



**REPORTS FOR DECISION BY THE
CABINET MEMBER FOR CORPORATE SERVICES**

Date Issued: **07 January 2010**

	Page Nos.
1. Report of Head of Business Improvement - Surrender and Renewal of Lease to Poplar Pre-School, Giddyhorn Lane	1 - 6

A Record of Decision will be issued following the conclusion of 5 clear working days from the date of issue of the Report

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MAIDSTONE BOROUGH COUNCIL

CABINET MEMBER FOR CORPORATE SERVICES

REPORT OF HEAD OF BUSINESS IMPROVEMENT

Report prepared by: Christopher Finch

Date Issued: 7 January 2010

1. SURRENDER AND RENEWAL OF LEASE TO POPLAR PRE-SCHOOL GIDDYHORN LANE

1.1 Issue for Decision

1.1.1 To consider a request from Poplar Pre-school that the Council accepts surrender of their existing lease for a new lease, to include additional land, for a term of 15 years.

1.2 Recommendation of Head of Business Improvement

1.2.1 That the Cabinet Member agrees to the request from Poplar Pre-school and that the Corporate Property Manager be instructed to agree and prepare appropriate Heads of Terms; and

1.2.2 That the Head of Legal Services be instructed to draft a commercial lease reflecting the proposal outlined in the Heads of Terms

1.3 Reasons for Recommendation

1.3.1 Poplar Pre-school currently lease the pavilion at Giddyhorn Lane from Maidstone Borough Council for a term of 15 years from August 2000, the current rent is in excess of £6700 and subject to an annual increase in line with inflation.

1.3.2 In his Decision 4th September 2009 the Cabinet Member for Leisure and Culture declared surplus a parcel of open space at Giddyhorn Lane (for use by Poplar Pre-school as a secure play area for their pupils) and an advertisement pursuant of Section 123 of the Local Government Act 1972 was placed in the local paper. No formal responses to the Notice were received. (Appendix I)

1.3.3 Currently the lease to Poplar Pre-school has just over 5 years remaining. To assist the pre-school to make future charity funding application they may wish to make in respect of the premises and

school, the pre-school have requested an extension to their lease for a further 10 years.

1.3.4 Poplar Pre-school is a registered charity (No. 1037754) which offers community support for children of pre-school age. Granting a new lease for a term of 15 years will provide the pre-school long-term accommodation with a small secure play area (Appendix II).

1.4 Alternative Action and why not Recommended

1.4.1 The Cabinet Member could decide not to agree to new lease term or that a shorter period be agreed, however this could make access to charity funding opportunities extremely difficult for the pre-school.

1.5 Impact on Corporate Objectives

1.5.1 None

1.6 Risk Management

1.6.1 There is no tangible risks associated with granting a new lease to the pre-school, at this time.

1.7 Other Implications

1.7.1

- 1. Financial
- 2. Staffing
- 3. Legal
- 4. Equality Impact Needs Assessment
- 5. Environmental/Sustainable Development
- 6. Community Safety
- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management

1.7.2 None

1.8 Conclusions

1.8.1 None

1.9 Background Documents

1.9.1 None

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes No

If yes, when did it appear in the Forward Plan? _____

Is this an Urgent Key Decision? Yes No

How to Comment

Should you have any comments on the issue that is being considered please contact either the relevant Officer or the Member of the Executive who will be taking the decision.

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MAIDSTONE BOROUGH COUNCIL

**RECORD OF DECISION OF THE CABINET MEMBER FOR LEISURE
AND CULTURE**

Decision Made: 4 September 2009

Disposal of open space at Giddyhorn lane recreation ground

Issue for Decision

To declare surplus a parcel of land at Giddyhorn Lane, following a request from Poplar Pre-school to use an area of Giddyhorn Lane recreation ground for a use associated with the pre-school.

Decision Made

1. That, in principle, the plot of land at Giddyhorn Lane, outlined in red in Appendix A to the Report of the Assistant Director of Environmental Services, be declared surplus to operational requirements and that a final decision be taken on the matter following the advertising of the possible disposal of Public Open Space pursuant to Section 123 of the Local Government Act 1972;
2. That the Corporate Property Manager be given delegated authority to place an advertisement pursuant to Section 123 of the Local Government Act 1972 regarding the possible disposal of an area of land approximately 66 square meters (60sq yds) at Giddyhorn Lane;
3. That consideration be given to any responses received, following the completion of the statutory 6 weeks period after initial publication, and, if necessary, a supplementary report upon which a further decision regarding the land may be made.

