

**Agenda Item No:** 9

**Report To:** Cabinet

**Date of Meeting:** 10<sup>th</sup> May 2018

**Report Title:** Demolition of Bockhanger Community Hall

**Report Author & Job Title:** Victoria Couper, Property & Development Surveyor

**Portfolio Holder** Cllr. G Galpin  
**Portfolio Holder for:** Corporate Property & Projects



**Summary:** This report proposes the demolition of Bockhanger Community Centre hall and reinstatement with either turf or hardstanding until the next phase of the project is complete. Phase two of the project will evaluate the redevelopment options for the site. The cost of demolition and reinstatement will be in the region of £150K and will come out of the Repairs and Renewals budget. This report also addresses a number of the current anti-social behaviour issues in the Bockhanger Square area.

**Key Decision:** YES

**Significantly Affected Wards:** Bockhanger

**Recommendations:** **The Cabinet is recommended to:-**

- I. approve the demolition of the Bockhanger Community Hall Building**
- II. approve the Head of Legal Services and the Head of Corporate Property to serve notice on KCC to vacate the premises in accordance with the Lease**
- III. to authorise the Portfolio Holder and Head of Corporate Property to approve any expenditure incurred**
- IV. fund the works from the repairs and renewals budget**

**Policy Overview:** The Council has a number of community assets, which are run and operated by community groups/trusts where the Council predominately takes the long-term maintenance liability.

**Financial Implications:** The cost of demolition of the community hall and reinstatement of the area is estimated to be in the region of £150K. This expenditure is proposed to come out of the

Repairs and Renewals reserve. At present, KCC Libraries remains as a tenant in a self-contained part of the building and has advised that it wishes to remain so until the Council serves notice in order to commence the demolition works.

Arrangements are in place to secure the building for security purposes and a security firm is in place to carry out one visit per week every week to the building to inspect. The Library became ABCs tenant with effect from 1<sup>st</sup> April and their rental charge is £1,775.00 per quarter.

<b>Legal Implications</b>	YES
<b>Equalities Impact Assessment</b>	See Attached
<b>Other Material Implications:</b>	None
<b>Exempt from Publication:</b>	<b>NO</b>
<b>Background Papers:</b>	<b>None</b>
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## **Report Title: Demolition of Bockhanger Community Hall**

### **Introduction and Background**

1. During autumn 2016 a negative news story was run by the Kentish Express that described Bockhanger Square as a 'Mini Beirut' with anti-social behaviour. Bockhanger Square comprises of a row of shops, a community hall and a KCC library service.
2. The Council owns the freehold of the Community Hall which is leased to Bockhanger Community Associated (BCA) in 2003. Since then it has been managed by BCA and KCC Libraries entered into a Sub Lease with BCA, also in 2013. Both parties have been holding over on their lease since 2014.
3. Some time ago designs were put forward for redevelopment of the area including the hall, square and shops but they were found to be financially unviable due to a downturn in the economy and as such were put into abeyance. Since then there has been no major works carried out to the area other than repairs to eliminate health and safety hazards and urgent repairs mindful of the possibility of the longer term development of the site.
4. Given that the members of the BCA Trust had expressed their desire to retire from their responsibilities as Trustees and the building deficiencies identified by the condition survey it became an appropriate time for the Council (Bybrook, Bockhanger and Ashford South Advisory Committee), to further reconsider the future of the hall.

### **Proposal/Current Position**

5. The use of the hall has declined whilst the building has deteriorated. KCC Libraries who has expressed that they wish to continue to operate a library service within the locality. However, they are fully aware of the Council's current position and know that it will be looking to demolish the building in the near future.
6. Bockhanger Monkeys nursery (who used to operate from the hall) vacated during the Easter break after securing a new facility at the adjacent primary school. This left only very few user groups who in total used the hall for approximately 4 hours a week.
7. With the exception of the library, all of the other user groups are no longer running from Bockhanger Hall (since this was closed on Thursday 29<sup>th</sup> March 2018). Officers have worked with the Trust and user groups to identify alternative venues within a close proximity to Bockhanger.
8. An exercise has shown that in order to bring the community hall up to an acceptable standard whereby it would be comparable with other community

hall facilities across the borough it would require a substantial figure spent on it. The building is approaching the end of its design life and if it were to be allowed to continue it would be subject to increasing repair bills and operating costs.

9. For insurance, safety and security purposes the property to be visited by a security company once per week every week until it is demolished. The company will inspect the building both externally and internally. The building has not been stripped out therefore, internal inspections need to be carried out due to its increased risk of fire etc and will continue to keep the Council's insurers advised.
10. Arrangements are being put in place for the building to be boarded up (with sutex) to protect it from vandalism, break-ins and anti-social behaviour.

