

Report to : Executive Board - 11 November 2002

Report to: North Area Committee - 5 December 2002

**MINOR CONTRACT APPROVAL FOR WOLVERCOTE FIRST SCHOOL
COMMUNITY HALL**

Report of:	<i>Business Manager Neighbourhood Renewal</i>	WARDS AFFECTED Wolvercote
Report Author:	<i>Val Johnson, Business Manager Tel no. 01865 252209 Email: vjohanson@oxford.government.uk</i>	
Lead Member Responsible:	<i>Portfolio holder for Leisure and Community Centres</i>	
Overview and Scrutiny Committee Responsibility:	<i>Economic and Social Well Being</i>	
Key Decision:	<i>No</i>	
SUMMARY AND RECOMMENDATIONS		
<p>This report seeks minor contract approval for an agreement between Oxford City Council and Oxfordshire County Council. The agreement covers the construction of a community hall at Wolvercote First School. The total amount of the contract is £119,000 capital funding over a period of 5 years.</p>		
<p>The proposals meet the council's vision of strengthening local communities through facilitating the provision of recreational, cultural and community development activities.</p>		
<p>The Executive Board is ASKED to recommend to Council to:</p>		
<p>a) authorise the contract;</p>		
<p>b) allocate £119,000 from the capital programme for the scheme and approve the expenditure under Financial Procedure Rule 2.7.4. (Minor Projects)</p>		
<p>c) refer the report to the North Area Committee for information.</p>		

BACKGROUND

1. Wolvercote First School has become a primary school and as a part of the school development programme a new community hall has been built. A report went to Leisure Services Committee on 18th June 2001, setting out details of the proposals for the City Council to part fund the construction of the community hall, and seeking approval for a capital budget allocation of £119,000 for the project. It was resolved to approve the capital budget of £119,000 for the construction of the community hall at Wolvercote First School and to request the submission of a report under standing order 40(a) to the July Committee cycle .
2. At the time of the decision of Leisure Services Committee the capital programme was under review, and it was subsequently decided to include the Wolvercote project as a bid in the Leisure Services capital aspirations report considered by Leisure Services Committee in September 2001. This report identified all the potential leisure capital projects and provided details of proposed phasing and reasons for supporting the proposed expenditure. It included the Wovercote Community Hall project with proposed phasing of expenditure of £120,000 over 5 years.
3. The Capital Programme was reviewed again in a report to Strategy and Resources Committee and reports to the Executive Board on 31 January 2002, 26th March 2002 and 23 April 2002. The April report only included £25,000 in the capital programme for 02/03. This report approved schemes and budgets for the capital programme, including the £25,000 for Wovercote Community Hall but whilst the budget debate was in process the hall was also in the process of being constructed as a part of the schools development programme, and it is now completed.
4. In March 2002 the County Council wrote a letter requesting that payment of the £119,000 be made in 5 yearly payments. The letter indicates that the County Council were informed by members that the funding had been agreed and that it was to be allocated on the basis of £25,000 per year, over 4 years and a final payment of £19,000 in the 5th year. However, a minor project appraisal scheme report is still required for approval by the Executive Board before the funding can be released.

OBJECTIVES

5. The objectives of constructing the hall are to provide a community venue in the centre of the community. The community hall will provide for public recreation, leisure, cultural and community use and meet the Council's objectives of strengthening local communities.

OTHER POSSIBLE MEANS OF ACHIEVING THE OBJECTIVES

6. There is a village hall and a Youth Club in Wolvercote , both of which are currently used to their full capacity. There are no other locations which could be developed for this purpose. The facilities provided by the community hall will be

complimentary to existing provision and will provide facilities for community use that are not available within the other facilities, such as meeting a meeting room.

7. It is anticipated that the school will be able to develop some community activities directly, for example an after school club and holiday play scheme.

A DESCRIPTION OF THE PROJECT

8. The facilities will be used by the school during school time and by local community groups during evenings, weekends and school holidays. A number of existing and potential community groups have indicated that they will use the hall. A list of existing users and potential users is given in Appendix 2.

9. The County Council were to originally have built a 14m² hall. This has been extended by 28m² to 168m², and a kitchen servery, storage area and meeting and office space has been provided to enable the hall to properly cater for community activities. A detailed plan is attached in Annex 3.

10. The community will have priority use outside school hours.

11. The County Council will be responsible for the proper management of the facilities via a community sub committee of the school. The community sub committee will comprise of :

- a) 6 governors
- b) 2 city council representatives
- c) 5 other co-opted members nominated by the Governing body (non voting)

12. The community sub committee will be responsible for :

- booking arrangements
- ensuring adequate supervision of all persons using the facilities
- keeping proper records and accounts
- ensuring health and safety
- ensuring recreational, cultural and community purposes are dealt with equitably
- ensuring that functions are carried out in accordance with City Council recreational and leisure policies

STAFFING CONSEQUENCES

13. There are no staffing consequences for the City Council. The community hall will be managed through a joint use agreement between the City and County Council, similar to the joint use agreement governing the use of Cheney School Community Hall. The school community sub committee will take responsibility for the general day to day running of the hall (see above).

