

<b>Key Decision Required:</b>	<b>No</b>	<b>In the Forward Plan:</b>	<b>No</b>
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## CABINET

### REPORT OF THE PORTFOLIO HOLDER FOR ENFORCEMENT AND COMMUNITY SAFETY

4 NOVEMBER 2016

**A.6 A SURRENDER OF THE CURRENT LEASE AND GRANT OF A NEW LEASE OVER THE SKATE PARK ADJACENT TO THE SWIMMING POOL, LOW ROAD RECREATION GROUND, DOVERCOURT**

(Report prepared by Jennie Weavers)

#### **PART 1 – KEY INFORMATION**

##### **PURPOSE OF THE REPORT**

To approve the principle of agreeing the surrender of the current lease and the granting of a new lease of the Skate Park adjacent to the Swimming Pool, Low Road Recreation Ground, Dovercourt.

##### **EXECUTIVE SUMMARY**

The current tenants, Harwich Town Council, took a Lease over the land on Low Road Recreation Ground in 2002 and built the skate park. They advise that the current facility is now over 10 years old and becoming more expensive to repair and maintain. They are proposing to fully replace the skate park and wish to apply for grant funding to do this. The current Lease is due to expire in 2023 and in order to qualify for a grant they need a longer unexpired term.

It is proposed to accept the surrender of the current Lease and grant a new 21 year Lease in accordance with the Heads of Terms set out in the report in Part B of this Agenda.

##### **RECOMMENDATIONS**

**That Cabinet approves the principle of accepting the surrender of the current Lease and the granting of a new Lease of the site to the Lessees.**

#### **PART 2 – IMPLICATIONS OF THE DECISION**

##### **DELIVERING PRIORITIES**

The new lease will facilitate renovation of the skate park which will contribute to the following Council priorities:

- To support local regeneration
- To provide first rate leisure facilities
- To regenerate the District and improve deprived areas

## **FINANCE, OTHER RESOURCES AND RISK**

### **Finance and other resources**

The granting of a new lease will enable the regeneration of the facility whilst continuing to provide a small income to the council and retaining the freehold of the asset.

### **Risk**

If grant funding cannot be secured then the total replacement of the skate park may not be possible. The tenant is however responsible for the full repair and maintenance of the equipment under the Lease and Officers will monitor the property and ensure that the conditions within the Lease are met.

## **LEGAL**

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district.

Section 123(1) of the Local Government Act 1972 indicates that, a local authority may dispose of land held by it in any way it wishes so long as (section 123 (2)) the land is disposed for a consideration not less than the best that can reasonably be obtained.

Section 123(2A) of the Local Government Act 1972 indicates that a local authority must advertise potential disposals of open space in the local press before disposing of land.

The General Disposal Consent Order (England) 2003 gives consent for disposal at below best consideration reasonably obtainable provided that the undervalue is less than £2m and the proposal enhances the environmental economic and social wellbeing of the area.

In this case the area in question will remain publicly available and is subject to a current lease that includes statutory protection under the Landlord and Tenant Act 1954. Accordingly it is not proposed to advertise the potential new lease.

The Council's ordinary approach to meeting the obligation to obtain the Best Consideration reasonably obtainable is to openly market land for disposal. In this case the marketing of the site is impractical and therefore it is proposed that Cabinet uses the discretionary power under the General Disposal Consent Order (England) 2003 to grant a lease without marketing it. The proposed new lease is on similar terms to the existing one.

## **OTHER IMPLICATIONS**

**Consideration has been given to the implications of the proposed decision in respect of Crime and Disorder, Equality and Diversity, Health Inequalities, Consultation/Public Engagement and Wards; and any significant issues are set out below.**

None

### **Ward**

Harwich West Central

## **PART 3 – SUPPORTING INFORMATION**

### **BACKGROUND**

A lease of the Skate Park site was granted in 2002 for a term of 21 years and the current tenants built the skate park on the site with planning permission. They have maintained the equipment on site but advise that it is starting to cost more in maintenance as it is now over ten years old.

**CURRENT POSITION**

The current tenants have approached the Council with a proposal to fully replace the skate park, however to do this they require grant funding. In order to secure funding they need a lease with a with a longer unexpired term than the 7 years on their current Lease. They have requested that the Council accept the surrender of their current Lease and grant them a new 21 year Lease on the same terms which are set out in the report in Part B of this agenda.

