

<b>DECISION-MAKER:</b>	CABINET		
<b>SUBJECT:</b>	AUTHORITY TO ADVERTISE PROPOSED DISPOSAL BY LEASE OF LAND AT ABBEY HILL TO WESTON SAILING CLUB		
<b>DATE OF DECISION:</b>	20 DECEMBER 2010		
<b>REPORT OF:</b>	CABINET MEMBER FOR RESOURCES AND WORKFORCE PLANNING		
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#### STATEMENT OF CONFIDENTIALITY

None.

#### SUMMARY

The land at Abbey Hill is categorised as social property and managed by the Local Services and Community Safety portfolio. It is currently held on 2 leases by the Weston Sailing Club. These leases have expired. The land is held under the Open Spaces Act 1906 and is therefore defined as public open space. In order for the lease renewal to proceed it is necessary to advertise the proposals and to consider any objections made. This report seeks consent to advertise the lease renewal.

#### RECOMMENDATIONS:

- (i) To authorise the Solicitor to the Council to advertise the proposed disposal by lease renewal of land at Abbey Hill to Weston Sailing Club for two consecutive weeks in a local newspaper.
- (ii) Should any objections be received, to bring a subsequent report and refer these objections to Cabinet for a decision.

#### REASONS FOR REPORT RECOMMENDATIONS

1. The decision is required to authorise the Solicitor to the Council to advertise the proposed lease renewal to Weston Sailing Club on land at Abbey Hill. This decision cannot be made under delegated powers

#### CONSULTATION

2. An Informal consultation has been undertaken with Southampton Commons and Parks Protection Society.

#### ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. To not renew the lease on the land, however Weston Sailing Club have a protected lease and therefore have automatic rights of renewal.

#### DETAIL

4. The land at Abbey Hill was let to Weston Sailing Club under 2 separate leases. The original lease commenced on 1 October 1968 and then a subsequent lease on a further piece of land was granted from 1 February

1973. Both of these leases expired on 30 September 2010 and terms have been agreed with the sailing club to renew and combine both leases into one new lease for a further term of 25 years from 1 October 2010. Both leases were protected by Security of Tenure provisions of the Landlord and Tenant Act 1954.

5. The passing rental for both leases totalled £6,000 per annum. On renewal terms have been agreed to increase the rental on the new combined lease as detailed in paragraph 9 below.
6. The land at Abbey Hill is held under the Open Spaces Act 1906 and is therefore defined as public open space. In order for a disposal by lease renewal to proceed it is necessary to advertise and for the Council to consider any objections made.
7. If there are no objections made the lease renewal can proceed without further referral to Cabinet.

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

8. None

### **Revenue**

9. The leases currently produce an income of £6,000 per annum. Terms have been agreed to increase the rental upon renewal on a stepped basis with the rental in Year 1 at £7,000 pa, Year 2 at £8,000 pa, Year 3 £9,500 pa, Year 4 £10,000 pa and Year 5 at £10,000 pa. There is provision for upward only rent review at Year 5.

### **Property**

10. The existing leases expired on 30 September 2010 but the tenants, Weston Sailing Club, have rights to renew the leases under the Security of Tenure provisions within the Landlord and Tenant Act 1954.

### **Other**

11. None

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

12. The Council is required to advertise proposed disposals of open space land under section 123(2A) of the Local Government Act 1972 in a local newspaper for 2 consecutive weeks and any objections considered.

### **Other Legal Implications:**

13. The Council will be required to consider any objections received to the proposed disposal. If objections are made, a further report will be presented to Cabinet setting out these objections with further recommendations.

## **POLICY FRAMEWORK IMPLICATIONS**

14. The proposal is not contrary to the Policy Framework.

**SUPPORTING DOCUMENTATION**

**Non-confidential appendices are in the Members' Rooms and can be accessed on-line**

**Appendices**

1.	Plan detailing the location of land at Abbey Hill
2.	Draft advertisement to dispose of land held as Public Open Space.

**Documents In Members' Rooms**

1.	None
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**Background Documents**

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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**Background documents available for inspection at:**

**KEY DECISION?**      No      **WARDS/COMMUNITIES AFFECTED:**      None