

Cheltenham Borough Council
Cabinet-9 December 2014
Pittville Scouts Hut in Pittville Park

Accountable member	Cabinet Member for Finance, Councillor John Rawson
Accountable officer	David Roberts (Head of Asset and Property Management)
Ward(s) affected	Pittville
Key Decision	No
Executive summary	<ul style="list-style-type: none"> ➤ The former Civil Defence Control Centre in Pittville Park has been let to 10th Cheltenham All Saints Scouts Group for over 30 years. ➤ The Scouts are well established there and would like to maintain their presence in the park. A new lease has been agreed for a term of 5 years and a rent subsidy was agreed at the Cabinet meeting on the 15th July 2014. ➤ The land is identified as Open Space and has been advertised in accordance with S123(2A) Local Government Act 1972 and it is confirmed that no objections to the disposal have been received
Recommendations	<p>That Cabinet :-</p> <ol style="list-style-type: none"> 1. Agrees to declare surplus the land and buildings that are currently let to 10th Cheltenham All Saints Scouts Group for a term of 5 years. 2. Delegates authority to the Head of Property and Asset Management, in consultation with the Borough Solicitor, to agree the terms of the lease 3. Authorises the Borough Solicitor to execute a lease upon the terms agreed by the Head of Property and Asset Management and such other terms as she considers necessary or advisable
Financial implications	<p>The current lease generates £300 per annum rental income. Should the lease be unable to continue this income would be lost and the Authority would become liable for the ongoing maintenance and repairs of the building.</p> <p>Contact officer: Nina Philippidis, Accountant nina.philippidis@cheltenham.gov.uk, 01242 264121</p>

Legal implications	<p>The Council has a legal obligation imposed by section 123 of the Local Government Act 1972 to advertise proposed disposals (including leases) of public open space, and to consider any objections.</p> <p>The lease would qualify as a business lease under the Landlord and Tenant Act 1954. Accordingly, the tenant may have statutory rights to renew the lease, and may be due compensation at the end of the lease.</p> <p>Contact officer: Rose Gemmell, rose.gemmell@tewkesbury.gov.uk, 01684 272014</p>
Key risks	None as there have not been any objections to the advertisement.
Corporate and community plan Implications	None
Environmental and climate change implications	

1.0 Background

- 1.1 For over 30 years the 10th Cheltenham All Saints Scouts Group has used the former Civil Defence Centre as a scouts hut (see attached plan Appendix 2).
- 1.2 The 10th Cheltenham All Saints Scouts Group plays a very positive role in the life of the local community. The scouts hut itself is a valuable amenity benefiting many young people and families in the area.
- 1.3 The group would like to renew their lease which expired in 1997 and have been holding over on the terms of that lease ever since. A new lease for a term of 5 years has been agreed and on the 15th July 2014 the Cabinet approved a third sector rent subsidy.
- 1.4 The land upon which the buildings are sited is Open Space and the appropriate Notice detailing the proposed leasehold disposals pursuant to S123(2A) of the Local Government Act 1972 was placed in the Gloucestershire Echo on the 10th & 17th September 2014.. The Notice gave details of the proposed disposals and asked that if there were any objections to send them in writing to the Borough Solicitor by 9am on 1st October 2014. No objections were received.

2. Reasons for recommendations

- 2.1 To allow the current tenants a new lease of the former Civil Defence Centre

3. Alternative options considered

- 3.1 Cabinet could decide not to agree to the leasehold disposals but this would result in the closure of the scouts hut in the park which would lead to the Council taking back the maintenance, repair and on-going liability of the building.

4. Consultation and feedback

- 4.1 Ward members and senior council officers have been consulted about this proposal and no adverse comments received. Asset Management Working Group were due to consider this report

at their meeting scheduled for 4 December 2014.

Performance management – monitoring and review

4.2 Not Applicable

Report author	Contact officer: Rebecca Conway rebecca.conway@cheltenham.gov.uk, 01242 775148
Appendices	1. Risk Assessment 2. Location Plan
Background information	1. None

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the disposal of the public open space is not granted then it may mean the shutting down of the Scouts group	DR	14-10-2014	3	1	3	Accept & Monitor	Recommend the grant of a new lease		RC	