

REPORT TO THE EXECUTIVE MEETING OF 7th Nov 2011

Status: Decision
Title: Lease of Symingtons Bowls Pavilion to Harborough Youth and Community Trust
Originator: Matthew Bills, Public Spaces Manager
Where from: Management Board
Where to next: Implementation

1 Purpose Report

1.1 Members are asked to consider the report concerning the lease of Symingtons Bowls Pavilion and attached land (shown at **Appendix A**) to Harborough Youth and Community Trust (HYACT) and to approve the following recommendations.

2 Recommendations

That the Executive:

- (i) **consider the content of the report and the request made by HYACT to lease the land at Symingtons Bowls Pavilion, and approve the grant of a 28 year lease to HYACT on a full maintenance and repair lease subject to (ii) below;**
- (ii) **note the lease be treated as a business lease under Part II of the Landlord and Tenant Act 1954 and security of tenure be excluded. (details in section 6 – Legal Issues)**
- (iii) **notes the consultation undertaken by HYACT shown at Appendix B.**
- (iv) **note that HYACT have received planning permission for the improvements to the bowls pavilion;**

3 Summary of Reasons for the Recommendations

- 3.1 HYACT is a community led project that aims to give an opportunity for young people (aged 11 to 17) a place to spend their leisure time, as well as providing structured after school sessions and projects targeted at Young People with specific needs. HYACT aims to offer open, discrete access to other community services for the young people such as Bower House counsellors and Connexions Advisores.
- 3.2 The consultation exercise undertaken by HYACT has shown broad support from members of the community and elected members alike.

4 Impact on Communities

- 4.1 The operation of a youth facility from the Symingtons Bowls pavilion will increase the number of people visiting the site.
- 4.2 Symingtons Recreation Ground has been subject to small amounts of anti social behaviour in the past, and additional use will help discourage persons causing disturbance.
- 4.3 The Recreation ground is currently used by the Symingtons Sports Association which included the Archery Club and Borough Alliance Football Club.

5 Key Facts

- 5.1 Symingtons Bowls Club was donated to the Town by the Symingtons family on 31st May 1930.
- 5.2 The Symingtons Bowls Club made the decision to relinquish its 25 year lease on the pavilion and bowling green early in 2011.
- 5.3 Officers had already been approached by youth workers seeking a venue for their youth work. Members of HYACT visited the pavilion and determined that it would be suitable for their project.
- 5.4 HYACT set up a working group, appointed an architect and planning consent was applied for in July 2011 for extensions to the building and alterations to the internal layout of the building.
- 5.4 Planning permission was received in July 2011, and officers received a draft lease from the Trust legal advisers. The lease has been reviewed by Legal Services, and will meet the requirements of the District Council prior to signature.
- 5.5 The Trust will be responsible for all building repairs and maintenance of the extended pavilion and adjoining land.

5.6 The Trust wishes to include a clause in the lease to allow subletting of the adjoining land. This will allow the Trust to generate an income from the facility and will allow other community-led projects to be accommodated

6 Legal Issues

6.1 The lease is being treated as a business lease and, as such, is protected by Part II of the Landlord and Tenant Act 1954 (the 1954 Act). This gives the tenant indefinite security of tenure unless one of the grounds set out in the 1954 Act apply. For example, if the tenant has failed to carry out repairs to the premises that he was obliged to carry out; persistently failed to pay the rent; or there were other substantial breaches of the lease the Council, as landlord, could challenge the renewal of the lease. In addition, if the Council could find suitable alternative accommodation for the tenant, or intends to redevelop the premises or occupy them for business purposes itself at the end of the lease term, the Council, as the landlord, could challenge the renewal.

6.2 It is possible to exclude the provisions of the 1954 Act, with the agreement of the tenant, prior to the lease being entered into. This would take away the tenant's right to renew the lease at the end of the term, and there would be no right to statutory compensation – which would have been payable in certain circumstances – if the Council relied upon the grounds set out in the 1954 Act, referred to above. The level of compensation payable is currently based upon the rateable value of the land covered by the lease. It is suggested that the lease should exclude the provisions of the 1954 Act and that future negotiations with HYACT should be on this basis for the reasons set out above.

6.3 It is recommended that a peppercorn rent of £1.00 per annum is charged for the lease of the pavilion and associated land. However, as S123 of the Local Government Act provides that an authority shall not dispose of land for a “consideration less than the best that can be reasonably obtained”, the consent of the Secretary of State will be required for such an amount to be charged. Should the consent not be given, consideration will have to be charged at the standard market value for a business tenancy. Consent can only be sought once a valuation has been provided

6.4 The valuation of the site and buildings required for the consent of the Secretary of State will be undertaken by the District Valuer. HYACT will be responsible for meeting the cost of the valuation

7 Resource Issues

7.1 By issuing a 28 year lease on the pavilion and adjoining land the Council will not incur the maintenance costs for the grass, hedge and adjoining tree/shrub area. This amounts to a minimum saving of £730.00 per annum if maintained through the Grounds Maintenance Contract.

7.2 Additionally, there will be a saving on maintenance and repair of the pavilion.

8 Equality Impact Assessment Implications/ Outcomes

8.1 An initial equality impact assessment has been completed attached at **Appendix C**, and a fuller assessment is not considered necessary as the initial assessment did not highlight any policy changes that would warrant a more full assessment.

9 Impact on the Organisation

9.1.1 By approving the lease of Symingtons Pavilion to HYACT, and supporting the redevelopment of the facility, it fulfils the aims and objectives of Environment and Leisure Services and the framework that it works within; in particular to:

- operate in partnership;
- develop community capacity to empower groups/ individual to lead sustainable projects; and
- increase participation in cultural activities.

9.2 Furthermore, this satisfies the aims and objectives of the Council and the commitment to work through partnerships to serve our local community. These include:

- Place – improving the range and quality of facilities available to the community
- People – enabling community members to deliver sustainable facilities with their neighbourhoods

9.3 The targets within the Leicestershire Sustainable Community Strategy (2008 to 2013) that this initiative would support are:

- Stronger, more cohesive communities
- A safe and attractive place to live and work
- A healthier Leicestershire
- More effective and efficient services

10 Community Safety Implications

10.1 The site is currently used by the Symingtons Sports Association on a weekly basis. By increasing the users and visitors to the site the incidences of anti - social behaviour should be decreased and the perception of safety increased.

11 Consultation

11.1 HYACT has undertaken extensive consultation regarding the proposed youth centre, the findings of which are contained at **Appendix B**.

12 Options Considered

12.1 To not issue a lease to HYACT would be unsupportive of the Localism Agenda, and prevent the community group giving opportunities to young people.

13 Background Papers

13.1 none

Previous report(s): none.

Information Issued Under Sensitive Issue Procedure: No.

Ward Members Notified: Yes