.

Public Access

All existing public rights of way through the site, and access gates from Esplanade Road, Polsham Road, and Colin Road, must be maintained.

4.5. Current Occupation

There are several current occupants of the Parkfield site, which will potentially be affected by a disposal. These are:

My Place

MyPlace (part 2 on the map) is currently let to Torbay Education Limited. Please note that this area is outside of scope of this disposal.

BMX Track

An informal arrangement has been in place to allow Torbay BMX Club use of the BMX Track area (part 1 on the map) since 2013, which includes access to a small portacabin. This area is within scope of the disposal.

Stable Block

An informal arrangement has been in place to allow Eat That Frog CIC to utilise the Stable Block and Stable Yard area (part 4 on the map) since 2013, including use of a portacabin. This area is within scope of the disposal.

In all cases, we would encourage those submitting proposals to engage with the current occupiers and identify possible opportunities to work collaboratively, either formally or informally.

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5. The Council's Commitment to Partners

5.1. The Way We Work with You

As a Council, we want to see a community development of Parkfield succeed, and for Parkfield to flourish as a community asset. We do have a responsibility to maintain oversight, but our intention is to support, rather than control, the development of Parkfield by community partner(s).

Once a disposal/Community Asset Transfer has taken place, we will continue to work with the partner providing a named relationship manager, so that the partner(s) taking on the site will have a single point of contact within Torbay Council who they can go to for information, guidance, and signposting.

We would request that a Council representative is included in the relevant governance group which will steer the development of the site going forward. This will help to ensure Torbay Council can retain some oversight but will also help to strengthen communication and relationships; as well as enabling us to identify ways in which we might be able to offer support. It is recommended that this Council representative would ideally be a senior Council officer.

5.2. Site Maintenance

Until such time as a transfer has taken place, the Council commit to the following ongoing maintenance of the site:

- To undertake regular grass-cutting during the growing season (March to October)
- To undertake regular trimming of hedges along public rights of way to prevent obstruction to access
- To maintain security and safety of the building at Old Parkfield, including regular inspection of the interior

5.3. Funding

Financial support may be available via the Torbay Community Renewal Fund, subject to eligibility. The fund aims to support people and communities most in need across the UK, creating opportunities to trial new approaches and innovative ideas at a local level.

The fund has four national priority investment areas:

- Investment in skills
- Investment for local business
- Investment in communities and place
- Supporting people into employment

Key local growth priorities include:

- Embedding inclusive economy principles to tackle inequality, exclusion and poverty leading to a more sustainable economy
- Raising skills level across all age groups
- Bringing about greater resilience in the local economy

More information can be found here: <https://www.torbay.gov.uk/business/community-renewal-fund/>

5.4. Other Support

The Council needs to take a neutral and objective view, and as such cannot support with the development of individual plans and proposals. However, we can facilitate connections and discussions between interested parties, if requested, and will do our best to signpost you to support if you need it. Council and TDA officers will be available to answer questions regarding this framework.

During the process, if you have any questions or queries, please contact Becky Morgan, Partnership Development Manager at becky.morgan@torbay.gov.uk

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6. Requirements of Partners

6.1. Community Wellbeing Outcomes

Torbay Council has no pre-determined view on how the outcomes in this framework should be delivered, nor which partners should deliver them. We would like the site to be used to contribute towards the following outcomes for our community, which align to the strategic objectives in the Torbay Council Community and Corporate Plan.

Whilst the emphasis should be on delivery of these outcomes for Children and Young people, we fully support and encourage these being delivered in a way which is inter-generational, where appropriate. This is of benefit to Children and Young people, their families, and the wider community.

How these outcomes would be delivered is for partners to decide – creative solutions are welcome, and collaborative proposals are highly encouraged. We would like Parkfield to be used to:

- (i) Provide a space which supports the wellbeing of our local community, in a way which feels safe and inclusive.
- (ii) Provide opportunities for people to engage in meaningful activity, connect with others in their community and develop their own networks of support.
- (iii) Provide opportunities for people to develop skills, knowledge, and confidence, which will help them to raise their aspirations, and maximise their capabilities.
- (iv) Provide opportunities for early intervention and prevention, connecting people to other community assets and support which may help them to improve their wellbeing or circumstances.
- (v) Provide opportunities for physical activity and enjoyment of the natural environment.
- (vi) Ensure that opportunities on offer are accessible to those on low incomes.
- (vii) Ensure that appropriate Safeguarding measures are in place to protect the most vulnerable in our community who may be accessing the offer at Parkfield.
- (viii) Provide opportunities for partnership working between organisations which support the wellbeing of local people or provide employment.
- (ix) Work collaboratively with the tenants of My Place to further the achievements of these outcomes across the whole Parkfield site (this would be where appropriate and allow for the conditions required to run an educational establishment).
- (x) Provide opportunities for volunteering, work experience, and/or employment of local residents; in particular young people who are NEET or at risk of becoming NEET, and those furthest from the labour market.
- (xi) Foster a sense of pride in Parkfield as a community asset for all of Torbay.

