

| <b>MERSEYSIDE FIRE AND RESCUE AUTHORITY</b> |   |                       |                           |
|---|---|-----------------------|---------------------------|
| <b>MEETING OF THE:</b>                      | <b>POLICY AND RESOURCES COMMITTEE</b>                       |                       |                           |
| <b>DATE:</b>                                | <b>17 SEPTEMBER 2015</b>                                    | <b>REPORT NO:</b>     | <b>CFO/078/15</b>         |
| <b>PRESENTING OFFICER</b>                   | <b>DCFO PHIL GARRIGAN</b>                                   |                       |                           |
| <b>RESPONSIBLE OFFICER:</b>                 | <b>DCFO PHIL GARRIGAN</b>                                   | <b>REPORT AUTHOR:</b> | <b>DCFO PHIL GARRIGAN</b> |
| <b>OFFICERS CONSULTED:</b>                  | <b>DCE KIERAN TIMMINS<br/>SARAH BOURNE (LEGAL SERVICES)</b> |                       |                           |
| <b>TITLE OF REPORT:</b>                     | <b>WIRRAL YOUTH ZONE</b>                                    |                       |                           |

|                    |                    |   |
|--------------------|--------------------|---|
| <b>APPENDICES:</b> | <b>APPENDIX A:</b> | <b>WIRRAL YOUTH ZONE BUSINESS PLAN &amp; APPENDICIES</b>  |
|                    | <b>APPENDIX B:</b> | <b>CFO/048/14</b>   |
|                    | <b>APPENDIX C:</b> | <b>INDEPENDENT VALUATION (APP C TO REPORT CFO/048/14)</b> |

### **Purpose of Report**

1. To request that Members confirm their previous in principle decision (CFO/048/14) to transfer the land released during the building of Birkenhead Community Fire and Rescue Station to support the creation of the Hive Youth Zone.

### **Recommendation**

2. That Members;
    - a. Agree to transfer the land adjacent to Birkenhead Community Fire and Rescue Station to Wirral Metropolitan Borough Council for the purposes of building a state of the art Youth Zone for the improvement of the economic, social and environmental wellbeing of the area.
    - b. Agree that any transfer will be at nominal consideration.
    - c. Approve the creation of a designated Youth Engagement facility within the Youth Zone from which Merseyside Fire and Rescue Authority (MFRA) can deliver its youth programmes.
-

## Introduction and Background

3. Members will recall that the Authority was approached by Wirral Metropolitan Borough Council (MBC) in 2010 to establish if the land adjacent to Birkenhead Community Fire and Rescue Station was available for the creation of a Youth Zone following the building of the new PFI station.
4. This approach followed visits made by Wirral Members and Officers to the Firefit Hub in Toxteth and Bolton Lads and Girls Club.
5. The Birkenhead station site was considered ideal in terms of a neutral location, and having good transport links.
6. The Authority agreed in principle to transfer the land (CFO/182/10) (CFO/048/14) (Appendix B) subject to:
  - An appropriate company being set up
  - The funding being finalised and the business plan being agreed
  - The transfer/lease arrangements being agreed - based on a peppercorn rent.
  - Finalised agreement on how the fire station and Youth Zone will work closely together on the shared vision and aims around youth engagement
  - The provision of a designated youth engagement space being created for Merseyside Fire and Rescue Service (MFRS) within the Youth Zone (YZ).
7. Wirral MBC have been working with the charity 'OnSide' to make this a reality and created a shadow board, Chaired by John Syvret of Cammell Lairds to oversee the project and the development of a sustainable business plan.
8. All outstanding issues have now been resolved to the satisfaction of Officers and are referenced within the Wirral Youth Zone Business Plan (Appendix A).
9. Subject to Authority approval confirming the availability of the land and completion of the legal documents it is intended to transfer the land into Wirral MBC ownership in order that they complete a building contract and start on site in or around the end of October 2015.
10. This would allow the YZ to open at the end of 2016.
11. There is no change in the intended partnership between MFRA and the Wirral Youth Zone, the particular opportunities (additional to those above) that are being explored include:
  - Branding opportunities for MFRA, such as the fitness suite or other sports facilities being 'Firefit' zones.
  - Some targeted joint use of the facilities
  - Involvement of firefighters and prevention staff in employability and enterprise projects

- Volunteering opportunities
  - Delivery venue for youth engagement programmes i.e. Prince's Trust
  - Joint delivery of Wirral Fire Cadets
  - The chance for MFRA staff to improve the fire safety knowledge and personal wellbeing of young people across Wirral.
12. The Deputy Chief Fire Officer is currently a member of the Wirral Youth Zone Board and a trustee of the Fire fit Hub Charity.

