

North Lanarkshire Council Report

Finance and Resources Committee

approval noting

Ref JM/IM

Date 24/09/20

Land at Bairds Avenue, Viewpark

From James McKinstry, Head of Asset and Procurement Solutions

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Executive Summary

The purpose of this report is seek homologation of the decision taken by the Executive Director of Enterprise and Communities in consultation with the Convener of the Finance and Resources Committee to agree to the expansion of the lease area at Bairds Avenue, Viewpark and to provide the tenant with an unexpired term of 25 years.

Recommendations

It is recommended that the Finance and Resources Committee:

- (1) Consider the content of this report.
- (2) Homologate the decision taken by the Executive Director of Enterprise and Communities in consultation with the Convener of the Finance and Resources Committee to approve the lease terms detailed at Sections 2.2 and 2.3 within this report.
- (3) Agree all other terms and conditions are to be adjusted by the Head of Asset & Procurement Solutions.

The Plan for North Lanarkshire

Priority Enhance participation, capacity, and empowerment across our communities

Ambition statement (15) Encourage the health and wellbeing of people through a range of social, cultural, and leisure activities

1. Background

- 1.1 The existing lease between North Lanarkshire Council and Viewpark Gardens Allotments Association commenced on 23rd April 2016 with an initial term of five years and a rental of £500 per annum. Subsequent approval was received from the Infrastructure Committee in 2017 to extend the duration and provide the tenant with an unexpired lease term of twenty five years.
- 1.2 During the interim period, due to the success of the Viewpark Gardens Allotments Association's operations, the group requested additional land adjoining the existing site which has since been declared as surplus to the operational requirements of North Lanarkshire Council.
- 1.3 The tenant's solicitor has also since advised that the tenant is now a registered charity and as such requested the lease should be amended to formally document this change.
- 1.4 In order to incorporate both the charitable status and additional land in a single agreement, it has been determined that the most efficient outcome would be in the form of a minute of variation and assignation.

2. Report

2.1 Description

- 2.1.1 The current allotments and ancillary buildings comprise an area of 10,507 sq m or thereby located at Bairds Avenue, Viewpark, Uddingston.
- 2.1.2 The overall current and proposed extended area is indicated on the annexed plan and consists of soft landscape and former playpark.

2.2 Lease proposal

Provisional agreement has been reached with on the following terms and conditions:

Tenant:	Viewpark Gardens Allotments Association (SC048040) or their chosen nominees.
Subjects:	The existing area shall be increased by 2,482 sqm to comprise a revised legal demise of 12,989 sqm or thereby as per the annexed plan.
Lease Extension:	Unexpired term of 25 years from the date of variation and Assignation as per previous committee approval.
Rental:	The rent will be increased by £100 per annum comprising a revised rental of £600 per annum exclusive of VAT payable from the date of assignation and variation.
Rent Review:	The rent shall be reviewed 5 yearly from the initial Date of Entry (23 rd April 2016) based upon the market rent.

Misc: A schedule of condition shall accompany the minute of variation and assignation. The additional ground consists of a former playground area whereby the equipment shall be removed and cut at ground level only with the foundations remaining in situ.

Legal Fees: Both parties shall bear their own legal fees in connection with this transaction.

All other terms and conditions to be adjusted by the Head of Asset & Procurement Solutions.

3. Equality and Diversity

- 3.1 Fairer Scotland Duty
There are no applicable considerations.
- 3.2 Equality Impact Assessment
There are no considerations in this regard.

4. Implications

- 4.1 Financial Impact
The proposed minute of variation and assignation provides income over a period of 25 years for the Council.
- 4.2 HR/Policy/Legislative Impact
There are no specific impacts resulting from this proposal.
- 4.3 Environmental Impact
There are no specific impacts resulting from this proposal.
- 4.4 Risk Impact
Failure to enter into agreement with the existing tenant could result in the lease being terminated early losing the potential income stream for future years. The facility for the local community will also be lost.

5. Measures of success

- 5.1 The proposed lease may be measured upon the ability of the group to fulfil the lease terms and costs associated with the repairing and maintenance obligations as well as providing a continued service to the local community.
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6. Supporting documents

6.1 Appendix 1 Location Plan.

A handwritten signature in black ink that reads "James McKinstry". The signature is written in a cursive style with a long, sweeping tail on the final letter.

