

## Bath & North East Somerset Council

DECISION MAKER:	<b>Councillor Paul Crossley, Leader of The Council, in consultation with Cllr David Bellotti, Cabinet member for Resources</b>	
DECISION DATE:	<b>On or after 29<sup>th</sup> March 2014</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		<b>E 2624</b>
TITLE:	<b>Grant of Lease of Public Conveniences at Alice Park</b>	
WARD:	Lambridge	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> Appendix One – Outline Heads of Terms Appendix Two – Lease plan Appendix Three – Qualifying Surveyors Report Appendix Four – Public Notice of Disposition		

### 1 THE ISSUE

- 1.1 This report seeks the consent of the Leader of the Council – representing the Council as Trustee – to the grant a lease of the public conveniences at Alice Park.

### 2 RECOMMENDATION

- 2.1 The public conveniences at Alice Park is to be leased to Healthmatic Limited, in accordance with the terms set out in the Heads of Terms in Appendix One.
- 2.2 The Qualified Surveyors' Report is accepted.
- 2.3 The Public Notice is authorised for publication.

### **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 The proposed letting will sit alongside the management agreement signed by Healthmatic Limited on 27 November 2013, for provision of public convenience across the Bath & North East Somerset area.

### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 This property forms part of Alice Park which is subject to a Trust. The proposed leasehold disposal is within the terms of the trust. The opportunity to take a lease of the public conveniences has not been advertised, per se, although the overall contract has been advertised through a full procurement process. It is considered that the grant of a lease, with the associated contract, is in the best interest of the Trust as it ensure continuation of use and improvements of the facilities within the park. A Qualifying Surveyors Report is attached in Appendix Three, as required under s119 of the Charities Act 2011 and a public notice of the disposition will arranged in accordance with s121 of the Charities Act 2011. The Property Law Manager has confirmed that the above is adequate. A copy of the public notice is enclosed in Appendix Four.
- 4.2 The Leader of The Council in the absence of any other arrangement is empowered to represent the Council as Trustee for the Trust. Any decision should be made on the basis that it represents the best interests of the trust.
- 4.3 In making the decision the Leader should satisfy himself that the proposed lease is in the best interests of the Trust having reference to the rationale above.

### **5 THE REPORT**

- 5.1 As part of the MTSRP significant savings to the provision of public conveniences have been identified and after a full procurement process the Council has entered into a contract with Healthmatic Limited.
- 5.2 The overall public convenience contract has been granted for 15 years, with a potential extension for a further 5 years. The decision to grant the contract to Healthmatic was made by Matthew Smith, Divisional Director, Environmental Services.
- 5.3 To allow the contractor to invest in necessary improvements to the facilities and thereafter provide a comprehensive cleaning and management service, a lease of each site will be granted on co-terminus terms to the contract. A lease also safeguards the Council's position over ownership and tenure of the buildings.
- 5.4 The provision in Alice Park has been identified as one that should remain under the criteria of prioritising public toilets in or serving parks, play areas and green spaces, plus key transport hubs.

### **6 RATIONALE**

- 6.1 The grant of the lease of this property will provide the Trust with a continuation of the public toilet provision for the term of the contract and allow improvements to those facilities, consistent with other Council parks.

## 7 OTHER OPTIONS CONSIDERED

7.1 None

## 8 CONSULTATION

8.1 Leader of the Council, Cabinet members; Section 151 Finance Officer; Monitoring Officer

8.2 The report has been provided to the above parties and their responses if any have been incorporated in to the body of the report.

8.3 The Council's monitoring Officer (Council Solicitor) and Section 151 officer have had the opportunity to input this report.

## 9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	<i>Mike Dawson, Group Manager (Commercial), 01225 396093</i>
<b>Background papers</b>	<i>None</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	