## **Implications and Risk Assessment**

11. There will be cost incurred over the forthcoming weeks through to the autumn (which is the anticipated date for demolishing the building), together with the costs of security measures put in place in accordance with the Council's empty properties guidance, and there will be the ongoing cost of boarding the building over.
12. Costs incurred relating to this project will be financed from the Repairs and Renewal budget.
13. When the Council serves notice to terminate KCC's lease there is a risk that they may object (for clarity, KCC has not suggested that it will in the informal conversations officers have had). If this was to happen, it could delay the project by over a year due to the timescales of a court date being set. Officers must ensure that they get approval for the demolition and the associated prior notification of proposed demolition from the Planning Department.

## **Equalities Impact Assessment**

14. Members are referred to the attached Assessment. The key issues arising are the unintended negative impact on people with the protected characteristics of age (the elderly) and those with disabilities. This is centred around the loss of the library rather than the loss of the community hall seeing as this has not been well used for some time.
15. The loss of the library will affect the elderly and the disabled due to the difficulties they may experience with accessing transport and possibly not feeling confident in the use of public transport. For those that are confident in using public transport or have their own transport, there is a very good, modern, library facility in the town centre.
16. If a library service is to be maintained in the locality of the Bockhanger ward, it is anticipated at this stage that it will be a mobile service. The potential issue around this is the method in which the mobile library is accessed which may discourage use of the service by these user groups.

## **Consultation Planned or Undertaken**

17. No consultation regarding the closure of the community hall has been undertaken. Due to the issues highlighted by the extensive survey it was felt by the Bybrook, Bockhanger and Ashford South Advisory Committee that there was no other alternative than to close it.
18. The recommendation is that Bockhanger hall is demolished given the poor condition of the building.
19. Bockhanger Monkeys nursery relocated immediately after Easter which was their intention for a number of months prior to any discussions concerning the future of the hall. With the exception of the library none of the other user groups are operating from Bockhanger Hall (since this was closed on Thursday 29<sup>th</sup> March 2018). Officers have worked with the Trust and user groups to suggest alternative venues within a small radius of Bockhanger. KCC Libraries has expressed that they wish to continue to operate from the building up until commencement of the demolition programme).
20. Following on from this, the Trust has advised that from the list of user groups provided to officers, one of them no longer exists (since before Christmas) as it did not have enough interest, and the Dance and Cheer club had already moved from the Bockhanger hall to a new location. The karate group were looking for new premises prior to the announcement of the closure of the hall and it has been advised have now found a new venue. The archery group only used the hall between September and March so have six months to find an alternative venue, which officers will provide assistance with.

## **Other Options Considered**

21. The alternative would be for the community hall to continue to operate. However, to make this possible it would need a basic refurbishment which would, together with repair costs to bring the building up to a very basic standard would be substantial.
22. The other option considered would be to carry out more extensive refurbishment and upgrade the facilities to include re-roofing, upgrading the insulation to modern Building Regulation requirements and the replacement of windows and doors. The cost of this would be substantial.

## **Reasons for Supporting Option Recommended**

23. The layout of the building means that it can only be used as one large, single hall and does not provide any flexibility. Therefore, this puts limitations on its use and number of bookings.
24. The hall is in a poor state of repair. Its use has declined as its state has deteriorated and, as a community facility, is dated. There are a number of modern, attractive community buildings across the borough, some not far from

Bockhanger such as Repton Park which highlights the fact that Bockhanger Hall is in such a poor condition that it is no longer comparable to any other building of similar use we have to offer.

## **Next Steps in Process**

25. Following the Surrender by BCA, Legal Services will advise KCC that Ashford Borough Council is now their Landlord. Separate to this, the Council will also serve KCC with a Notice terminating their lease giving them a minimum of six months' notice and no more than twelve months' notice (as required by law) to vacate.
26. Following Cabinet approval Corporate Property will apply to Planning and Development for the Prior Notification of Proposed Demolition of the community hall.
27. During the Planning process officers will go out to tender in order to procure the demolition contract.

## **Conclusion**

28. The community building has reached the end of its design life and is in a poor state of repair. Extensive surveys have been carried out which have highlighted a number of issues and vulnerabilities. Keeping the hall open would result in spiralling repair and operating costs.
29. There are a number of modern, attractive community buildings across the borough, some not far from Bockhanger which highlight the fact that Bockhanger Hall is no longer fit for purpose and is not comparable to any other building of similar use the Council has in its portfolio. The cost to bring Bockhanger Community hall up to a standard to match that of modern community halls across the borough would be substantial and is therefore advised to be uneconomical.

## **Portfolio Holder's Views**

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## **Contact and Email**

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# Equality Impact Assessment

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1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

## Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

## Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership\*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

\*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

## Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
  - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
  - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the



potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

**Case law principles**

9. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a

policy, for example, is being developed and agreed but also when it is implemented.

- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

<b>Lead officer:</b>	Victoria Couper
<b>Decision maker:</b>	Cabinet
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	Demolition of Bockhanger Community Hall
<b>Date of decision:</b> The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	10 <sup>th</sup> May 2018
<b>Summary of the proposed decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	<p>The decision to recommend to Cabinet to approve the demolition of this building has been the topic of much discussion by the Bybrook, Bockhanger and Ashford South Advisory Committee.</p> <p>The anchor tenant for the building is KCC Libraries who has expressed that they wish to continue to operate a library service within the locality. However, they are fully aware of the current position and know that ABC will be looking to demolish the building in the near future.</p> <p>The second main tenant, Bockhanger Monkeys nursery vacated during the Easter break after securing a new facility at the adjacent primary school. This left only very few user groups that used the hall for approximately 4 hours a week in total.</p> <p>With the exception of the library, all other user groups are no longer running from Bockhanger Hall (since this was closed on Thursday 29<sup>th</sup> March 2018)</p> <p>Officers have worked with the Trust and user groups to suggest alternative venues within a small radius of Bockhanger Community Centre hall.</p> <p>Following the Surrender by BCA, Legal Services will advise KCC that Ashford Borough Council is now their Landlord. Separate to this, the Council will also serve KCC with a Notice terminating their lease giving them a minimum of six months' notice and no more than twelve months' notice (as required by law) to vacate.</p> <p>Following Cabinet approval Corporate Property will apply to Planning and Development for the Prior Notification of Proposed Demolition of the community hall.</p> <p>During the Planning process officers will go out to tender in order to procure the demolition contract.</p>

<b>Information and research:</b> <ul style="list-style-type: none"> <li>Outline the information and research that has informed the decision.</li> <li>Include sources and key findings.</li> </ul>	<p>A number of surveys have been carried out to determine the condition of this building and these have highlighted a number of issues including a condemned gas radiant heating system and a water supply system vulnerable to contamination amongst others. The building at the end of its design life and is no longer fit for purpose and its use of the facility has declined as its condition has deteriorated.</p>
<b>Consultation:</b> <ul style="list-style-type: none"> <li>What specific consultation has occurred on this decision?</li> <li>What were the results of the consultation?</li> <li>Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	<p>There has not been any consultation carried out regarding the closure and forthcoming demolition of the hall. This is because demolition is the only option due to the state of disrepair that the hall is in and the substantial sum of money that would be necessary to bring the hall up to a modern standard that would be fit for purpose and comparable to the modern community buildings that are available across the Borough.</p> <p>KCC Libraries has had a Lease with the which, they have been holding over on since 2014. Following discussions with the Library service they have expressed that they wish to continue to operate from the building until the hall is demolished which we have advised will be Autumn 2018.</p>

**Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.**

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	High	Negative – Major
Middle age	Low	Neutral
Young adult	Low	Neutral
Children	Medium	Negative – Minor
<u>DISABILITY</u> Physical	High	Negative – Major
Mental	Low	Neutral
Sensory	Low	Neutral

<u>GENDER RE-ASSIGNMENT</u>	Low	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	Low	Neutral
<u>PREGNANCY/MATERNITY</u>	Low	Neutral
<u>RACE</u>	Low	Neutral
<u>RELIGION OR BELIEF</u>	Low	Neutral
<u>SEX</u> Men	Low	Neutral
Women	Low	Neutral
<u>SEXUAL ORIENTATION</u>	Low	Neutral

<p><b>Mitigating negative impact:</b></p> <p>Where any negative impact has been identified, outline the measures taken to mitigate against it.</p>	<p>Access to the existing library is via a flat, level approach and the facility inside is all on one level making it user friendly for the elderly and disabled. A replacement library service, if it were to be a mobile library for instance, which is the most likely option may be more difficult to access due to steps unless, there is a mobile ramp to facilitate entry up onto the vehicle. This may discourage use of the service by these user groups.</p> <p>There is a free bus pass service provided to the elderly meaning that they have free access to transport to the town centre.</p> <p>Children may suffer from the closure of the library, especially if parents have to rely on public transport. However, they do have access to libraries in schools and the Ashford Gateway library in the town centre is only a short journey from Bockhanger.</p>
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<p><b>Is the decision relevant to the aims of the equality duty?</b></p> <p>Guidance on the aims can be found in the EHRC's <a href="#">Essential Guide</a>, alongside fuller <a href="#">PSED Technical Guidance</a>.</p>	
Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	No
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	No
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	No

<p><b>Conclusion:</b></p> <ul style="list-style-type: none"> <li>• Consider how due regard has been had to the equality duty, from start to finish.</li> <li>• There should be no unlawful discrimination arising from the decision (see guidance above ).</li> <li>• Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.</li> <li>• How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?</li> </ul>	<p>The closure of the library affects the elderly and disabled as well as the few groups that used the facility on a weekly basis. The trustees and ABC officers have provided the user groups with a list of alternative venues that are within a small radius of Bockhanger Community hall which they may consider an appropriate alternative venue.</p> <p>With regards to the elderly and disabled, it is likely that a mobile library service will be offered on a weekly basis to replace the facility that Bockhanger offers currently.</p> <p>Although, the proposal to close the facility is necessary it is recognised that there are negative consequences. Unfortunately, due to the poor state of the centre, there is no alternative option than to demolish it.</p>
<p><b>EIA completion date:</b></p>	<p>9<sup>th</sup> April 2018</p>