

Single Member Cabinet Decision

Executive
Forward Plan
Reference

E2752

CAT - Batheaston Gardens, Car Park and WC block

Decision maker/s	Cllr Bellotti, Cabinet Member for Resources with Cllr Crossley, Leader
The Issue	It is proposed to grant leases at a market rent, but abated to nil, of land and premises under the provisions of the Community Asset Transfer policy. The grants will require cabinet approval to authorise the Chief Property Officer to deal with the disposal of the asset because there are no current delegations or resolutions to allow such a transfer to take place at less than best consideration; best consideration being based on market values.
Decision Date	23 March 2015
The decision	<p>The Cabinet Members agreed that</p> <ol style="list-style-type: none">1.1 The Chief Property Officer be authorised to enter into an agreement for lease and licence to occupy with Batheaston Parish Council (BPC) on the basis :1.2 The Agreement will be conditional on BPC securing planning permission for redevelopment of the WC block and a relocated access to the car park with a long stop date of 5 years. In the interim, the Council will grant a licence to occupy.1.3 The lease reserves a market rent which is abated to nil, subject to the tenant satisfying the landlord that it uses the property only for appropriate purposes delivering community benefits and with the Council having an option for the return of the asset at nil consideration should this use not continue.1.4 The lease imposes restrictions ensuring that the premises can only be used for the community purposes set out.1.5 The tenant has a 6 month rolling break option throughout the term. If this option is exercised there will be no reimbursement of costs to the tenant for any investment they have made.
Rationale for decision	<p>At its meeting of 19th February 2013 Council resolved to note the approach to Community Assets as set out and support the progression of transfers to the organisations identified in the Annexe</p> <p>The application of this policy accords with guidance to Local Authorities on asset transfers. The idea is to help secure community benefits in line with Council priorities and objectives by transferring long term leasehold ownership of property at a nominal rental, in exchange for arrangements designed to secure community benefits in line with Council objectives.</p> <p>As there are no current delegations in place to officers it is necessary to give specific authority to enter into this transaction. The proposals give a structure which can demonstrate the audit trail that led to the grant of a leasehold disposal at less than market value.</p>

Financial and budget implications	<p>The proposal incorporates three separate parcels of land and the last reported asset values for each are as below:</p> <ul style="list-style-type: none">• The Public Toilets £88,000 2012/13• Car Park and associated Open Space £92,000 2011/12• Batheaston Gardens Nil <p>The total asset value of the land and buildings to be transferred is £180,000 which will not be realisable. General landscape and car park maintenance is carried out by Parks. Exact costs for this are not available but a rough estimate from Parks suggests in the order of £10,000 per year for ongoing management. Each of the assets is maintained by the Council and those costs will become the responsibility of the Parish Council on transfer. The Council will therefore benefit from revenue savings as a result of the transfers.</p>
Issues considered	Social Inclusion; Customer Focus; Property; Corporate; Other Legal Considerations
Consultation undertaken	Parish Council; Finance Team; Divisional Director – Project Delivery; Section 151 Officer; Strategic Director - Resources; Monitoring Officer
How consultation was carried out	Proposals have been developed with Parish Council. The report has been circulated to the other consultees above and any comments or amendments incorporated in to the final document.
Other options considered	None. This proposal is in accordance with the approved policy of community asset transfers.

Signatures of Decision Makers	
Date of Signature	

Subject to Call-in until 5 Working days have elapsed following publication of the decision