



DECISION OF SECTION 151 OFFICER OF THE COUNCIL,
CORPORATE SERVICES DIRECTORATE

DECISION NO: CSD57

**SUBJECT: SUNBEAMS PRE-SCHOOL, MARY ELTON PRIMARY SCHOOL SITE,
CLEVEDON – APPROVAL OF REVISED TERMS OF LEASE**

BACKGROUND:

Approval was previously given in October 2014 (decision number P&C38) to the terms of lease on a building and outside area located on the Mary Elton school site to Sunbeams Playgroup Ltd to run a pre-school. The lease is to run to 31st March 2036 and the area to be leased is shown in red outline on the attached plan (the part of the building occupied by the pre-school is shown hatched blue). Notwithstanding the fact that lease has not yet been completed the building has been used as a pre-school for over five years, originally being occupied under the terms of a transfer of Control Agreement (TOCA).

The lease has not yet been completed but both parties are now in a position to do so. The terms of lease remain unchanged from those set out in the previous approval referred to other than the area demised now excludes the community room (shown in green colour on the plan) which will remain under the control of the school and the rent paid, which has increased from £4,500 to £5,000pa.

Due to the changes made to the area demised and rent to be charged and the fact that the previous approval is two years old, a new approval to enter into the lease is required.

DECISION:

Approval is given to grant Sunbeams Playgroup Ltd a lease expiring on 31st March 2036 in accordance with the terms and conditions set out in previous approval P&C38 dated 2nd October 2014, subject to the changes made to the area to be leased and rent paid as set out in this report.

Reasons:

To formalise the pre-school's occupation of part of the school site.

Other Alternatives Considered:

n/a

Financial Implications:

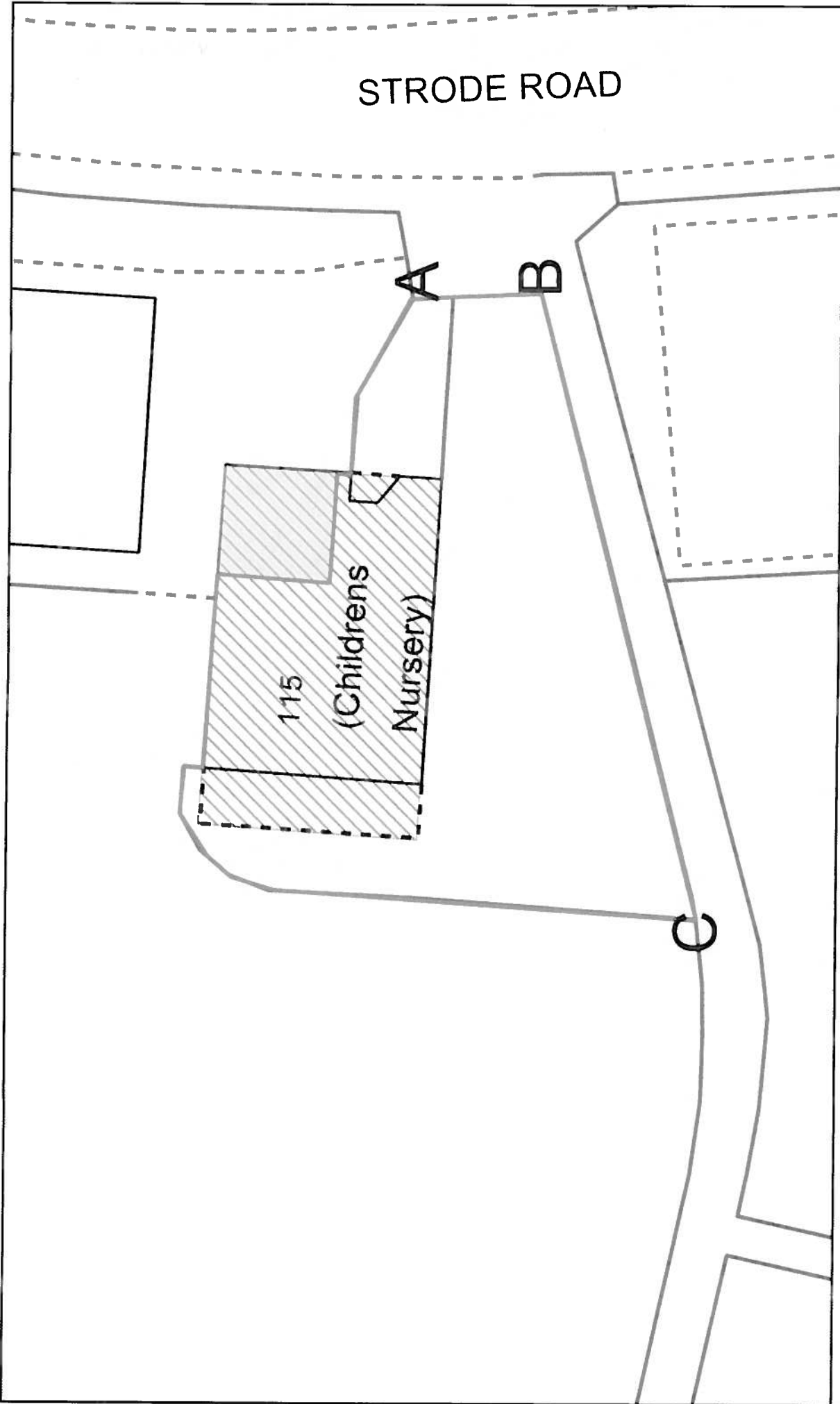
None – the other party will be paying the council's legal costs

Implications for Future Years:

None.

