

CABINET MEMBER DECISION RECORD TEMPLATE

This form should be used to record Executive decisions taken by Cabinet Members

Decision Ref. No:
Responsible Officer: Ed Alexander - Planning and Contracts Manager, Parks x1674
Subject: Lease of Kings Park Cricket Pavilion Café
Decision taken: To renew the lease without tender process of Kings Park Cricket Pavilion Café for 5 years from 1 st September 2017 to Mr and Mrs Woodward
Reasons for the decision: Parks are working towards submitting a Heritage Lottery Fund (HLF) Bid for Kings Park which is planned to include a refurbished of the Cricket Pavilion. The bid is planned for submission in 2019/2020, with the works being undertaken after funding has been secured. Prior to works being undertaken, the property needs to be maintained with minimal expenditure by the Council/for be return to the Council. The Cabinet Member is making this decision as a Trustee of the Five Parks Trust.
Call-in and Urgency: Subject to normal call in procedures.
Background: Mr and Mrs Woodward have held a lease on the café for the last 20 years and have proved to be good tenants. The proposed lease has a termination clause to allow the Council to gain vacant possession if the HLF bid is successful. Due to the financial commitment in running a large café it is impractical to expect a new tenant to come on with a very short term lease and invest in the necessary equipment over a period that could be as short as for years. Under the terms of the proposed lease, Mr and Mrs Woodward would pay a reasonable market rent. If a new operator were to take on the lease they would require a much-reduced rent to reflect the short length of lease. Mr and Mrs Woodward have been advised that following a refurbishment or if HLP funding is not successful, the contract will be tendered at the end of the proposed lease.

Options - and reasons for rejection:

- Go out to tender - this is not an option as noted above.
- Don't renew - the property would then be empty, the Council would lose income, the site would lose those facilities currently available, leads to additional cost as the Council would then have to maintain the changing rooms and loss of the presence on a site which historically has had problems with Anti-Social Behaviour.

Consultations undertaken:

Property Services have been consulted and a surveyor's report is attached.

A Disposal of Public Open Space Notice was carried out in late 2015 and there were no comments received from the public.

Ward Councillors were consulted prior to the Disposal Notice and no comments were received.

Portfolio Holder was consulted on the 4th September 2018 and was happy with the proposal.

Finance/Resource Implications:

J. Richardson OK with process + signed off 15/10/18

Name: ADAM RICHENS

Signature: (of Chief Finance Officer)

Date: 31/10/18

Mara Zuk 03.10.2018

Legal implications:

Consultations have been undertaken with no negative response. It is therefore envisaged that this will not have any negative legal implications. Legal services will be required to draw up the new lease with terms that will generally be similar to that of the previous agreement.

Name: TANYA COULTER

Signature: (of Monitoring Officer)

Date: 8/10/18

Risk assessment:

A risk assessment has been carried out for this renewal and has been identified as a low risk project. This is because there will be no change to current position and the service provided is not changing.

Name: *Ed Alexander*
Date: *3/10/18*

Signature: (of Officer completing assessment)

Impact Assessments: Attached

Information for/not for publication:
For Publication

Background papers:
Surveyors report attached
Risk assessment attached
EINA attached
EIA attached

Any conflict of interest declared by a Cabinet Member who is consulted by the Member taking the decision	Name of Cabinet Member	Nature of interest	Details of any dispensation granted by the Monitoring Officer
Yes/No* (*Delete as appropriate)			

Decision taken by:

Councillor R Lawton (Print name) Cabinet Portfolio

Housing....

Signed

Date of decision:

22-10-18

Date of publication of record of decision: (to be inserted by Democratic Services)

Date decision effective - that is 5 working days after the date of publication of the record of decision unless the decision is called-in for consideration by the relevant Overview and Scrutiny Panel: -insert date-

KINGS PARK CRICKET PAVILION CAFÉ AND FLAT, KINGS PARK, BOURNEMOUTH

1. PURPOSE OF THE REPORT

This report is prepared on the instructions received from Edward Alexander, Planning and Contracts Manager, Housing, Parks and Bereavement Services, Bournemouth Borough Council to provide a valuation report in accordance with Section 119 of the Charities Act 2011.