Reasons for Decision

Poplar pre-school is an existing tenant of the Council, currently occupying the pavilion at Giddyhorn Lane;

Currently the pre-school has limited secure external area in which their pupils are able to play;

Provision of a small area of land will benefit the pupils health and well-being. If the proposal is agreed the land will be included in a revised lease.

The parcel of land considered for transfer has no strategic value and transferring it to the pre-school would have no effect upon other activities within the recreation ground.

Alternatives considered and why rejected

I could consider retaining this land as part of the recreation ground; however this would prevent the pre-school pupils enjoying a secure play environment.

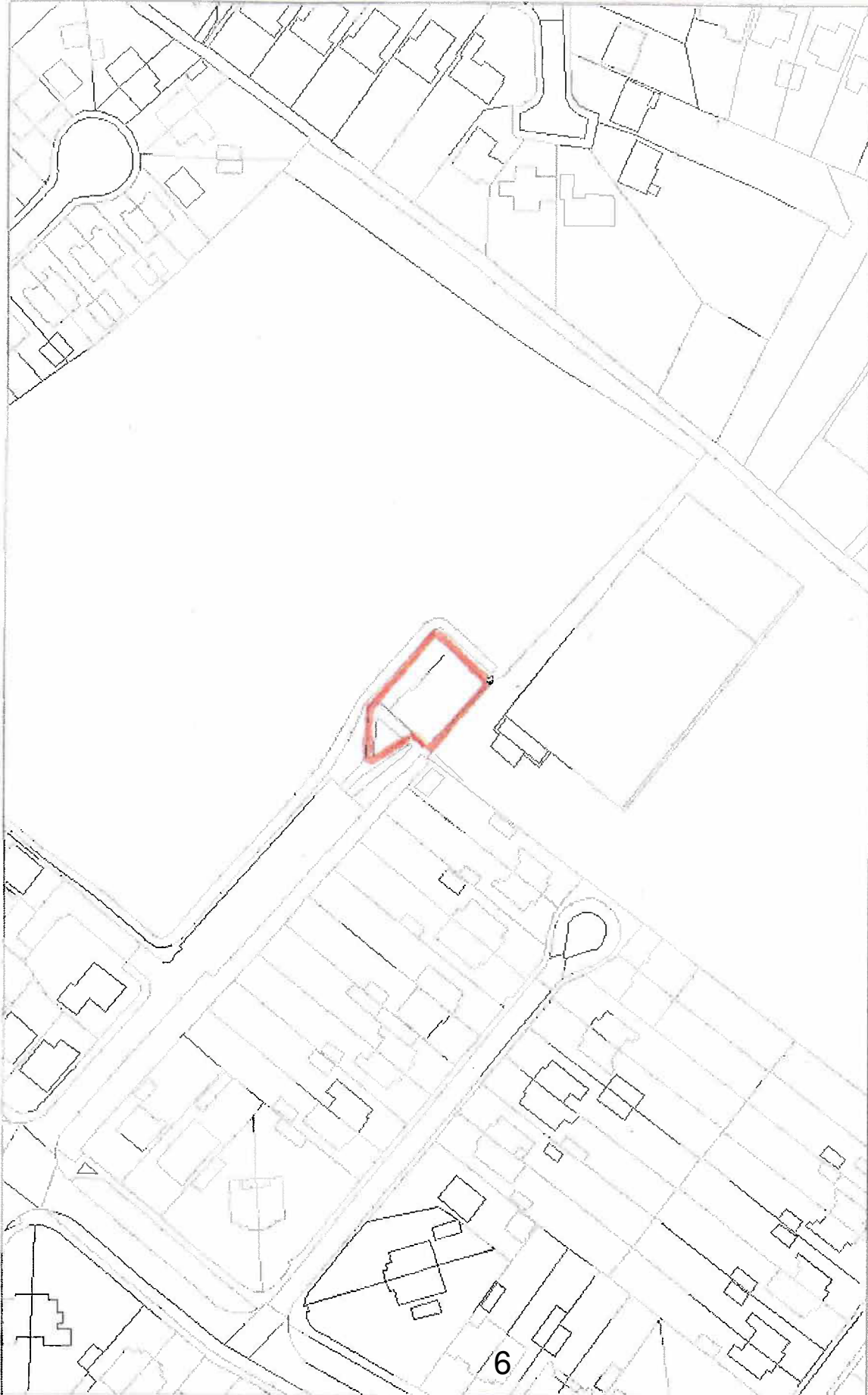
Background Papers

None

Signed:.....
Councillor Brian Moss
Cabinet Member for Leisure and Culture

Date:.....

Should you be concerned about this decision and wish to call it in, please submit a call in form signed by any two Non-Executive Members to the Scrutiny Manager by: 11 September 2009.



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PAVILION GIDDYHORN LANE MADSTONE

6