Signed: 
Section 151 Officer, North Somerset Council

Dated: 26.10.16



Mary Elton Primary School
Sunbeams Pre-School Lease Plan

Property and Asset Management
 Castlewood, Tickenham
 Road, Clevedon, BS21
 6FW

Scale: 1:250
 Drawn by: Stuart Bates
 Date: 03 December 2015
 Time: 15:52:01



**NORTH SOMERSET COUNCIL
DECISION**

2014/15 scheme

**DECISION OF COUNCILLOR JEREMY BLATCHFORD
THE EXECUTIVE MEMBER FOR CHILDREN AND YOUNG
PEOPLE'S SERVICES WITH ADVICE FROM THE DIRECTOR,
PEOPLE AND COMMUNITIES AND THE SECTION 151 OFFICER
OF THE COUNCIL**



DECISION NO: P&C38

SUBJECT:

Pre-school building within the grounds of Mary Elton Primary School – Lease to Sunbeams Playgroup Ltd

BACKGROUND:

The Council secured grant funding from Central Government to build a pre-school facility within the grounds of Mary Elton Primary School in Clevedon. Sunbeams Pre-school previously operated from the community area / hall within St Andrews Church premises and were known as St Andrew's Sunbeams. Those premises were deemed to be unsuitable and limited the pre-schools ability to further improve the standard of learning offered to the children who attended the pre-school. Sunbeams pre-school has achieved an 'Outstanding' judgement from Ofsted since relocating to the purpose built premises and continues to improve and maintain the offer. They currently occupy the premises under the terms of a Transfer of Control Agreement (TOCA).

The terms of a lease were agreed and approved in 2011 (Decision Notice FR47 dated 15/09/11) and subsequently in August 2014 (Decision Notice P&C28 dated 19/08/2014). A revised approval is now required due to the fact that the lease will now be granted to Sunbeams Playgroup Ltd, in all respects other than name the same entity, a recently formed trading company. For information, the principle Heads of Terms are summarised below:

- The Council to grant a lease of the property shown in red outline on the attached plan to Sunbeams Playgroup Ltd at a rent of £4,500 pa.
- The premises to be used for Pre-School / Playgroup activities in support of Mary Elton Primary School Early Years Foundation Stage.
- The tenant to contract out of the security of tenure provisions of the Landlord and Tenant Act 1954 (this negates the statutory right to renew the lease at the end of the term).
- The Council will be able to terminate the lease before the end of the term in the following circumstances:
 1. If the pre-school / playgroup cease to operate at the demised premises during term time for a period exceeding 2 months - 2 months prior written notice to be given.

2. On failure of the pre-school / playgroup to achieve a positive rating following an inspection by Ofsted. Current positive ratings are "good" and "outstanding". 3 months written notice to be given and notice under this clause will not be served prior to a date 2 months after the Ofsted report is officially issued.

- The tenant can terminate the lease at any time on 6 months prior notice being given.
- The Council will be responsible for the repair and maintenance of the building structure, roof and shared services. The tenant will be responsible for internal repairs and maintenance, including windows, doors, fixtures and fittings and external areas exclusively used by the pre-school.
- The council will be responsible for building insurance and the tenant will be responsible for contents and public liability insurance.
- The tenant is required to enter into and comply with the terms of a management agreement as reasonably required by the school governors to ensure the proper and harmonious working of the school and pre-school / playgroup. The management agreement will cover site-related matters between the school and pre-school e.g. gates/site security/rubbish removal. It will also cover the pro-rata recovery by the school of bills and other outgoings through a service charge.
- The tenant will reimburse the landlord and/or school's reasonable administration and professional costs incurred in fulfilling day to day estate management and landlord obligations and role under the lease.

DECISION:

The Council to grant a lease to Sunbeams Playgroup Ltd on the terms and conditions set out in this report.

Reasons:

To enable the pre-school to continue to occupy the building, to formalise the terms of occupation and to clarify responsibilities relating to the management and maintenance of the property

Other Alternatives Considered:

None

Financial Implications:

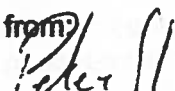
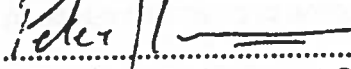
No new responsibilities

Implications for Future Years:

None arising directly from the granting of this lease

Signed:  Dated: 02.10.2014
Councillor Jeremy Blatchford, Executive Member for Children & Young People's Services

Signed:  Dated: 17.9.14
Director of People & Communities

With advice from: 
Signed:  Dated: 19.9.14
Section 151 Officer, North Somerset Council