

**NORTH SOMERSET COUNCIL
DECISION**



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

DECISION NO: CSD70

SUBJECT: Haywood Village Academy School Site – Lease of part to Haywood Airfield Leisure Enterprise (HALE)

BACKGROUND:

The freehold interest in the subject school site has been transferred to the council by the Haywood Village site developer, Persimmon Homes. The site accommodates the newly constructed school and playing fields and a number of community facilities comprising a community room with related facilities and changing rooms within the main school building and a MUGA and sports pitch.

The council will grant two leases on the site: a lease of the school facilities to Cabot Learning Federation (CLF) and a lease of the community facilities to HALE. CLF and HALE will also be entering into a Shared Use Agreement (SUA) to formalise on-site operational management arrangements. The provisionally agreed terms of lease to CLF have been approved and is in the process of being completed. The school opened in September and is occupying part of the site under the terms of a short-term licence granted by the council to CLF.

The purpose of this report is to seek approval (1) to the provisionally agreed terms of lease to be granted to HALE and (2) for the council to act as guarantor for HALE in relation to the company entering into the SUA with CLF.

The provisionally agreed terms of lease to HALE are set out below:

1. The council will grant HALE a lease of the on-site community facilities (the property) shown shaded purple on the report plans numbers 1 and 2.
2. The lease will be for 25 years from the agreed commencement date and the rent charged will be one peppercorn pa if demanded.
3. The property will be used for community, school and related purposes only.
4. The council can terminate the lease on giving 3 months prior notice if the property is not used for the purpose set out in the lease for a minimum period of 3 months.
5. HALE can terminate the lease at any time on giving 6 months prior notice to the council.
6. HALE will be responsible for the maintenance and repair of the property and hand it back to the council in good condition on the expiry of the lease or earlier termination date if applicable.

7. Rights to access the property over the school site and park three cars in the school car park will be granted to HALE under the lease.
8. HALE will be responsible for insuring the property (either separately or in conjunction with CLF) and all costs and outgoings incurred in relation to the occupation of the property.
9. HALE will be required to enter into a Shared Use Agreement setting out on-site operational management and maintenance responsibilities with CLF.
10. HALE will not be allowed to extend or alter the property without the prior approval of the council.
11. HALE will not be allowed to assign or sub-let all or part of the property.
12. The lease will be contracted out of the lease renewal provisions of sections 24-28 of the Landlord and Tenant Act 1954.
13. Each party will bear their own costs incurred in connection with the granting of the lease.

As stated, HALE will be required to enter into a Shared Use Agreement with CLF to formalise on-site operational management arrangements. It has been agreed between the parties that the council will act as guarantor if for any reason HALE is unable to fulfil its obligations under the Shared Use Agreement. This could have a future financial impact on the council, although in practice this would also be the case without the guarantor agreement if the facilities are to remain open and be available to the local community pending another party being appointed to take them on. D&E officers are aware of this risk and have confirmed their agreement to act as guarantor as set out.

The Executive member for community services and leisure has been briefed on the proposed terms of lease.

DECISION:

Approval is given for the council to (1) grant HALE a lease of the Haywood Village Academy school site community facilities in accordance with the terms and conditions set out in this report and (2) act as guarantor for HALE in relation to the company's responsibilities under the Shared Use Agreement to be entered into with CLF.

Reasons:

To formalise HALE's occupation of the community facilities located on the school site.

Other Alternatives Considered:

n/a.

Financial Implications:

The council will be responsible for its own legal costs incurred in granting the lease. There is a D&E budget available to cover this cost.

