

Report Title:	Thames Hospice - Release of Covenant
Contains Confidential or Exempt Information?	No
Member reporting:	Councillor Simon Dudley, Leader of the Council and Maidenhead Regeneration and Maidenhead.
Meeting and Date:	Cabinet 22 nd November 2018
Responsible Officer(s):	Russell O'Keefe: Acting Managing Director
Wards affected:	All

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REPORT SUMMARY

1. This report seeks approval to the release of restrictive title covenants, at nil consideration, to assist the sale of the Thames Hospice site at Pine Lodge, Hatch Lane, Windsor.
2. The sale of Pine Lodge site will enable Thames Valley Hospice Trust to progress its acquisition and build of a new site at Bray Lake. This will help to maintain and improve the provision of hospice care within the borough.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- I. **Approves the release of the Thames Valley Hospice Trust from the overage and restrictive covenants that are currently attached to the title of the land.**
- II. **Delegates authority to the Executive Director to sign off the release of the existing restrictive covenants.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 The land, approximately 1.53 acres (0.62 hectares), was sold to Thames Hospice in two land sales in 2001 and 2012.
- 2.2 The release of the covenants is in line with the Council's strategy to support the provision of hospice care within the Borough and to help create a borough for everyone.
- 2.3 This is an important part of the Trust's relocation strategy to enable the completion of the Trust's proposed new hospice site at Bray Lake to take place.
- 2.4 Conditions will be attached to the release deed to ensure that the sale proceeds are used for the purposes intended.

Table 1: Options arising from this report.

Option	Comments
To provide consent to the release of restrictive and overage covenants This is the recommended option	The release will assist the acquisition and build of a new site at Bray Lake within the Royal Borough.
Do nothing This is not recommended	By not releasing the covenants the Trust's access to funding for the relocation will be restricted and may threaten the scheme.

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Covenants Released	Not achieved	21 st January 2019	1 month before	N/A	21 st January 2019

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 Savills have undertaken an initial assessment of the existing site for disposal subject to planning permission being granted on behalf of The Trust. They have established a sales value of up to £4,500,000. As the recommendation is to release the covenants at nil cost to the Trust no proceeds will be paid to the Council.
- 4.2 The 2001 sale agreement details the "claw back" covenant as an additional payment which shall mean 50% of the open market value of the site with the benefit of planning permission, the implementation of which will trigger the additional payment. No planning has been obtained as yet.
- 4.3 The 2012 sale agreement has a restrictive user clause for the access road that runs parallel to the site. This restricts the use only to hospice purposes. This restrictive covenant also adds to the overall site value if lifted.
- 4.4 The value of the site with the benefit of planning permission for residential use, with all restrictions lifted is likely to be in the region of £5,000,000. Therefore the "claw back" value is likely to be £2,500,000, less an initial consideration of £250,000.
- 4.5 The release of these covenants to Thames Valley Hospice represents an investment by the Council in support of the provision of hospice care.
- 4.6 In order to facilitate the release of these covenants the Council will seek reimbursements of the legal fees incurred as part of this transaction.

5. LEGAL IMPLICATIONS

- 5.1 The Property Services Team working with Shared Legal Services will undertake the due diligence to complete the deed (s) of release
- 5.2 It is recommended that the Council seek to attach restrictive covenants to the land on which the new facility will sit, to ensure that if this facility is sold at any time in the future, or redeveloped for use other than hospice care, that there is a similar covenant in place in favour of the Council. This would be fixed at the current value of £2,250,000.

6. RISK MANAGEMENT

Table 4: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
The transaction involves no payment between parties. Risk lies with non-completion of documentation	Low	To transact efficiently once approval is received	Low

7. POTENTIAL IMPACTS

- 7.1 The Council will be supporting and helping to enhance the provision of hospice care by Thames Valley Hospice.
- 7.2 Due regard has been given to the Council's equalities duties, in particular with respect to general duties arising under the Equalities Act 2010, section 49. Having regard to the need to advance equality in particular involved the need to remove or minimise disadvantages suffered by persons who share relevant characteristics which are connected with that characteristic. The investment in hospice care will provide care for a wide selection of the community.

8. CONSULTATION

- 8.1 The report will be considered by Corporate Overview and Scrutiny Committee.

9. TIMETABLE FOR IMPLEMENTATION

Table 5: Implementation timetable

Date	Details
25 th November 2018	Instruct SLS to proceed with the legal due diligence to complete the deeds of release
24 th December	Exchange contracts

Date	Details
2018	
21 st January 2019	Complete the deeds of release.