JAMES MCKINSTRY
Head of Asset and Procurement Solutions

Appendix 1

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LOCATION PLAN - For Information Only

Title: Land at Bairds Avenue

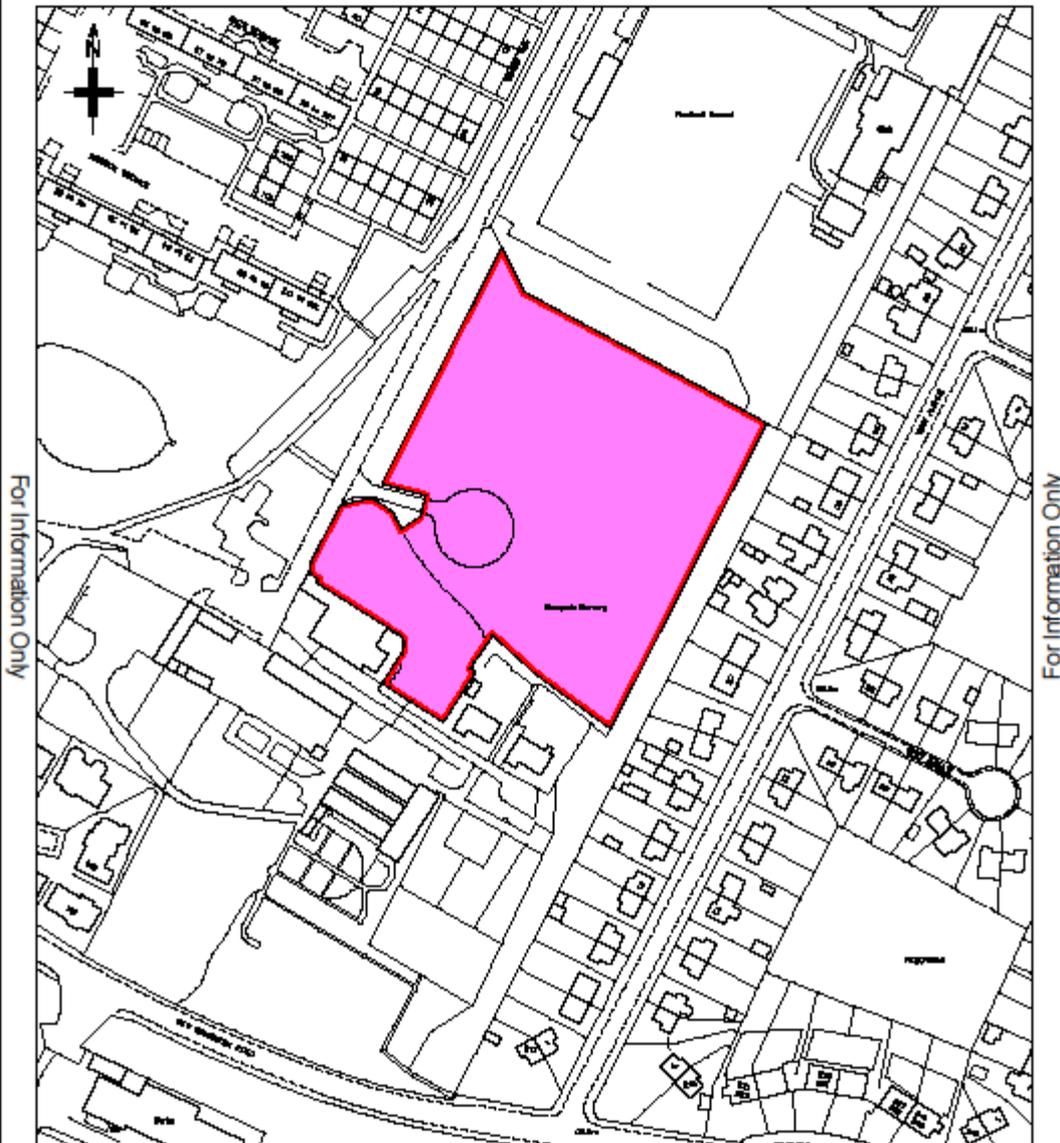
Scale 1:NTS



Town: Viewpark

Date: 18/06/20

ENTERPRISE & COMMUNITIES



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