The Council proposes to dispose of buildings (shown edged red on the plan at Appendix 1) at Kings Park Cricket Pavilion by way of lease to Mr Keith & Mrs Anita Woodward. Kings Park Cricket Pavilion is part of the Borough's Public Open Space designated under the Bournemouth Borough Council Act 1985. These parks have charitable status (The Five Parks Bournemouth, charity registration number 299740) and are governed by the Council in its capacity as trustees.

This report has been prepared by Sam Munnings MRICS, Estates Manager at Bournemouth Borough Council and registered with the Royal Institution of Chartered Surveyors under the Valuer Registration Scheme. I can confirm that I am a "Qualified Surveyor" for the purposes of Section 119(3) of the Charities Act and that I am acting for the Charity.

The report has been prepared in accordance with the RICS Valuation, Global Standards 2017.

2. RESTRICTIONS

This Report is provided for the sole use of Bournemouth Borough Council. No responsibility will be accepted to any third party in respect of any use of the report, whatever the circumstances. Neither the whole nor any part of the report nor any reference thereto may be included in any published document, circular or statement or published in any way without prior written approval of the form and context in which it may appear. However reference to this report in any Officer Decision/Cabinet Member Decision concerning the disposal is expressly permitted.

3. DOCUMENTS AND INFORMATION

I have had regard to the following documents/information:

- Site plan
- Extracts from the Council's Land Terrier giving a synopsis of the ownership and covenants
- Draft Lease
- Council Asset Revaluation Schedule

4. PROPOSED DISPOSAL

The Council proposes to grant a lease to Mr Keith & Mrs Anita Woodward and the main terms taken from the draft copy provided can be summarised as follows:

Term

From 1st September 2017 to 31st August 2022

Rights Granted

The Tenant has a right to occupy the buildings as edged in red on the attached plan for the purposes of running a café/restaurant business and bar, and to occupy the flat as a residential premises, for occupation by the Tenants only.

Rent

£16,000pa from 1st September 2017, £17,000pa from 1st September 2018. Rent to be reviewed from 1st September 2021 to market rent or £17,000pa, whichever is the greater.

Outgoings

Tenant to pay rates and all utility charges in relation to the café, bar and flat.

Repairs and Decoration

The Tenant is to keep the interior of the property in good decorative repair and maintain the cooker and extractor system.

Permitted Use

The use as a café, bar and residential premises base.

Alienation

The Tenant is not permitted to assign, underlet, charge, part with or share possession or share occupation.

Break Option

Either Landlord or Tenant may determine the lease after 4 years by serving 6 months written notice.

Alterations

Alterations are permitted with consent, except for structural alterations, which will not be allowed.

Landlord and Tenant Act 1954

The lease is to be excluded from the security of tenure provisions of the Landlord and Tenant Act 1954.

Management Agreement

The Tenant is required to manage the changing rooms for sports booked through and notified by the Landlord.

5. QUALIFIED SURVEYORS REPORT

This section deals with the matters set out in The Charities (Qualified Surveyors' Report) Regulations 1992.

5.1 Description & Location

Kings Park Cricket Pavilion Café and Flat

The cricket pavilion is located within Kings Park immediately adjacent to the cricket pitches and opposite the football stadium.

The property backs onto Kings Park Central Drive, which acts as spine road through the park and provides direct vehicular access to the property from Ashley road. The Central Drive is not adopted highway. Leisure Services maintains the road as part of its operational responsibility for the Park.

Accommodation

The property comprises a large purpose built sports/cricket pavilion and clubhouse.

The pavilion was built in the 1930's. The building is of traditional brick cavity wall construction with elevations of facing brick under a pitched and clay tiled roof. Doors and windows are of a wooden casement type and are single glazed.