6. REVENUE COSTS

14. The total value of the contract and phasing of capital payments are set out in Annex 1. There are no revenue costs to the City Council.
15. The County Council will be responsible for repairs and maintenance and the school sub committee will be responsible for security and running costs.
16. The County Council will be responsible for effecting a comprehensive insurance policy.
17. Should the County Council decide that access to the community will end the City Council will receive compensation for the value of the construction costs of £119,000, which shall be further reduced by 1/60th per annum of a period of 60 years.

LEGAL IMPLICATIONS

18. The report seeks approval for the expenditure of £119,00 on a capital project. The history of the matter is complicated by a number of facts including:
 - a. The change in the constitutional framework of the authority and more importantly
 - b. the lack of documentary evidence prevents advice being given with a degree of certainty.
19. The detailed history of the matter is contained elsewhere in the report. Suffice to say that in order for the expenditure identified to be incurred it needed to be authorised through a chain of internal procedures, approval by the relevant Service Committee, Strategy and Resources Committee and Council.
20. The project was approved by the Leisure Services Committee on 18 June 2001, minute 17 refers. It was considered by the Strategy and Resources Committee on 2 October 2001, in addition to other capital bids and capital resources. The project breakdown set out phased expenditure levels over the next 4 years. The project was not one of the four that was approved.
21. The Council adopted its new constitution on 16 October 2001 and under the new rules the power to incur this expenditure needs to be approved by the Executive Board and Council under the minor contract provisions. To date this project had not been approved.
22. I am instructed the City Council has received a letter from the County Council requesting the first part of its contribution, amounting to £ 25,000 as set out in the report considered by the Strategy and Resources Committee.
22. Due to the lack of documentary evidence showing what if anything has been communicated by this authority to the County Council I cannot say with any certainty whether this Council is bound to honour this request irrespective of the fact that the expenditure has not been approved.

23. There a number of ways in which the authority could be bound, i.e. exchange of correspondence or even verbal communications. If a person whom the County would have had no reason to disbelieve had stated that the City Council would contribute to the project and it was reasonable for the County Council to rely upon that assertion, then the City Council could be bound by the doctrines of ostensible authority and estoppel from reneging on the agreement. Clearly the County Council would have to show that such a commitment had been made, by whom and why they relied upon it.
24. In addition to the legal consequences, possible action for recovery of the amount, if the Executive Board decide not to approve the project the decision may have an adverse impact upon the relationship between the two authorities.

THIS REPORT HAS BEEN SEEN BY:

Councillor Peter Johnson, Leisure and Community Centre Port Folio Holder
Bhupinder Gill, Legal Services Manager
Dave Higgins, Group Accountant

Background papers: Report to Leisure Services Committee- 18th June 2001
Report to Strategy and Resources Committee - Capital Bids 2nd October 2001
Report to Executive Board on 26th March- Capital programme priorities
Report to Executive Board 23 April - Capital programme

FINANCIAL PROFILE :- Wolvercote Community Hall**(A) Expenditure pattern compared to Provision in Capital Programme**

	2002/03	2003/04	2004/05	2005/06	2006/07	TOTAL
	£	£	£	£	£	£
Expenditure for which approval is being sought	25	25	25	25	19	119
Provision in Capital Programme	25					25
Provision required in Capital Programme	0	25	25	25	19	94

(B) Subjective Analysis of Expenditure

	2002/03	2003/04	2004/05	2005/06	2006/07	TOTAL
	£			£	£	£
ESTIMATED PER THIS REPORT						
Works/ Contract	25	25	25	25	19	119
Grants						0
Fees						0
Land / Property						0
TOTAL GROSS COSTS	25	25	25	25	19	119

(C) On going Revenue Costs

REVENUE COSTS	2002/03	2003/04	2004/05	2005/06	2006/07	TOTAL
	£			£	£	£
Employee						0
Running Expenses	0	0	0	0	0	0
Capital Financing Cost	1	3	5	7	9	25
NET ADDITIONAL COSTS TO COUNCIL	1	3	5	7	9	25

