

Agenda Item No: **Report No:**

Report Title: **Newhaven Outdoor Classroom License Proposal**

Report To: **Cabinet** **Date:** **20th March 2014**

Cabinet Member: **Councillor Rob Blackman**

Ward(s) Affected: **Newhaven Valley, All Newhaven Wards**

Report By: **Director of Corporate Services**

Contact Officer(s)-

Name(s): **Bee Lewis**
Post Title(s): **Contract and Facilities Manager**
E-mail(s): Bee.lewis@lewes.gov.uk
Tel No(s): **01273 484471**

Purpose of Report:

To set out the terms of a proposed license between Lewes District Council and Newhaven Community Development Association for a parcel of land at Lewes Road Recreation Ground for the provision of an outdoor classroom to benefit the community and enhance the asset.

Officers Recommendation(s):

- 1 To approve in principle a license between Lewes District Council and Newhaven Community Development Association (NCDA) for a period of 25 years.
-

Reasons for Recommendations

- 2 The proposal for the Outdoor Community Classroom , previously approved by Cabinet in November 2013, requires LDC to grant a license to NCDA for the use of a small area of land close to the existing Community Centre (owned by Newhaven Town Council).

Information

3

- 3.1 The project will transform a currently under-used space into a vibrant community hub for informal recreation, learning and enjoyment. The

outdoor classroom will deliver improvements to the environment. It aims to create a more engaging use of the space by levelling the ground; laying a disabled access path; and building raised beds and a seating area which are wheelchair accessible.

- 3.2** The outdoor classroom will promote community use and will not exclude or prevent access by people wishing to use the recreation ground, or to gain access to Lewes Road Hut owned by Newhaven Town Council.
- 3.3** Once the work is complete, the space will be available for outdoor exercise, reading groups, nature projects, gardening projects, informal meeting space and will be fully wheelchair accessible. Consultation has been carried out by NCDA with local people who are broadly supportive of the initiative.
- 3.4** Veolia Environmental have approved the project and have granted £30,000 funding. In order to draw down the funding, NCDA must demonstrate that there is an agreement in place with LDC for use of the asset.

Financial Appraisal

- 4** In November 2013, Cabinet approved the granting of match funding to NCDA of £10,000 for its outdoor Community Classroom project, to be met from the Kuwaiti European Holdings capital receipt, following the return of Lewes Road Recreation Ground into LDC ownership.

Agreeing a license on the land would have little or no impact on any other proposals which may come forward for the future use of Lewes Road Recreation Ground, including possible devolution.

Legal Implications

The Legal Services Department has made the following comments:

- 5** Given that NCDA do not require exclusive occupation of the land, a license should suffice. NCDA have confirmed that Veolia will accept a license as opposed to a lease for the purposes of drawing down the funding.

Sustainability Implications

6

I have completed the Sustainability Implications Questionnaire and there are no significant effects as a result of these recommendations.

Risk Management Implications

7 There are no risk management implications arising from this report.

Equality Screening

8 The recommendation has only positive or zero impact on equalities within the community.

Background Papers

9 None

Appendices

10 Appendix A: Plan of Lewes Road Recreation Ground – land to be licensed is edged in red.

Heads of terms - License

Newhaven Outdoor Classroom, Lewes Road Recreation Ground

Subject to contract

1 Tenant	
Description	Newhaven Community Development Association Ltd Denton Island Community Centre Denton Island Newhaven BN9 9BA
2 Land to be licensed	
Description	Lewes Road Recreation Ground – plan attached as Appendix 1. The land is edged red on the attached plan.
3 Term	
Length	25 years
Commencement date	Within 3 months of Cabinet approval
Break clauses?	Yes, at 5 yearly intervals with 6 months' notice on either side.

Security of tenure?	No
4 Rent	
Amount	Peppercorn
Any discounts?	No
Is rent to be reviewed? If yes, see below.	No
5 Rent Review	
Review dates and frequency.	n/a
Basis of review (open market rent or other)	n/a
6 Rights granted	
Vehicular and pedestrian access?	Pedestrian and Plant access
Use of existing services?	Yes
Right to lay new services?	Not without consent
7 Repairs	
The premises	
What are the Tenant's obligations?	To maintain the land as an outdoor classroom with raised flower beds and accessible pathways. To reinstate the land to its original condition at the end of the license.
What are the Landlord's obligations?	None
Who pays for what?	All costs associated with the maintenance and survey of the land will be the responsibility of NCDA
Outside the premises (e.g. access roads)	
What are the Tenant's obligations?	None
What are the Landlord's obligations?	Maintenance of the access road
8 Services & charges	
Any services provided by the Landlord?	None
Service charges payable by Tenant?	None
9 Permitted use	
Description	Outdoor recreation space which may include planting, raised beds, a seating area and accessible pathways.
10 Insurance	
Who is responsible for taking out cover?	NCDA
Who pays the cost?	NCDA
11 Rates etc	
Who is responsible for rates and other outgoings?	NCDA

12 Selling, underletting etc	
Is the Tenant permitted to sell, share, underlet or mortgage?	No
13 Alterations	
Can the Tenant carry out alterations?	With consent