The property provides a clubroom and bar facilities, public toilet facilities, male and female changing rooms, a shower room, cellar storage areas, a public café and a two bed roomed maisonette. The pavilion is used to provide showers, toilets and changing facilities in connection with sports and games played on the cricket and football pitches within Kings Park. It is also used to provide a club room and bar facilities and for the provision of a public café.

The asset comprises the following accommodation:

Pavilion basement	-	220 square metres GIA (approx.)
Pavilion ground floor	-	334 square metres GIA (approx.)
Pavilion first floor	-	253 square metres GIA (approx.)

5.2 Tenure

Bournemouth Borough Council owns the freehold of the land and buildings.

5.3 Easements and restrictive covenants

The deeds have not been inspected, but the Council's land terrier has been examined and this details that the site is subject to covenants to maintain the land as public walks and pleasure grounds.

5.4 Condition

All buildings appear to be in satisfactory condition for their age and use and no repairs are considered necessary prior to disposal.

5.5 Alterations

I do not consider that any alterations are necessary to the buildings which would assist in a disposal.

5.6 Disposal considerations

The 1992 Regulations require the Qualified Surveyor to advise on the manner of disposing of the property so that the terms on which it is disposed of are the best that can reasonably be obtained for the Charity.

The Statement of Accounts for the Five Parks states that “the principal aim of the Charity is to ensure the maintenance of the parks and recreation grounds, including public conveniences on charity land, in accordance with agreed specifications so that the residents of Bournemouth can continue to use them for leisure pursuits and to enjoy the benefits of open spaces”. The tenant will be required to carry out maintenance works to the Park or other parks/open spaces in the Borough. I am of the view that the proposed disposal to Mr Keith and Mrs Anita Woodward is consistent with the purposes of the Charity and that the terms proposed are the best that can reasonably be obtained.

The proposed disposal has been advertised in the local paper and through the Council's website.

5.7 Value Added Tax

No VAT is payable on the rent received.

5.8 Value

The 1992 Regulations require the Qualified Surveyor to provide an opinion as to the current value of the property, in its current state of repair and current circumstances.

I have considered rental values taking into account the specific terms of the proposed lease and the current condition of the property. Since the lease is for a relative short term; the property is coming to the point where considerable investment is needed; and the lease contains requirements for the Tenant to carry out management works for the benefit of the Landlord, I am of the opinion that a rent of £16,000pa until 31st August and a rent of £17,00pa thereafter until a review in 2021 is appropriate.

Signed

Sam Munnings, MRICS

Date

Issue: To renew the lease of Kings Park Cricket Pavilion Café

Meeting Date: 10th August 2018

Accountable Manager: Ed Alexander, Contracts Manager - Parks

Impact Assessor: Louisa Forrester

Key	
+	Balance of positive Impacts
?	Balanced or unclear impacts
-	Balance of negative impacts
n/a	Not applicable

Impact Criteria	Impact	Comments
Natural resources impact on use of natural resources - for example energy, water, raw materials	?	No change from previous position so the demand on natural resources will not change.
Quality of environment contribution to safe and supportive environments for living, recreation and working	?	This lease renewal does not impact the current use of the site and therefore there is no impact.
Bio-diversity protects and improves wildlife and habitats	?	No change to current position. The greens around the site will not be impacted by this decision
Waste and pollution effects on air, land and water from waste and emissions	?	No change to the current position. Green waste is composted. Tenants are required to reduce waste from any operations and recycle.

<p>Council Priority and Objectives for Improving our Environment:</p> <ul style="list-style-type: none"> • Reduce traffic congestion • Improve streetscene • Improve recycling & energy management • Respond to climate change • Improve quality of existing space 	<p>?</p>	<p>This decision will not change the current position and should attract visitors to the area to stay for longer periods of time as it maintains the facilities.</p>
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Please complete and save your checklist, and email a copy to Lee Green, Environment Strategy & Sustainability Manager @ lee.green@bournemouth.gov.uk

If you would like help in completing this checklist or would like to request a change, again contact Lee Green by email or call on 01202 451144.