WOLVERCOTE FIRST SCHOOL

Preliminary lists at 12 March 2001

External users of the existing school hall in 2000-01

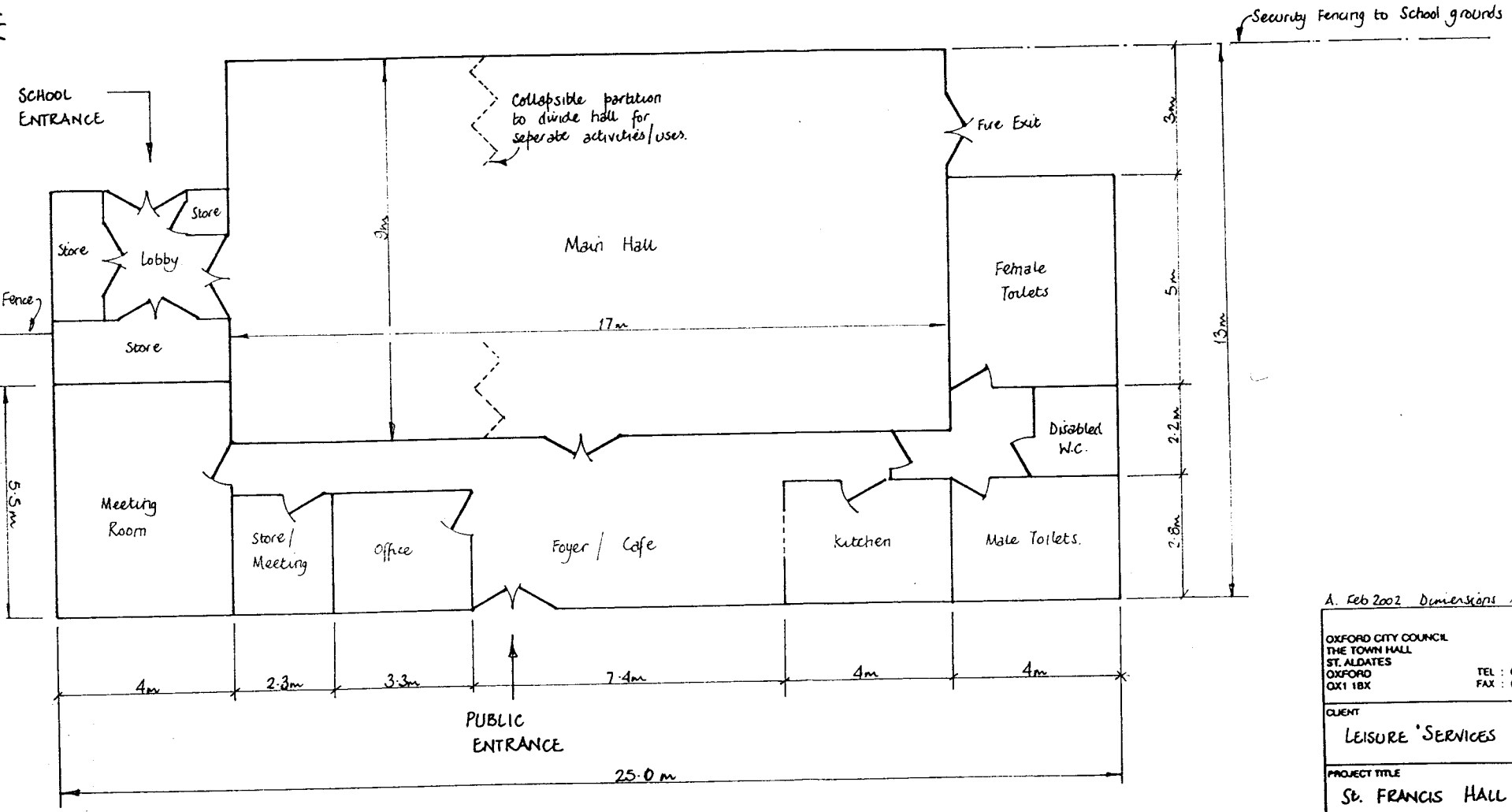
Note: the present hall is not an attractive or convenient venue and its use is restricted to events of 70 or less due to fire regulations.

1. WFS Parent Teachers Association - frequent events open to the community including Summer Fair, children's parties, theatrical presentations, boot sales
2. After school club - daily use in term times
3. Yoga classes - twice weekly
4. Pilates (Oxford) - adult dance/exercise class
5. Wolvercote Music Group
6. Childrens' Theatre Workshop
7. Belly dance classes
8. Bithday parties - private individual bookings, one or two per month at weekends

Other local bodies that could make use of a new hall

1. Chiltern and Oxford Organic Group
2. North and West Oxford Community Education Council (NAWOCEC)
3. Oxford Ballet School
4. Oxford Harlequins Rugby Club
5. Oxford University Department for Continuing Education
6. St Peter's Players
7. Wolvercote Cricket Club
8. Wolvercote Commoners
9. Wolvercote Horticultural Society
10. Wolvercote Local History Group
11. Wolvercote Wildlife Watch Group

