

Cheltenham Borough Council

Cabinet

Request for Leasehold Disposal of Open Space at Montpellier Gardens

Accountable member	Cabinet Member for Finance Councillor John Rawson
Accountable officer	David Roberts (Head of Asset and Property Management)
Ward(s) affected	Lansdown
Key Decision	No
Executive summary	<p>➤ The Council has been approached by the current tenant of the Proscenium Building, Montpellier Gardens, who wish to enter into a further lease term of 25 years to enable access to grant funding to implement 'green initiatives'. The land is considered to be Open Space and is therefore subject to the requirements of S123(2A) Local Government Act 1972.</p>
Recommendations	<ol style="list-style-type: none">1. That Cabinet agrees to declare surplus the parcel of open space land outlined in red on the attached plan (attached as Appendix A) and to authorise the placing of a Public Notice pursuant of Section 123(2A) of the Local Government Act 1972 in respect of the leasehold disposal of the parcel of open space the land and Proscenium building at Montpellier Gardens, Cheltenham the location being outlined In red on the plan attached to this report.2. That any objections and representations which might be received in response to the advertisement be considered by Cabinet before making a recommendation to the Cabinet Member for Finance for a final decision concerning the land.3. That should no objections or representations be received in response to the advertisement, that Cabinet declare the land surplus and the matter is referred to the Cabinet Member for Finance for a final decision concerning the proposed new lease of the Proscenium Building.
Financial implications	<p>Any new lease should be entered into on commercial terms allowing a reasonable financial return to the council whilst ensuring the council is not financially liable for ongoing maintenance of the land.</p> <p>Contact officer: Nina Philippidis , Accountant nina.philippidis@cheltenham.gov.uk, 01242 775221</p>
Legal implications	<p>Prior advertisement and consideration of objections is a statutory obligation when contemplating the possible disposal of land which is designated as Public Open Space.</p> <p>Contact officer: Rose Gemmell, Rose.gemmell@teWKesbury.gov.uk, 01684 272014</p>

Key risks	None
Corporate and community plan Implications	None
Environmental and climate change implications	

1. Background

- 1.1** The Gardens Gallery CIC, currently occupy the Proscenium Building under a lease granted in 2007 for a term of 3 years, the lease is a protected tenancy for which the Tenant has an automatic right of renewal, subject to specific matters contained in the Landlord and Tenant Act 1954.
- 1.2** The Gardens Gallery was founded by 5 arts groups and provides space to allow local artists to exhibit their work at the Proscenium building. It is run by volunteers and the Gallery is open free of charge to the public. The Gardens Gallery also provides workshops, learning and educational talks on art.
- 1.3** They wish to carry out non-structural alterations to the building to introduce green initiatives. To enable these works the Gardens Gallery CIC have made an application for grant funding to an external body, one of the terms of the grant agreement is that the Gardens Gallery must hold a lease for a term of a minimum of 25 years to support the grant application.
- 1.4** In order for conclusion to be reached as to whether a lease for a term of 25 years may be granted it is first required, by virtue of S123(2A) of the Local Government Act 1972, that the proposed disposal is advertised in a local newspaper and for Cabinet to consider any representations made, thereafter.

2. Reasons for recommendations

- 2.1** Advertising the leasehold disposal of Open Space, will assist to inform any further commercial lease decisions in respect of the Proscenium Building

3. Alternative options considered

- 3.1** The Cabinet could decide not to agree to place the requisite public notice which would result in the Proscenium Building being closed, the Council having no operational use for it.

4. Consultation and feedback

- 4.1** Ward members have been consulted and no adverse comments have been received

5. Performance management –monitoring and review

- 5.1** Not Applicable

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Appendices	<ol style="list-style-type: none">1. Risk Assessment2. Location Plan
Background information	

Risk Assessment

Appendix 1

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 there is a high level of public objection to the disposal notice then it may result in a decision not to dispose	DR	27 th Nov 2012	2	2	4	Accept	Monitor		DR	