

Cheltenham Borough Council
Cabinet 11 September 2018
Grant of Lease to Mary Godwin Under Fives
Authority to Dispose of Open Space

Accountable member	Cabinet Member for Finance, Councillor Rowena Hay
Accountable officer	Head of Property & Asset Management, Dominic Stead
Ward(s) affected	Swindon Village
Key/Significant Decision	No
Executive summary	<p>The Mary Godwin Under Fives Club has been occupying part of the pavilion at Wyman's Lane for c.30 years.</p> <p>The club provides childcare for approximately 15 children and has an overall Ofsted rating of 'good'.</p> <p>In order to provide certainty to both parties, it is suggested that a lease is put in place to document the respective rights and responsibilities. It is also proposed that the lease could be terminated by either party upon giving 12 months' notice. This would allow both parties flexibility in the future.</p>
Recommendations	<p>That Cabinet RESOLVES</p> <ol style="list-style-type: none"> 1. the disposal of part of the pavilion shown edged red on the attached plan (currently in occupation by the prospective tenant) by way of a new lease for a term of 10 years (contracted out of the Landlord and Tenant Act 1954), subject to any objections received. 2. to charge a rent of £2,150 per annum exclusive of business rates, service charge, utilities and insurance and upon such other terms as the Head of Property and Asset Management may direct.
Financial implications	<p>The rental agreed will provide CBC with £2,150 of rental income per annum. However, with there being a new lease in place the prospective tenant will be eligible to apply for third sector rental assistance.</p> <p>The Lease will be granted for a term of 10 years. Therefore, this ensures that this council will continue to receive monies for this open space for potentially a longer period of time whilst reserving their right to take back occupation should it be required.</p> <p>Contact officer:</p> <p><i>Andrew Knott@cheltenham.gov.uk, 01242-264121</i></p>

Legal implications	<p>The Council is under a statutory obligation under section 123 of the Local Government Act 1972 to secure the best consideration reasonably obtainable.</p> <p>In addition, where the property is public open space the Council must advertise the proposed disposal for 2 consecutive weeks in a local newspaper and consider relevant objections.</p> <p>Contact officer:</p> <p>rose.gemmell@teWKesbury.gov.uk, 01684 272014</p>
HR implications (including learning and organisational development)	<p>Not applicable.</p> <p>Contact officer: , @cheltenham.gov.uk, 01242</p>
Key risks	<p>At lease end the premises may not be returned to the Borough in an appropriate condition.</p>
Corporate and community plan Implications	<p>The granting of a new Lease to Mary Godwin's Under Fives Club contributes to the Council's corporate objectives of:</p> <p>Being able to lead a healthy lifestyle</p> <p>The enjoyment of a strong sense of community</p>
Environmental and climate change implications	<p>None.</p>
Property/Asset Implications	<p>As outlined in this report.</p> <p>Contact officer: Dominic.Stead@cheltenham.gov.uk</p>

1.2 Background

- 1.1 The Mary Godwin Under Fives Club has been occupying part of the pavilion at Wyman's Lane for c.30 years.
- 1.2 The club provides childcare for approximately 15 children and has an overall Ofsted rating of 'good'.

In order to provide certainty to both parties, it is suggested that a lease is put in place to document the respective rights and responsibilities. It is also proposed that the lease could be terminated by either party upon giving 12 months' notice. This would allow both parties flexibility in the future.

2.0 Consultation and Feedback

- 2.1 As the property is public open space the Council must advertise the proposed disposal for 2 consecutive weeks in a local newspaper and consider relevant objections. The advertisement was placed in the local newspaper on 16th August 2018 for two consecutive weeks. It has been agreed the Council will split the costs (circa £750) 50:50 with the prospective tenant.
- 2.2 It is not anticipated that there will be any objections from members of the public given the fact the nursery has been in occupation for c.30 years, but any objections will be reported and considered at the cabinet meeting.

3.0 Performance management – monitoring and review

- 3.1 The Head of Property & Asset Management will negotiate the detail of the terms and the Borough Solicitor will prepare and execute the lease.
- 3.2. The lease and property will be managed by the Property and Asset Management team, in conjunction with the Green Spaces team, to ensure all terms and obligations are met.
- 3.3 Lease details will be entered onto Uniform guaranteeing all future rent reviews and renewals will be executed pursuant to the leases. Regular meetings will be held with the tenants to understand their requirements and concerns. The property will be inspected on a periodic basis to ensure that it complies with Health and Safety regulations and remains in good condition to safeguard the property value.

Report author	Contact officer: Asset Management Surveyor harry.lea@cheltenham.gov.uk 01242-264112
Appendices	1. Appendix 1 (exempt) 2. Appendix 2 - Risk Assessment (exempt) 3. Proposed Lease Plan