

Report to: **Executive**

Date: **11<sup>th</sup> March 2021**

Title: **Request for Grant of Long Leasehold renewal**

Portfolio Area: **Assets**

Wards Affected: **Woolwell**

Urgent Decision: **N** Approval and clearance obtained: **Y / N**

Date next steps can be taken:

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**Recommendations:**

**That the Executive delegates authority to progress and conclude negotiations of a lease renewal to Bickleigh Parish Council to the CoP lead for Assets, in consultation with the S151 Officer and Leader of the Council, for a term in excess of 15 years.**

**1. Executive summary**

- 1.1 Anomalies have been identified with the existing lease to Bickleigh Parish Council for the Woolwell Centre.
- 1.2 It is necessary to address these by the simultaneous surrender and re-grant of leasehold interests.
- 1.3 The Council has delegated power to the Corporate Property Officer (CoP Head of Assets) to grant licences, periodic tenancies and leases up to a term not exceeding 15 years.
- 1.4 Accordingly, the CoP Head of Assets seeks delegated authority to proceed with negotiations with Bickleigh Parish Council with a view to agreeing a replacement lease for a term in excess of 15 years. Confirmation of the proposal to be agreed in consultation with the S151 officer and Leader of the Council.

**2. Background**

- 2.1 The Council owns the freehold of land off Dark Lake Lane, Woolwell, a large part of which was leased to Bickleigh Parish Council (BPC) in 1996 for a term of 125 years. The lease was agreed so that BPC could construct a new community centre and car park. This construction work was completed shortly after completion of the lease.
- 2.2 The existing lease was drafted and agreed to permit the development of the land then for the new facility to be managed directly by BPC. This has not been the case for some years, as the centre is managed by Woolwell

Community Resource Trust (WCRT), on behalf of BPC, under a management agreement.

- 2.3 It is also such that the demise originally granted in 1996 does not correctly reflect the land that is occupied by the Centre's car park. A small parcel of land towards the southern end of the car park is not included within the demise. Please see appendix - Existing Lease Plan – 040-9-19, which shows the existing demise edged red.
- 2.4 As described in 2.2 and 2.3 above, it is necessary to correct these issues i.e. to permit BPC to sublet to the WCRT and ensure that the whole area occupied is demised to BPC. This can only be achieved by the grant of a 'replacement' lease.
- 2.5 This leasehold anomaly requires a resolution so that the agreement will correctly reflect that land occupied by a third party – in this instance BPC and WCRT. Please see appendix - Proposed Lease Plan – 04-09-20, which shows the proposed demise edged red.
- 2.6 There will be no physical affect to the local community or users of the land or resource centre, as the land is already laid out and used as proposed.
- 2.7 In accordance with LGA 1972, the Council has advertised its intention to re-grant this lease, with no representations being received from the public.

### **3. Outcomes/outputs**

- 3.1 It is proposed to grant a new lease which will replace the existing agreement.
- 3.2 The proposed lease will expire on the same date as the existing agreement - 31<sup>st</sup> December 2120 - and save for the 2 amendments above, it will be on similar terms.
- 3.3 The completion of this replacement lease will correct a longstanding anomaly.

### **4. Options available and consideration of risk**

- 4.1 There are no other positive options available in this instance.
- 4.2 The existing lease to BPC is a 'protected' tenancy, which gives BPC security of tenure for the term of the lease.
- 4.3 While the management of the Centre by a third party is, strictly speaking, a breach of lease terms, the resource and amenity provided to the community by this facility is one that the Council will wish to continue to support. As such, it is felt that the Council would not wish to take enforcement action against this breach, but to remedy the original oversight of lease terms.
- 4.4 Both the ward member for Woolwell and the Legal CoP have been consulted and are supportive of the proposal.

### **5. Proposed Way Forward**

- 5.1 To proceed with a simultaneous surrender of existing and grant of a replacement lease to address historical anomalies.
- 5.2 This will ensure that the lease will properly reflect those terms that the asset is occupied under.
- 5.3 There are no perceived risks associated with this proposal.

## 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Legal CoP has been consulted and advised that the proposal is the best course of action.</p> <p>There is no statutory obligation for the Council to re-grant the lease, but it is good Estate Management.</p> <p>There are no governance issues associated with this proposal. It will be for the Legal CoP to complete the necessary documentation.</p>
Financial implications to include reference to value for money	N	With the exception of a small amount of officer time, there are no financial implications associated with this proposal.
Risk	N	There are no significant risks associated with this proposal.
Supporting Corporate Strategy	N	This does not relate directly to a Corporate Strategy.
Climate Change - Carbon / Biodiversity Impact		There are no new impacts on Climate Change, Carbon or Biodiversity associated with this proposal.
<b>Comprehensive Impact Assessment Implications</b>		
Equality and Diversity		There are no Equality and Diversity implications.
Safeguarding		There are no Safeguarding implications.
Community Safety, Crime and Disorder		There are no impacts on crime and disorder reduction.
Health, Safety and Wellbeing		There are no impacts on Health, Safety and Wellbeing.
Other implications		There are no other implications.

### **Supporting Information**

#### **Appendices:**

**A** - Existing Lease Plan – 040-9-19.

**B** - Proposed Lease Plan – 04-09-20.

#### **Background Papers:**

None.