---

### **Equality and Diversity Implications**

---

13. The YZ will provide a universal service, coupled with a responsive series of targeted information, advice and guidance projects and programmes, to a wide range of children and young people, including
- The disengaged
  - The disadvantaged
  - Those with disabilities – both physical and learning
  - Young people from BME backgrounds
  - Young people from LGBT backgrounds
14. In line with the principles of best practice, equality and diversity will be at the heart of the YZ and embedded within all activities and services delivered within the facility.
- Promoting accessibility
  - Valuing cultural diversity
  - Promoting participation
  - Promoting equality of opportunity
  - Promoting inclusive communities
  - Reducing disadvantage and exclusion

---

### **Staff Implications**

---

15. The creation of the YZ and designated youth space within the centre will provide opportunities for firefighters and the Youth Engagement team to get involved in employability and enterprise projects as well as providing the space to deliver our award winning youth engagement programmes such as the Princes Trust and the Beacon project.
16. The YZ will also create volunteering opportunities for all staff, encouraging them to get more involved in their community.
17. Officers also believe that the positive relationships developed with those young people visiting the YZ will engender better relationships and in the longer term will contribute to the reduction in ASB fire calls and attacks on fire crews.

18. MFRS would also seek opportunities, on a reciprocal basis, to utilise the YZ facilities for its staff when not in use by the YZ members.

---

## **Legal Implications**

---

19. By virtue of s123 Local Government Act 1972 the Authority cannot dispose of its land for a consideration at less than the best that can reasonably be obtained in the market except with the consent of the secretary of state. The Secretary of State has granted a General Disposal Consent ('the Consent') which removes the requirement for authorities to seek specific consent for any disposal of land where the undervalue is £2 million or less.
20. Guidance states that it is government policy that local authorities should dispose of surplus land wherever possible and it is generally expected that land should be sold for the best consideration reasonably obtainable but it is recognised that there may be circumstances where an authority considers it appropriate to dispose of the land at an undervalue. The guidance states that authorities should not divest themselves of valuable public assets unless they are satisfied that the circumstances warrant such action and when disposing of land at an undervalue authorities must remain aware of their fiduciary duty in a way which is accountable to local people.
21. The terms of the Consent mean that a specific consent is not required for the disposal of any interest in land which the authority considers will help it to secure the promotion or improvement of the economic, social or environmental wellbeing of its area. Although these criteria derive from the Local Government Act 2000 their use in the Consent is not confined to authorities with duties and powers under that act.
22. If approved the transfer of the land will include an overage provision which will state that if there is a transfer or grant of a lease of the land with the benefit of a change of use from that of a Youth Zone then a claw back payment equal to the market value of the land at the time of the disposal will be paid to the Authority. A restriction will be placed on Wirral MBC's title which provides that no disposition may be registered without the Authority's consent this guards against a transfer of the land without the claw back provisions being adhered to. This provision will ensure that the land may only be used as a youth facility thereby improving the economic, social and environmental wellbeing of the area. If this use ceases then the Authority will claw back the market value of the land at the time thereby ensuring that it meets its fiduciary duty to local people.
23. The issue of state aid has been raised with Wirral MBC and onsite and appropriate assurances have been received that the Hive will not be engaging in economic activity which the rules on state aid intend to address.

---

## **Financial Implications & Value for Money**

---

24. If the Authority chose not to support the project, it might realise a capital receipt from the sale of the land. An independent valuation (Appendix C) indicated that the land is estimated to be worth £250,000 based upon.
- A freehold interest in the site
  - With the benefit of full vacant possession
  - Planning permission for non-food retail and fast food restaurant /drive through development
  - Allowing 9 months for marketing.
25. Planning permission has not been sought by the Authority at this time.
26. The proposal is based upon transferring the land instead on a 'peppercorn rent' to the 'Wirral Youth Zone' Charitable Company, established to run the YZ.

### **Risk Management, Health & Safety, and Environmental Implications**

27. Given the commitments already made by Members there would be significant reputational risk to the Authority if they rescinded the in principal agreement without good reason, particularly given the reassurances given by the Authority during the previous phases of the development.
28. There may be some health and safety risks associated with the development phase, but these will be subject to suitable method statements and site risk assessment.
29. No environmental implications are envisaged given the previous work undertaken at the site. However should any be identified that would be dealt with by the appointed contractor in line with normal development practice.

### **Contribution to Our Mission: *Safer Stronger Communities – Safe Effective Firefighters***

30. The Wirral YZ will provide an opportunity for MFRA to build on its community work, particularly with local young people, in the furtherance of its mission to create Safer Stronger Communities.

### **BACKGROUND PAPERS**

**CFO/182/10 RESIDUAL LAND RELEASED AS PART OF THE PFI PROJECT**  
**CFO/048/14 WIRRAL YOUTH ZONE**

### **GLOSSARY OF TERMS**

**MFRA** Merseyside Fire and Rescue Authority  
**MFRS** Merseyside Fire and Rescue Service  
**YZ** Youth Zone