

**TO: THE MONITORING OFFICER
(TOM CLARK, SOLICITOR TO THE COUNCIL)**

**RECORD OF ACTION TAKEN BY A CABINET MEMBER
UNDER DELEGATED POWERS**

Subject: Proposed New Lease – Land at Royal George Recreation Ground, Burgess Hill.	
Cabinet Member: Councillor Judy Llewellyn–Burke	
Has the Cabinet Member received a report prior to making the decision?	Yes
In the case of a key decision where the Cabinet Member has received a report, please state the date a copy of the report was made available to the Chair of the relevant Scrutiny Committee and placed in the public domain:	
Record of decision taken: The Cabinet Member approved the decision.	
Date of decision: 26 January 2022	
Statement of reasons for making the decision: The Cabinet Member is asked to approve the attached report, notably; <ol style="list-style-type: none">1. Authorise the grant of a lease to the 8th Burgess Hill Scout Group, to continue their occupation of Land at Royal George Recreation Ground for a term of 28 years at the rent of £450 per annum;2. Authorise the Solicitor to the Council to conclude the transaction above on the terms outlined below, and on any such other terms and conditions as the Solicitor to the Council may recommend to protect the Council's position. The Cabinet Member is advised that the tenant has agreed terms with the proposed tenant and terms are a reflection of modernising the existing lease.	
Alternative options considered and rejected: The alternative is to not grant a lease however, there are no other likely users of the property and the Scout Group has been a good tenant maintaining the property and paying rent in accordance with their existing lease terms.	
Code of Conduct Interest of Cabinet Members? N/a	
Is the decision to be protected from call-in? (<i>i.e</i> if any delay would seriously prejudice the Council's or the public's interest) - see Scrutiny Procedure Rule 14 (M)	No
If so, please state:	

Judy Hewelllyn-Burne

Signed:.....
Cabinet Member

This record must be forwarded immediately to the Monitoring Officer (TC) and copied to the relevant Cabinet Member.

For Monitoring Officer

Date of publication of Member Information Service Bulletin	26/1/2022
Date of decision can be implemented (on the Thursday after publication of the Member Information Service Bulletin, unless already protected from call-in)	3/2/2022

LEASE RENEWAL TO BE GRANTED FOR THE 8TH BURGESS HILL SCOUT GROUP, ROYAL GEORGE RECREATION GROUND, BURGESS HILL, RH15 9SB

REPORT OF: Peter Stuart, Head of Corporate Resources
Contact Officer: Nathan Whittington, Estates Surveyor
Email: nathan.whittington@midsussex.gov.uk Tel: 01444 477349
Wards Affected: Bolney
Key Decision: No
Report to: Cllr Judy Llewellyn-Burke - Cabinet Member for Corporate Estates & Facilities
14th January 2022

Purpose of Report

To brief the Cabinet Member on the lease terms and to seek authority to grant a lease to the 8th Burgess Hill Scout Group, to be granted for the property Land at Royal George Recreation Ground, Burgess Hill, West Sussex, RH15 9SB.

Recommendations

Cabinet Members are recommended to:

- 1. Authorise the grant of a lease to the 8th Burgess Hill Scout Group, to continue their occupation of the building for a term of 28 years at the rent of £450.00 per annum;**
 - 2. Authorise the Solicitor to the Council to conclude the transaction above on the terms outlined below, and on any such other terms and conditions as the Solicitor to the Council may recommend to protect the Council's position.**
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1. Background

- 1.1. Mid Sussex District Council is the freehold owner of land forming Royal George Ground. Part of this land has been occupied by the 8th Burgess Hill Scout Group under the terms of a Lease granted for 28 years from 24th April 1993. The current lease expired on 23rd April 2021, and the Scout Group are presently 'holding over' on their existing lease until a new lease has been agreed.
- 1.2. The new lease will commence on 25th April 2021, and it will mirror the terms of the current lease, save for minor changes. A rent of £450 (four hundred and fifty pounds), exclusive of insurance and other outgoings, will be paid by the tenant annually in advance. The rent will be reviewed every five years on the basis of RPI. A rent deposit will not be required.
- 1.3. The new lease will also be 'contracted out' of the Security of Tenure provisions of the Landlord and Tenant Act 1954. Maintenance, repair, and decoration of the Pavilion will remain the responsibility of the tenant, along with insuring the property.

- 1.4. The grant of the proposed lease is a disposal of land forming part of the public recreation ground known as Royal George Recreation Ground, and as such, constitutes a disposal of open space within the meaning of Section 123(2A) of the Local Government Act 1972.
- 1.5. In accordance with Section 123(2A) of the Local Government Act 1972, the Council advertised its intention to grant the proposed lease in the Mid Sussex Times for two consecutive weeks on Thursday 11th and 18th November, inviting members of the public who may oppose the grant of the proposed lease to make their views known by Friday 10th December.
- 1.6. The Council is obliged to consider any objections received before deciding whether or not to grant the proposed lease. No objections to the grant of the proposed lease have been received and therefore, the Council is able to proceed with the grant of the proposed lease if the Council is minded to.

2. Proposal

- 2.1. To continue with the tenant's occupation of the property, the terms of the lease have been offered on mirroring terms of the existing lease with minor amendments to bring it into line with current contractual standards. The tenant has accepted the Council's offer on this basis and terms are now agreed.

3. Policy Context

- 3.1. Lease renewals and new lettings support the Council in achieving its corporate priorities, in particular financial independence and sustainable economic growth.
- 3.2. The lease renewal of Land at Royal George Lane supports the diversity of leisure activities that are available to the community of the District and a long-standing community group.

4. Other Options Considered

- 4.1. The existing tenant of the property has agreed satisfactory terms. It is felt that continuing the use of the property by the 8th Burgess Hill Scout Group, as the existing tenant, will ensure long term tenancy and use of the property. Because of this, no other options were considered.

5. Financial Implications

- 5.1. The Council will incur the outgoings of their own Legal and Surveying fees for negotiating and documenting the Lease.
- 5.2. The Council will receive a rental income for the sum of £450.00 p.a. excluding VAT which will be credited to the Council's Property Investment Fund.

6. Risk Management Implications

- 6.1. The occupation of the property is important to the Council as it ensures a bespoke nature of the property is used for the purposes it is designed for. The Council and the 8th Burgess Hill Scout Group have a longstanding relationship for the occupation of

this property and wish to continue under a new lease. If the property was to be unoccupied, the Council would become responsible for the ongoing maintenance and repairs of the property.

- 6.2. If the renewal lease was not granted, it will reduce the diverse community and leisure facilities available in the District.

7. Equality and Customer Service Implications

- 7.1. The recommendations contained within this report do not have an adverse or negative impact on Equality and Customer Service.
- 7.2. By granting this tenancy, the Council will be able to secure a community and leisure facilities and positively impacts on the duty to advance equality of opportunity.

8. Background Papers

- 8.1. None.