9.1 Implementation date if not called in: Immediately

10. APPENDICES

10.1 Appendix A –Plan showing site area and land sales in 2001 and 2012

10.2 Appendix B – Extract of press release by Thames Valley Hospice Trust showing the planned new site at Bray Lake

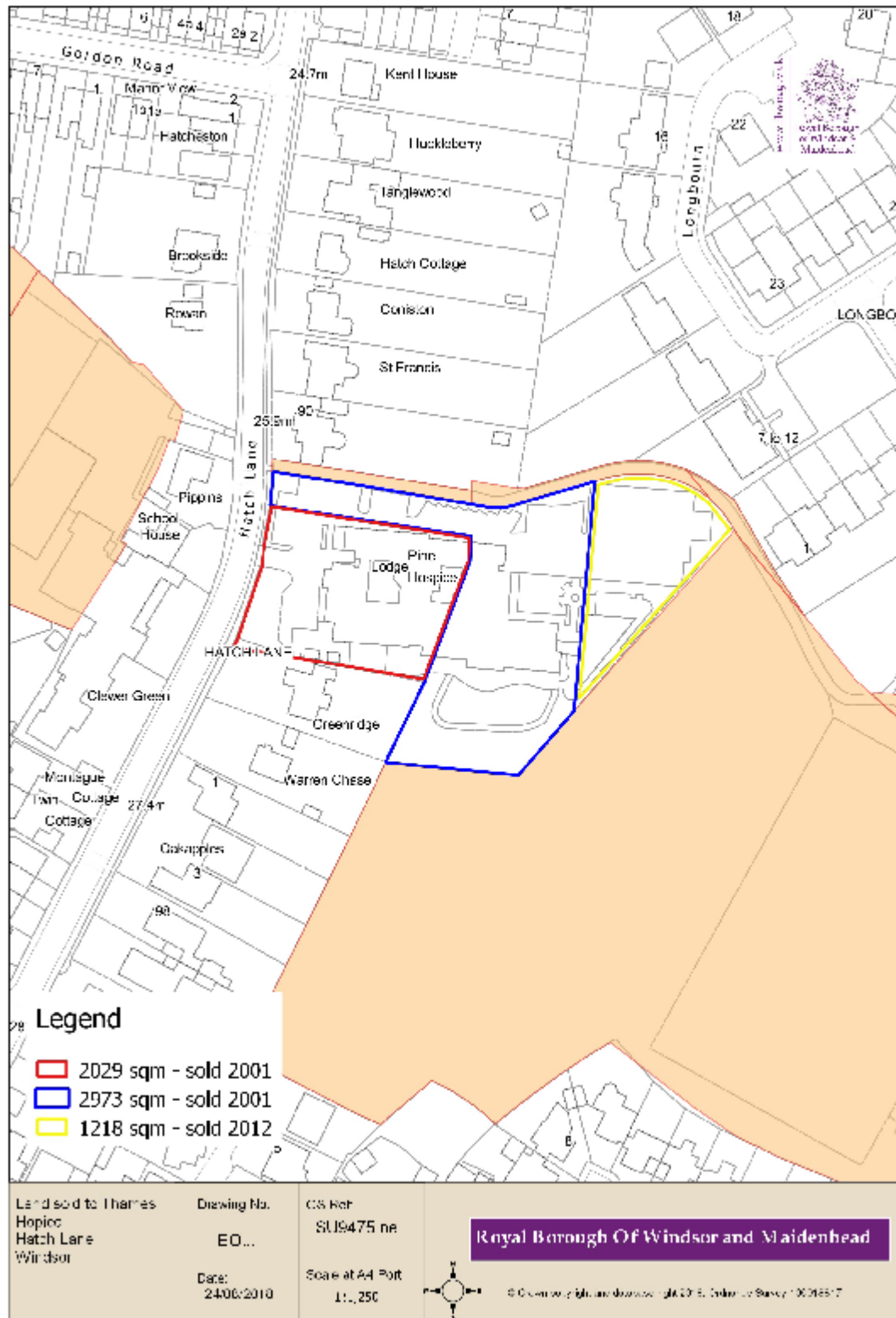
11. BACKGROUND DOCUMENTS

11.1 n/a

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
ClIr Simon Dudley	Leader of the Council and Maidenhead Regeneration & Maidenhead	1 November 2018	1 November 2018
Andy Jeffs	Executive Director	21 October 2018	23 October 2018
Rob Stubbs	Section 151 Officer	21 October 2018	23 October 2018
Nikki Craig	Head of HR and Corporate Projects	21 October 2018	23 October 2018
Elaine Browne	Law and Governance	21 October 2018	21 October 2018
Louisa Dean	Communications and Marketing Manager	21 October 2018	22 October 2018

Appendix A – Plan showing Land Sales in 2001 and 2012 at Pine Lodge Site Hatch Lane, Windsor.



Appendix B –

Extract of Press Release by Thames Hospice Trust.



Planning Permission granted for new Hospice

We are delighted to announce planning permission has been agreed, in principle, to build a new, state-of-the-art hospice for the community, by Bray Lake, in the Royal Borough of Windsor and Maidenhead.

Yesterday's (18 July) announcement follows several months of planning and consultation before the planning application was submitted. We will now finalise the details and secure the option to purchase the land from local business, Summerlease, and start the process towards building the new hospice.

Debbie Raven, Chief Executive, Thames Hospice, said: *"This decision represents a huge step forward in the provision of specialist palliative and end-of-life care for our local community.*

"Our Hospice, first opened 30 years ago, is no longer able to keep up with the volume of people who need our care and services. Pine Lodge – our much-loved existing building – has been added to, altered and expanded many times and we cannot adapt it any further. Patient numbers are increasing dramatically and we are caring for more patients with increasingly complex illnesses and symptoms. Put simply, the care we provide is outstanding – but the building is holding us back. The new hospice will allow nursing and medical teams to continue to deliver exceptional care, without hindrance."

Set in more than eight acres, with stunning views across landscaped gardens and Bray Lake, the new hospice will have 28 inpatient beds in individual en-suite rooms. A new Day Centre (the Paul Bevan Centre) will offer a wider range of daily therapeutic and social activities for day patients and inpatients, and will allow the hospice to double its day service provision. A new Education Centre will

be dedicated to promoting palliative care excellence – ensuring staff receive ongoing training so patients get the best care. We will also be able to offer education to others in our community.

Debbie Raven continued: *“Thames Hospice is a vital part of the local community and its expansion will address ongoing end-of-life care needs. Once built, the new hospice will be an unrivalled state-of-the-art facility for the residents of East Berkshire and South Buckinghamshire, and one I know they will be incredibly proud of. We hope to open the doors of the new facility in 2020.”*