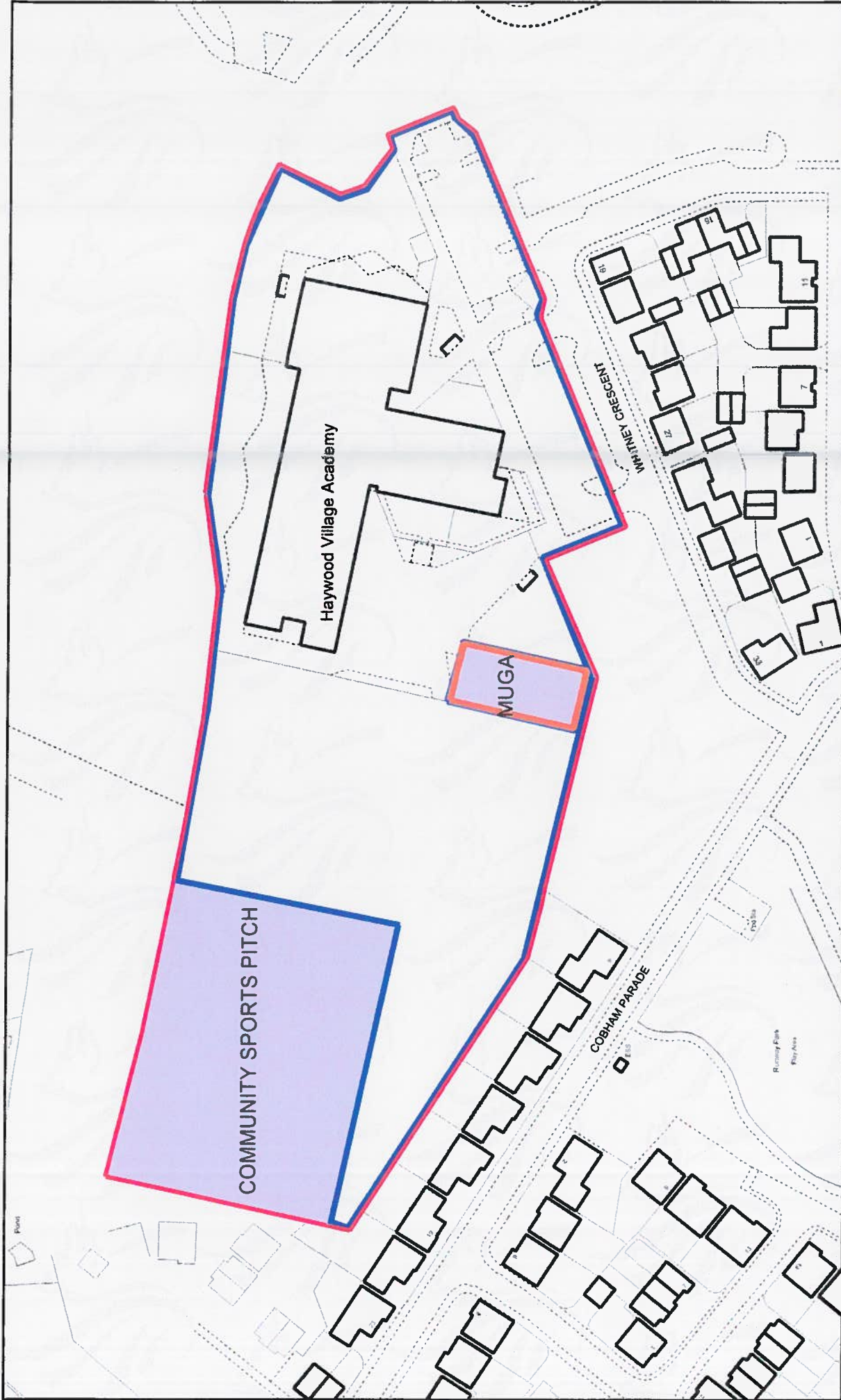
As stated in the report there is a risk involved in the council acting as guarantor for HALE in relation to the financial responsibilities set out in the Shared User Agreement. D&E officers are aware of this risk and that any potential future costs incurred if HALE vacates are not budgeted for and will need to be funded from existing budgets.

Implications for Future Years:

See above.

Signed: 
Section 151 Officer, North Somerset Council

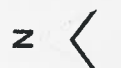
Dated: 9.12.16



Haywood Village Academy Lease Plan No 1

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

Scale: 1:1250
 Drawn by: Stuart Bates
 Date: 23 November 2016
 Time: 11:18:50



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SCALE: 1/8" = 1'-0"
DATE: 10/20/2011
SHEET: A0



Haywood Village Academy Lease Plan No. 2

00 Ground Floor Plan

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10/20/11
2	ISSUED FOR PERMIT	10/20/11
3	ISSUED FOR PERMIT	10/20/11
4	ISSUED FOR PERMIT	10/20/11
5	ISSUED FOR PERMIT	10/20/11
6	ISSUED FOR PERMIT	10/20/11
7	ISSUED FOR PERMIT	10/20/11
8	ISSUED FOR PERMIT	10/20/11
9	ISSUED FOR PERMIT	10/20/11
10	ISSUED FOR PERMIT	10/20/11
11	ISSUED FOR PERMIT	10/20/11
12	ISSUED FOR PERMIT	10/20/11
13	ISSUED FOR PERMIT	10/20/11
14	ISSUED FOR PERMIT	10/20/11
15	ISSUED FOR PERMIT	10/20/11
16	ISSUED FOR PERMIT	10/20/11

Stride Treglown

Haywood Village Academy Board
Upper Meriden Primary Centre & Nursery
172, High Street, Upper Meriden, Oxfordshire OX5 1JY

Ground Floor Plan

Author	ECW/MLW	Date	10/20/11
Checked	MLW	Date	10/20/11
Drawn	MLW	Date	10/20/11
Scale	1/8" = 1'-0"	Date	10/20/11
Sheet	A0	Date	10/20/11

