

CABINET MEETING: 2 MARCH 2023

**APPROPRIATION OF THE SITE KNOWN AS THE FORMER
CANTON AND RIVERSIDE COMMUNITY CENTRE, AND
ADJACENT LAND TO THE HOUSING REVENUE ACCOUNT**

**INVESTMENT & DEVELOPMENT (COUNCILLOR RUSSELL
GOODWAY)**

AGENDA ITEM:9

Appendix 2 of this report is not for publication as it contains exempt information of the description contained in paragraphs 14 of part 4 and paragraph 21 of part 5 Schedule 12A of the Local Government Act 1972.

Reason for this Report

1. To appropriate the site known as the former Canton and Riverside Community Centre, and adjacent car park, for housing purposes to the intent that the site shall be held under the Council's Housing Revenue Account (HRA) rather than its General Fund.

Background

2. The Council has set about large scale new build housing programmes working towards increasing social and private housing availability in Cardiff. The Programme involves development of Council owned brownfield sites via the Housing Revenue Account (HRA).
3. To enable the Councils desired new build targets to be met, and to ensure a suitable pipeline of development sites are identified, several Council General Fund development sites have been identified to be appropriated into the HRA.
4. The former Canton and Riverside Community Centre, and adjacent car park land, as outlined in red on **Appendix 1**, is included in the Annual Property Plan for 2022-23, as a site to be appropriated to the HRA in September 2022
5. As part of our internal process the site has been offered to the Housing Revenue Account (HRA). Whereby the existing site was deemed surplus to requirements and is suitable for wider regeneration or more effective land use.

6. The HRA have developed plans for a new Community Living Scheme on the site, comprising of 41 apartments for older people, communal facilities and flexible spaces, a new community centre and a relocated Multi Use Games Area and community garden. The scheme achieved planning consent in February 2022.
7. Not only will the new building re-provide a community centre, it will also provide a range of older person services to residents living in the flats and the wider older person community.
8. A tender process has been concluded and a contractor has been appointed to build the scheme out.
9. **Valuation** - The land value has been assessed by external valuers and verified by the Valuation Office Agency on 19 January 2023. **See confidential Appendix 2.**

Issues

10. The land receipt has been ringfenced for the provision of a new community centre to replace the current building being demolished.
11. The new community facility, once built, will be managed by the General Fund Hubs programme and the operational budget for this is in place.
12. Social Housing Grant has been awarded to the project which includes £1.1 million acquisition grant funding which needs to be drawn down by financial year-end 2022/23.

Local Member consultation

13. Local Ward members were consulted as part of the Council's planning application process and as part of the Annual Property Plan process sanctioned by Cabinet in September 2022.
14. As required under s.122 of the Local Government Act 1972, a Public Open Space advert was published on 27th May 2022 and 3rd June 2022 respectively and no formal representations were received.

Reason for Recommendations

15. To approve the appropriation of General Fund Land (the former Canton & Riverside Community Centre, and adjacent land, from Leisure & Parks and Highways) to the HRA.

Financial Implications

16. The certified value of the appropriation has been agreed by a qualified valuer employed by the authority. The appropriation does not result in any cash transfer between the General Fund and the HRA, but a transfer of debt (CFR) which is an accounting transaction.

17. Where grant is received by the Housing Revenue Account towards the cost of acquisition, any grant should be claimed in accordance with the terms and conditions of any grant award.
18. As part of the new housing development a new community facility is to be created, with a general fund contribution towards these construction costs, equivalent to the land value identified in this report. This is included in the Council's Capital Programme. Property ownership and operating agreements will need to be in place following the construction, with a clear understanding of cost, property management and operating arrangements to ensure that the Housing Revenue Account ring fence is maintained on an ongoing basis.
19. The revenue budget for the existing site has been an accepted revenue savings target as part of the Council's budget process. The report confirms that revenue budget is in place to meet the operating costs of any new facility on an ongoing basis within the existing Communities and Housing General Fund revenue budget.

Legal Implications

20. This matter is referred to Cabinet due the value of the appropriation to the HRA exceeding the financial limit provided under the delegation to the Director of Economic Development.
21. The Council has power to appropriate land for any of its statutory functions where that land is no longer required for the purpose for which it is currently held pursuant to section 122 of the Local Government Act 1972. Where any part of the land to be appropriated for part of an open space, the intention to appropriate the land must be advertised for two consecutive weeks in a local newspaper and due consideration given to any representations received, further details of which are set out in the body of this report. The effect of the appropriation is that the land will be held under the HRA to be used for housing purposes.

Equalities & Welsh Language

22. In considering this matter the decision maker must have regard to the Council's duties under the Equality Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must, in making decisions, have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. Protected characteristics are: (a) Age, (b) Gender reassignment, (c) Sex, (d) Race – including ethnic or national origin, colour or nationality, (e) Disability, (f) Pregnancy and maternity, (g) Marriage and civil partnership, (h) Sexual orientation, (i) Religion or belief – including lack of belief.
23. When taking strategic decisions, the Council also has a statutory duty to have due regard to the need to reduce inequalities of outcome resulting from socio-economic disadvantage ('the Socio-Economic Duty' imposed under section 1 of the Equality Act 2010). In considering this, the Council

must take into account the statutory guidance issued by the Welsh Ministers (WG42004 A More Equal Wales The Socio-economic Duty Equality Act 2010 (gov.wales)) and must be able to demonstrate how it has discharged its duty.

24. An Equalities Impact Assessment aims to identify the equalities implications of the proposed decision, including inequalities arising from socio-economic disadvantage, and due regard should be given to the outcomes of the Equalities Impact Assessment.
25. The decision maker should be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards.

The Well-being of Future Generations (Wales) Act 2015

26. The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible. In discharging its duties under the Act, the Council has set and published well being objectives designed to maximise its contribution to achieving the national well being goals. The wellbeing objectives are set out in Cardiff's Corporate Plan 2020 -23.
27. When exercising its functions, the Council is required to take all reasonable steps to meet its wellbeing objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the wellbeing objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
28. The wellbeing duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:
 - i. Look to the long term
 - ii. Focus on prevention by understanding the root causes of problems
 - iii. Deliver an integrated approach to achieving the 7 national well-being goals
 - iv. Work in collaboration with others to find shared sustainable solutions
 - v. Involve people from all sections of the community in the decisions which affect them
29. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible on line

using the link below: <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

HR Implications

30. There are no HR implications for this report.

Property Implications

31. The property implications are covered via the body of the report and there are no further specific property implications.

RECOMMENDATIONS

Cabinet is recommended to approve the appropriation of the land outlined in appendix 1 of this report from the General Fund to the HRA to be held for housing purposes.

SENIOR RESPONSIBLE OFFICER	Neil Hanratty Director of Economic Development
	24 February 2023

The following appendices are attached:

Appendix 1 - Canton and Riverside Community Centre Map

Confidential Appendix 2 - Valuation Report – Canton & Riverside Community Centre, Cardiff