

CABINET MEMBER DECISION RECORD

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

Decision Ref. No:

Responsible Officer:

Gary Platt, Head of Property and Corporate Property Officer

Subject: Winton Health Centre, Alma Road – Grant of Lease

Decision taken:

To grant the partners of the [REDACTED] 15-year lease of the Winton Health Centre, Alma Road at a rent of [REDACTED] per annum.

Reasons for the decision:

By ensuring the continuation of NHS medical services from the Alma Road site, it contributes towards the Council priority of improving health and wellbeing and reducing health inequalities for residents.

Call-in and Urgency: The decision is subject to the Council's call in procedure

Background:

The Council has owned the freehold of 29-39 Alma Road since 1972. It currently comprises a medical centre and 29 flats.

A Cabinet Member Decision dated 14 September 2015 gave a summary of medical use on the site and explained how, following the 2013 health sector reorganisations, the doctors' practice needed to enter into a lease with the Council. This CMD approved the grant a 40-year lease to The Alma Partnership Ltd at a peppercorn rent.

However, the practice came under new management shortly after this transaction was approved and the legal formalities were not completed. As a result, the doctors' practice has remained in occupation without a formal agreement.

A further change of management is now proposed, with the practice coming under the control of the [REDACTED]. Recognising the need for investment in the Alma Road premises, the partners of this practice have renegotiated the terms of the lease. A 15-year term is now proposed at an initial rent of [REDACTED] per annum. Under the NHS rent reimbursement rules, this rent needs to be approved by the District Valuer, so it may be subject to variation.

The Council, for its part, will invest this rent in repairs and improvements in the medical centre so will not benefit financially from these revised terms.

However, it will facilitate investment in a Council asset and deliver improved public health facilities for people living in that part of Bournemouth.

Options - and reasons for rejection: To grant a lease at a peppercorn rent. This is not favoured by the doctors' practice as it would not generate any rental income for investment in the premises by the Council.

Consultations undertaken:

The NHS Dorset Clinical Commissioning Group has been consulted and fully supports this proposal.

Finance and Resourcing Implications:

Although the revised terms will now generate a rent of [REDACTED] these monies will be reinvested in the medical facilities. Safeguards in the lease mean that the Council will be able to charge its costs of managing this works programme against the rents received and its liability in terms of repairs will not exceed the rents collected. Therefore, the net position is unchanged from the earlier CMD, approving the grant of a lease at a peppercorn rent.

Name: ADAM RICHENS

Signature: (of Chief Finance Officer)

Date: 19/12/18

18.12.2018

Legal implications:

The Council has sought advice from a leading barrister specialising in public sector law. He advises that the Council is holding the property on trust for the provision of NHS services and would be prevented from benefitting financially from any lease arrangements.

In view of this advice, the freehold interest is not unfettered and a lease on the terms noted above would discharge the Council's obligation under Section 123, Local Government Act 1972 to obtain best consideration. Even if this was challenged the Council could rely on the General Consents Order 2003 to authorise a disposal at below market value.

Name: TANYA COULTER

Signature: (of Monitoring Officer)

Date: 12-12-18

Risk assessment:

A risk assessment completed as part of the 2015 CMD showed this to be high-risk, reflecting both the risk to the provision of NHS medical services in this part of Bournemouth if agreement is not reached between the parties. However, this risk will be mitigated completely with the grant of a lease in accordance with this decision notice.

Name:

SIMON REZCUAC

Signature:

Date: 21.12.2018

Impact Assessments:

An Equalities Impact Needs Assessment Screening Record and an Environment Impact Checklist was completed as part of the 2015 CMD. The proposal is to grant of a lease, which will not impact on the use of the building nor the services provided from it. Therefore, there will be no impact, positive or negative, in terms of equalities or environmental issues.

Information for/not for publication:

- The decision will be published but the information in square brackets is to be redacted for publication as this constitutes exempt information as defined in paragraph 3 in Part 1 of Schedule 12A of the Local Government Act 1972.

Background papers:

- Cabinet Member Decision dated 14 September 2015, entitled "Winton Health Centre, Alma Road – Grant of Lease"
<https://www.bournemouth.gov.uk/councildemocratic/CouncilMeetings/CabinetMemberDecisions.aspx>
- EINA Screening Record
- Environmental Impact Assessment
- Initial Risk Assessment

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
No	N/A	N/A	N/A

Decision taken by:

Councillor Robert Lawton

Cabinet Portfolio: Housing

Signed: 

Date of decision:

20-12-18

Date of publication of record of decision:

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:



EINA Screening Record

Title of Policy/Service/Project	Winton Health Centre, Alma Rd - Grant of Lease
Date of screening	01 July 2015
Service Unit	Environment & Regeneration
Lead Responsible Officer	Gary Platt
Job Title	Head of Property
Members of the Assessment Team	Gary Platt, Martin Wilkins

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

Is there likely to be a positive or negative impact in terms of equalities?	No
Does it involve a significant commitment of resources?	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 promote equality.

If you have answered no to the questions above and do not intend to carry out an EINA, please explain why?
The grant of a lease will merely formalise the rights of occupation of the doctors' practice operating from the premises. The services currently provided from the premises will be unaffected by the formalisation of these legal arrangements.

Issue: **Winton Health Centre, Alma Road - Grant of Lease**
 Meeting Date: **01 July 2015**
 Accountable Manager: **Gary Platt**
 Impact Assessor: **Gary Platt** ☎ 01202 451477 ✉ gary.platt@bournemouth.gov.uk

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	-	The grant of a lease will not impact on the use of the building nor the services provided from it. Therefore it will have no impact, positive or negative, in terms of natural resources.
Quality of environment contribution to safe and supportive environments for living, recreation and working	-	The grant of a lease will not impact on the use of the building nor the services provided from it. Therefore it will have no impact, positive or negative, in terms of quality of environment.
Bio-diversity protects and improves wildlife and habitats	-	The grant of a lease will not impact on the use of the building nor the services provided from it. Therefore it will have no impact, positive or negative, in terms of bio-diversity.
Waste and pollution effects on air, land and water from waste and emissions	-	The grant of a lease will not impact on the use of the building nor the services provided from it. Therefore it will have no impact, positive or negative, in terms of waste and pollution.
Council Priority and Objectives for Improving our Environment: <ul style="list-style-type: none"> • Reduce traffic congestion • Improve streetscene • Improve recycling & energy management • Respond to climate change • Improve quality of existing space 	-	The grant of a lease will not impact on the use of the building nor the services provided from it. Therefore it will have no impact, positive or negative, in terms of Council priorities and objectives for improving our environment.

Please complete and save your checklist, and email a copy to Lee Green, Environment Strategy & Sustainability Manager @ lee.green@bournemouth.gov.uk

G2 Initial Risk Assessment



PROJECT NAME: Winton Health Centre, Alma Road - Grant of Lease

PROJECT NUMBER: *To be obtained from PMO*

PROJECT RISK LEVEL: HIGH *

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	7-12 months	Above 1 year	6
2) Effort	1-4 people (FTE)	5-10 people (FTE)	11+ people (FTE)	1
3) Business Impact	Service Unit/Service	More than 1 SU	Council/External	10
4) Priority	Desirable	Highly Desirable	Essential	6
5) Costs &/or Savings	Up to £250k	£251k-£500k	Over £501k or if project is to be funded through prudential borrowing	28
6) Risk Impact	Low Impact - Minor service disruption/inconvenience, minor injury, small financial loss, isolated service user complaint.	Medium Impact - Service disruption, More serious injury or financial loss, adverse media coverage, numerous service user complaints	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.	10
				Risk Score
				61

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