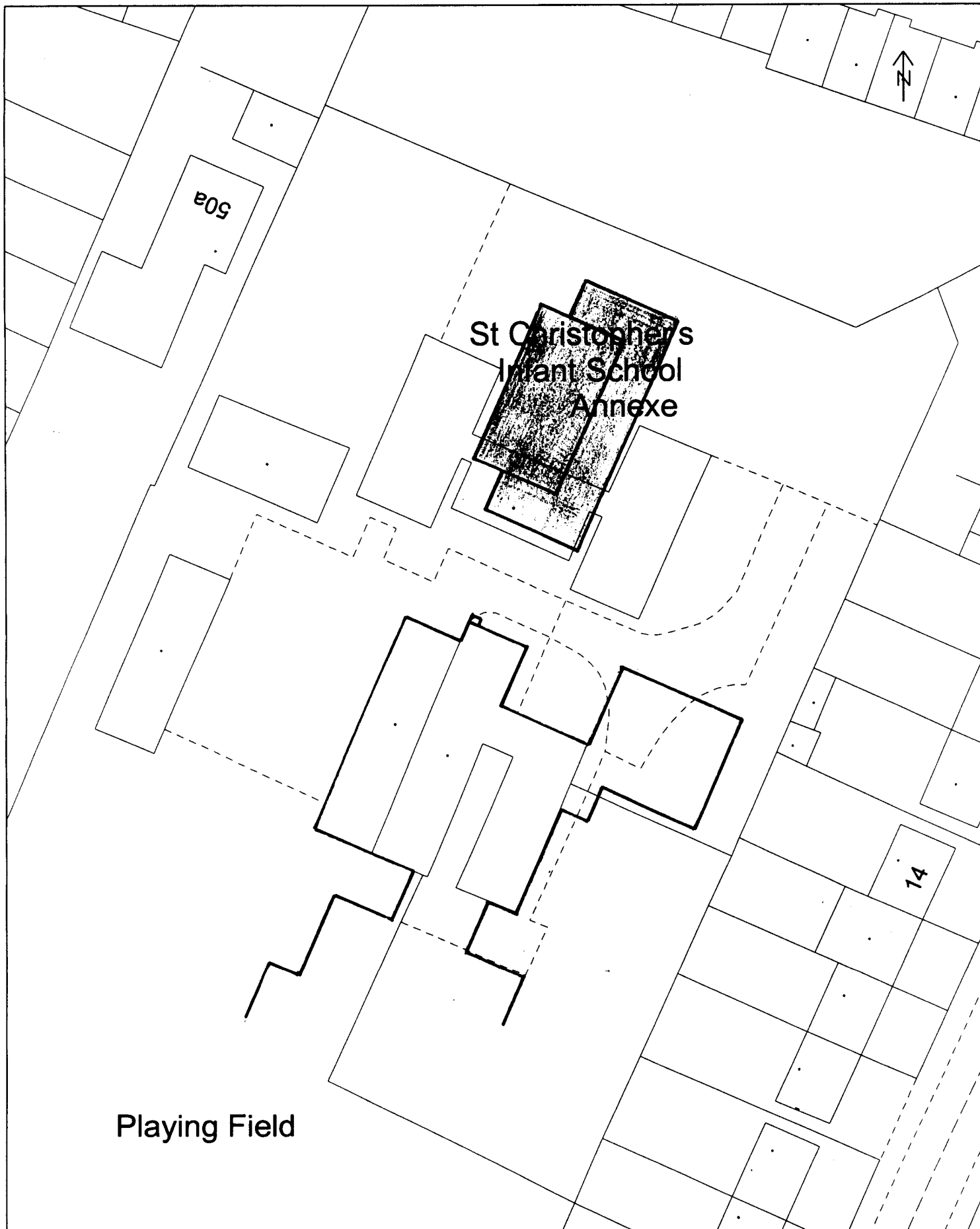
ANNEX 3



A. Feb 2002 Dimensions Added

OXFORD CITY COUNCIL THE TOWN HALL ST. ALDATES OXFORD OX1 1BX				TEL : 01865 FAX : 01865
CLIENT				
LEISURE SERVICES				
PROJECT TITLE				
ST. FRANCIS HALL				
DRAWING TITLE				
DRAFT PLAN				
DRAWN	DATE	CHECKED	DATE	
JMS	11-00			
APPROVED	DATE	SCALE	1:100	
DRAWING No.				REVISION
BDC 2320/1/A				

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Title:

Scale: 1:500; Map Reference: SP5504NW

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OXFORD CITY COUNCIL
David Taylor
Director of Corporate Services