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TO	Leader of the Council
DATE	3 December 2019
EXECUTIVE MEMBER	Leader of the Council

KEY DECISION REQUIRED	N
WARDS AFFECTED	Hooley, Merstham and Netherne

SUBJECT	Former Merstham Library Site – Pre-Emption Option
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RECOMMENDATIONS
<p>(i) That the pre-emption option to purchase the former Merstham Library site (Former Merstham Library, Weldon Way Merstham), as per the Conveyance between The London County Council and The County Council of the Administrative Council of Surrey of 25 October 1961, be declined.</p>
EXECUTIVE SUMMARY & REASONS FOR RECOMMENDATION
<p>This report seeks to secure a decision not to utilise the pre-emption option of a historic conveyance to purchase the former Merstham Library site.</p> <p>The recommendation of this report will allow the sale of the site by Surrey County Council to Raven Housing Trust, which will allow Raven Housing Trust to develop the site for affordable housing.</p> <p>This will support the Council's current 5-Year Corporate Plan aim to deliver affordable housing, and the emerging Corporate Plan's objectives to work with partner organisations (including Surrey County Council) and developers (including Raven Housing Trust) to deliver homes that be afforded by local people and local workers.</p> <p>Reigate and Banstead Council has no plans in place to acquire the site, and has not identified any clearly advantageous options for the Council's use of it, were it to do so, and as such the opportunity is not judged to present any significant value to the Council at this time.</p> <p>It is therefore recommended that the pre-emption option be declined.</p>

The Leader of the Council has the authority to approve the above recommendation.

STATUTORY POWERS

1. Section 1 of the Localism Act 2011 gives local authorities a general power of competence that enables them to do anything that a private individual is entitled to do, as long as it is not expressly prohibited by other legislation.
2. The responsibility to provide a library service lies with unitary, county or metropolitan borough councils, as per the Public Libraries and Museums Act 1964. In this case, the responsible authority for library provision is Surrey County Council.

KEY INFORMATION

3. The site of the former Merstham Library is owned by Surrey County Council. It consists of approximately 0.26 hectares, to the east of Weldon Way in Merstham.
4. A conveyance regarding the site was made in 1961, between The County Council of the Administrative County of Surrey, and The London County Council. The statutory successors to these bodies, with regard to this case, are Surrey County Council (SCC) and Reigate and Banstead Borough Council (RBBC) respectively. This conveyance is attached as Annex 1.
5. This conveyance included a requirement that the site should not be used for any purpose other than a library, without first giving The London County Council (now RBBC for this purpose), the option to pre-emptively purchase the land.
6. SCC has now ceased to use the site as a library, and a new library has been created nearby, on Portland Drive in Merstham. As such, SCC now intends to sell the site to Raven Housing Trust, to develop into affordable housing. Raven Housing Trust (RHT) is a not-for-profit registered social housing provider, which manages much of the social housing stock previously owned by RBBC.
7. The housing development is expected to be entirely composed of affordable housing, and is considered to be a good use of the site by the RBBC, which will support RBBC's 5-Year Corporate Plan objectives around affordable housing.
8. RBBC does not currently have any of its own plans for the development of the site, and does not have an identified feasible proposal whereby the site would be put to better use than the proposed affordable housing.
9. As such, allowing the site to be acquired by RHT for this purpose is considered to be the best current option to benefit the borough, and there is therefore not considered to be any significant value for RBBC in exercising the right to pre-emption.
10. RBBC also has a Memorandum of Understanding with SCC and RHT to support jointly agreed principles, including collaboration and supporting each other's planning objectives, with regard to the associated area in Merstham. Exercising the right to pre-emption in this case would disrupt the plans of SCC and RHT, which have been identified to be of expected benefit to the area, and would therefore contradict this memorandum, potentially inhibiting further future cooperation. This Memorandum is attached as Annex 2.

11. Pre-emptively purchasing the site would also incur significant cost for RBBC, and would subsequently require considerable effort to deliver a benefit to the local community and borough. In the absence of plans to do so, this is not considered to be a good balance of cost and potential benefit.
12. It is therefore recommended that the pre-emption option to purchase the former Merstham Library Site be declined.

OPTIONS

13. **Option 1:** To decline to exercise the pre-emption option to purchase the site. **This is recommended option** as it supports the Council's Corporate Plan objectives.
14. **Option 2:** To request that work be undertaken to conduct due diligence with the aim of exercising the pre-emption option to purchase the site. **This is not the recommended option** as it would not support the Council's Corporate Plan objectives, would incur significant cost to the Council without a plan to generate associated benefit to the borough, and would hinder future cooperation with SCC and RHT.

LEGAL IMPLICATIONS

15. By not exercising the pre-emption option to purchase the site, the covenant on the site restricting its use to a public library will lapse. As this forms part of the intended outcome, and library provision is in any case secured at another nearby site, this is not considered to present a problem.

FINANCIAL IMPLICATIONS

16. As identified, if the purchase of the site were to be pursued, this would incur a significant cost to the Council. Without a plan in place to use or redevelop the site, and considering associated maintenance costs for the site once in Council ownership, the acquisition would not be expected to provide a financial benefit to the Council.

EQUALITIES IMPLICATIONS

17. The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
 - Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
 - Advance equality of opportunity between people who share those protected characteristics and people who do not;
 - Foster good relations between people who share those characteristics and people who do not.
18. The three parts of the duty applies to the following protected characteristics: age; disability; gender reassignment; pregnancy/maternity; race; religion/faith; sex and sexual orientation. In addition, marriage and civil partnership status applies to the first part of the duty.

19. Surrey County Council has the same duty, and is obliged to consider the requirements of the act in delivering its library strategies and plans.
20. In this case, as there is a new library in place near to the former library site, which offers comparable or superior amenity, there are not considered to be any negative equalities implications of this recommendation.

COMMUNICATION IMPLICATIONS

21. There is a public interest in libraries, and it should therefore be ensured that any communications relating to this recommendation are clear regarding the continued presence of library facilities in the area, and the fact that the sale of the former library site will not reduce provision of services.

RISK MANAGEMENT CONSIDERATIONS

22. Purchasing the site without a plan for its use or development would represent a significant financial and reputational risk to the Council.
23. In declining to exercise the pre-emption option to purchase the site, the Council is therefore not exposed to this risk.

CONSULTATION

24. SCC and RHT have been consulted regarding their proposed use of the site.
25. The Council's Housing team has been consulted regarding the proposed and potential use of the site.