**FURTHER HEADINGS RELEVANT TO THE REPORT**

None

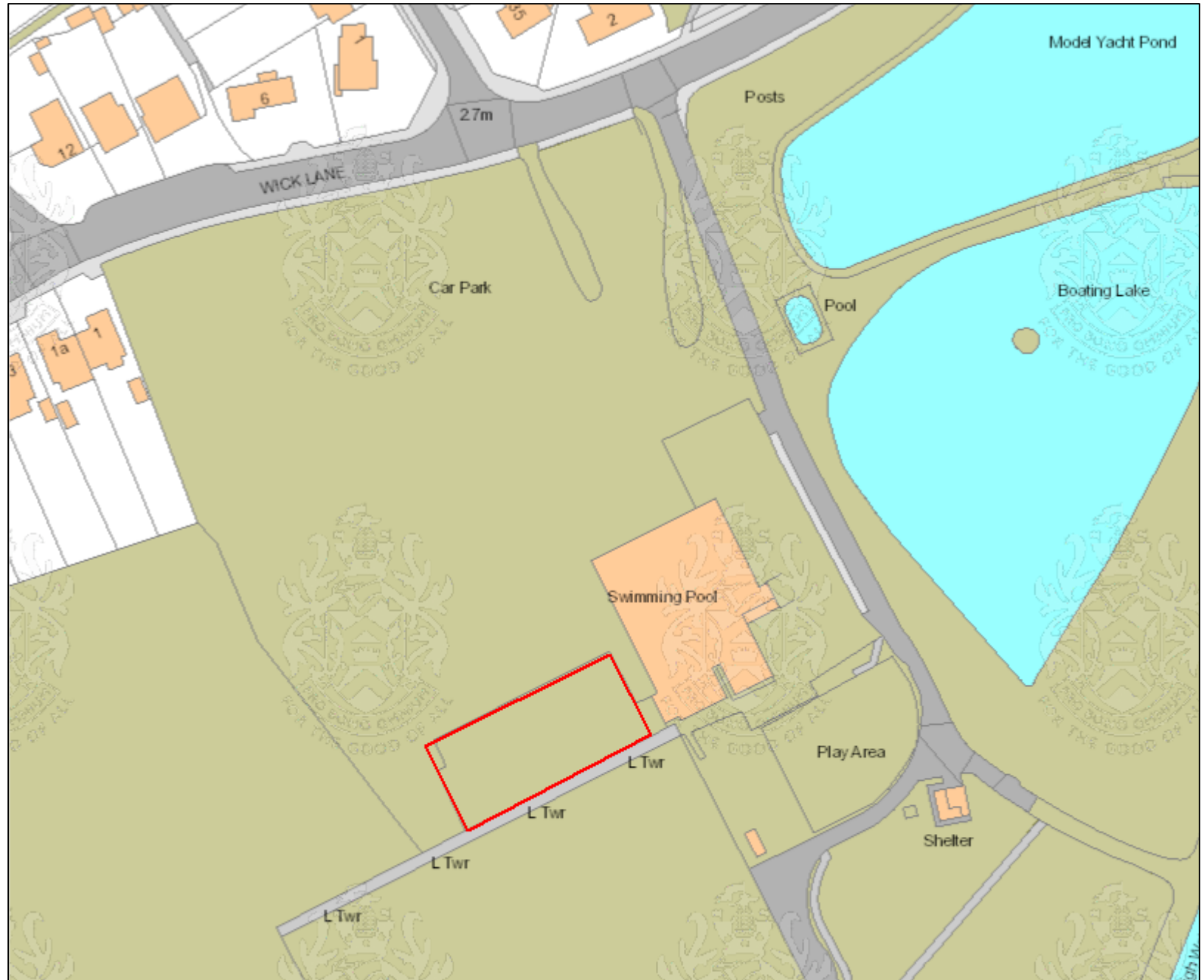
**BACKGROUND PAPERS FOR THE DECISION**

None

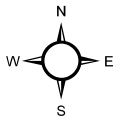
**APPENDICES**

**Appendix A: Location Plan**

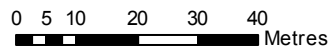
# Legend



Date: 09/09/2015



Author:



## Map Notes