6.2. Financial Sustainability

Financial Sustainability is an important element of the decision-making process, as we need to ensure that any proposed development has the best chance of success; so that it can continue to be of benefit to our community in the long term. Local Authorities continue to face significant financial challenges, and Torbay is no different; therefore, external funding sources are essential.

Potential tenants/community partners will need to submit a business and delivery plan for their proposal. A template and criteria have been provided in Appendix 1 to make clear what information is required. The plan should clearly set out the forecast income and expenditure, along with any assumptions of what is expected from the Council as the landlord (for example, foregone rent, one off and/or ongoing grants, expectations on the repairing liability, etc).

It is also important that the business plan sets out how external grant funding might be achieved, and other income/sponsorship which could be delivered.

Some on site commercial activity might well be necessary and is expected to help provide financial stability by way of a revenue stream. Such activity is acceptable providing it is of no detriment to the delivery of the community outcomes and complies with the restrictive covenants outlined in 4.2.

The plan should also set out how reserves can be accumulated to provide the capital required to manage the listed building over the life of the asset.

6.3. Environmental Sustainability

In line with Torbay Council's Community and Corporate Plan, we are committed to tackling the Climate Emergency and working with others to create a Carbon Neutral Community. We are also committed to protecting the natural environment in Torbay, which is one of our greatest assets.

We would like any development of Parkfield to contribute towards these aims by:

- (i) Ensuring that waste is minimised, and recycling/repurposing is maximised.
- (ii) Ensuring that opportunities for energy efficiency are explored and implemented where feasible.
- (iii) Ensuring that the grounds are used and maintained in a way which is good for wildlife and provides habitat for animals, birds, and insects.
- (iv) Ensuring that any food provided on the site is sustainably produced.

Due to the amount of green space on the site, it presents plentiful opportunities to provide community activities which support our aims of becoming a Carbon Neutral Community, and we would welcome inclusion of such activities in any proposals.

6.4. Collaboration

One of the greatest strengths of our community sector is its ability to work collaboratively for the benefit of the community. We recognise that the sector offers a vast range of skills and expertise, the sum of which is greater than its component parts. Collaborative

proposals, developed by a group of partners working together, are welcomed in this process.

In such cases, one organisation would still need to be the named “lead” on the final business case, for the purposes of holding the lease, any insurances, funding bids etc. How this translates operationally is entirely up to the group and what works best for them. We would ask that all of the partners involved in a collaborative proposal are listed.

6.5. Community Engagement

Proposals should be informed by what people in our community, including Children and Young People, tell us is important to them. When submitting proposals, we ask that you demonstrate the use of full spectrum community engagement and feedback in developing your plans.

Those submitting proposals may wish to gather their own feedback, or use relevant feedback already gathered by others (for example, Healthwatch).

As part of the decision-making process, we will also seek feedback from focus groups in the community on Expressions of Interest submitted. We will share this feedback with you, to help you shape your final proposals/business plans.

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APPENDIX 1 - DETAILED BUSINESS CASE REQUIREMENTS:

The Parkfield Project Board will invite short-listed partners to progress to a detailed business stage where a full business and delivery plan would need to be presented for the project/proposal. This submission would be assessed under the following criteria:

| Documentary Evidence Required | Criteria |
|--|--|
| Business Plan and Governance Documentation | Outcomes, aims, objectives and targets the proposal would deliver, including Key Performance Indicators to show how these would be monitored and assessed over the life of the project. |
| | <p>What type of organisation would be running the project.</p> <p>The capacity of the organisation to deliver the project including:</p> <p>Decision making structures and form of governance</p> <p>Management and staff structures, showing where these are paid or voluntary, whether these are experienced, and/or what training plans are in place.</p> |
| | Identifying whether the project would create new jobs, learning opportunities, and how these are linked to the Corporate Plan and other relevant strategies. |
| | An indicative 5-year capital and revenue budget plan including all anticipated grant and revenue funding, identifying whether this had already been secured and any other income expected, sources etc. |
| | Relationships with any other partners on the project. |
| | <p>Legislation and regulation considered within the project and how this would be addressed, e.g.</p> <p>Health and Safety regulations</p> <p>Child Protection Policy</p> <p>Equality regulations</p> <p>Licensing.</p> |
| | How the project would address: |

| | |
|---------------------|--|
| | <p>Inequalities</p> <p>Crime prevention</p> <p>Environmental issues.</p> |
| | <p>The catchment area for the project.</p> |
| | <p>Length of lease required to deliver the project and proposed Heads of Terms.</p> |
| | <p>Any development proposals relating to the buildings or land.</p> |
| | <p>Risk Analysis of the proposals.</p> |
| <p>Project Plan</p> | <p>Indicative timescales on how the project would be delivered from start up to fully operational.</p> <p>Description of any proposed development.</p> <p>Detailed breakdown of timings/costs for any proposed building works or refurbishment proposals, and how this would be funded.</p> <p>Description of how achievement of the specified outcomes would be measured</p> <p>Description of how the community (particularly children and young people) would be engaged with to inform the development on an ongoing basis</p> |