Equality Impact Needs Assessment (Due regard) Screening Record

1. Title of Policy/Service/Project	Lease Renewal of Kings Park Cricket Pavilion Cafe
2. Date of screening	9 th August 2018
3. Service Unit	Housing and Communities – Parks
4. Lead Responsible Officer	Ed Alexander
5. Job Title	Planning and Contracts Manager
6. Members of the Assessment Team	Louisa Forrester

If the answers to the following questions are Yes or Don't know, then a full EINA will need to be carried out.

7. Does the policy/service/project affect service users, employees or the wider community? (This is not just about numbers. A potential to affect a small number of people in a significant way is as important as a potential to affect many people)	No
8. Is it a major policy/service/project, with a significant affect on how functions are delivered?	No
9. Will it have a significant effect on how other organisations operate?	No
10. Does it involve a significant commitment of resources?	No
11. Does it relate to an area where there are known inequalities? (e.g. the gender pay gap, racist or homophobic bullying in schools etc)	No
12. Does it relate to a service that is currently underused by people it should reach?	No
13. Does the policy/service/project relate to functions that previous consultation have identified as important to a particular group?	No

14. Do different groups have different needs or experiences in relation to the policy/service/ project ?	No
15. Is there likely to be a positive or negative impact in terms of equality?	No

It is not necessary at the screening stage to identify adverse or differential impact

It is important to remember that even when it is decided that a policy/service/project does not require an EINA, it remains subject to the general duties. Not carrying out a full EINA places our council at greater risk of legal challenge because it cannot use the EINA process to meet our [Public Duties](#) around equality. It also means, more importantly, that opportunities may have been missed to enhance equality.

<p>16. If you have answered no to the questions above and do not intend to carry out an EINA, please explain why?</p> <p>This decision does not alter how the service has been/will continue to be operated and therefore, there is no change of use. This decision does not impact anyone from an equalities perspective and ensures a presence is maintained in the park.</p>

G2 Initial Risk Assessment



Lease Renewal of Kings Park Cricket Pavilion Café

PROJECT NUMBER: *To be obtained from PMO*

PROJECT RISK LEVEL:

LOW *

Table 1 - Suggested criteria on which to score the type of project (please tick appropriate category)					
CRITERIA				Score	
1) Duration of Project	0-6 months <input type="radio"/>	7-12 months <input type="radio"/>	Above 1 year <input checked="" type="radio"/>	6	
2) Effort	1-4 people (FTE) <input checked="" type="radio"/>	5-10 people (FTE) <input type="radio"/>	11+ people (FTE) <input type="radio"/>	1	
3) Business Impact	Service Unit/Service <input checked="" type="radio"/>	More than 1 SU <input type="radio"/>	Council/External <input type="radio"/>	3	
4) Priority	Desirable <input checked="" type="radio"/>	Highly Desirable <input type="radio"/>	Essential <input type="radio"/>	1	
5) Costs &/or Savings	Up to £250k <input checked="" type="radio"/>	£251k-£500k <input type="radio"/>	Over £501k or if project is to be funded through prudential borrowing <input type="radio"/>	2	
6) Risk Impact	Low Impact - Minor service disruption/inconvenience, minor injury, small financial loss, isolated service user complaint. <input checked="" type="radio"/>	Medium Impact - Service disruption, More serious injury or financial loss, adverse media coverage, numerous service user complaints <input type="radio"/>	High Impact - Significant or total service disruption, major disabling injury or fatality, high or catastrophic financial loss, adverse national media coverage, ministerial intervention in service running. <input type="radio"/>	1	
				Risk Score	14

A numerical rating is applied to each cell (see Table 1) For example a 'Priority' of 'Highly Desirable' is worth 3 points and a 'Cost' of '£501-£1m' is worth 5 points. Totalling the points scored for each 'criteria' gives a project score. This score is then mapped against a project-risk status in Table 1 below:

Table 1 - Risk Status	
Project Risk Rating	Points Total
Low	Between 10-18
Medium	Between 19-35
High	36+

Initial Risk Assessment

Lease Renewal Initial Risk Assessment.xls