

To:	Cllr Robin Betts, Cabinet Member for Housing, Environment and Economy
From:	Stuart Edwards, Head of Administrative and Property Services
Director:	Adrian Stanfield, Director of Central Services

BRIEFING NOTE: EXECUTIVE - NON-KEY DECISION

LEASE OF WATERINBURY CAR PARK

Summary of Issue: Wateringbury Parish Council have approached the Council requesting a lease of the Wateringbury Car Park.

Recommendation: To grant a lease of the car park to the Parish Council.

1 Background

The Council owns and manages the Wateringbury village car park, situated adjacent the village hall. The car park is non-charging and the Council is responsible for all maintenance and repair.

The Parish Council approached the Council enquiring whether it could take a lease of the car park. The Council's Community Assets Transfer Policy allows the transfer of assets to Voluntary and Community Sector bodies, which includes Parish Councils, where the transfer meets one or more of the objectives listed. One of the objectives is to generate financial savings and value for money for the Borough Council.

Negotiations have been taking place and the terms set out below have been agreed, subject to Member approval.

2 Lease Terms

The main proposed terms for the new lease of the retail unit are as follows:-

- 1) Property – Wateringbury village car park
- 2) Tenant – Wateringbury Parish Council
- 3) Term – 25 years
- 4) Break Option – mutual break options at each 5th year of the term

- 5) Rent - £1,250 per annum, with the rent increasing annually in line with CPI
- 6) Licences – The Tenant to be able to grant Licences and any income generated to be shared on a 50/50 basis with the Landlord
- 7) Use – non-charging public car park
- 8) Repairs – tenant to be responsible for all repairs and maintenance
- 9) Costs arising – tenant to be responsible for meeting any costs arising from operating the car park, including any business rates
- 10) Lease to be outside of the Landlord and Tenant Act 1954
- 11) Insurance – landlord to insure and recharge annual premium to the tenant
- 12) Each party to bear their own legal costs in preparing and completing the lease

3 Legal Advice

The matters set out in this briefing note are considered routine or uncontroversial. The Council's Locum Property Solicitor will be instructed to draft the necessary documentation.

4 Financial and Value for Money implications

The proposed annual rent has been arrived at looking at a range of factors including the fact the lease use will be restricted to a public non-charging car park. In addition to the income receivable, the Council will save on the direct costs associated with operating the car park, estimated to be approximately, on average, £2,000 – 3,000 per annum.

5 Risk Assessment

There are not considered to be any risks associated with the proposal.

6 Public Sector Equality Duty

We do not consider there to be any equality related issues in this matter.

7 Consideration by Overview and Scrutiny

We do not consider that this matter needs to be considered by O&S/ SSC before a decision is made.

8 Communications

Local Members have been consulted and are in agreement with the proposed way forward.

9 Conclusion

We recommend the car park be leased to Wateringbury Parish Council in line with the details in this briefing note.

10 Annexes

N/A