

Report Title:	Renewal of lease over land at Cookham Bridge and Toll House, Cookham
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Bermange, Cabinet Member for Planning, Legal and Asset Management
Meeting and Date:	Cabinet – 27 September 2023
Responsible Officer(s):	Andrew Durrant, Executive Director of Place Services
Wards affected:	Bisham and Cookham

REPORT SUMMARY

The Council owns a small parcel of land and the former Toll House on the Northern end of Cookham Bridge. This land is currently leased to DB International Limited as it forms part of the boatyard and marina. The current lease expired on 16th September 2023 and the tenant is holding over. The tenant has security of tenure under the 1954 Landlord and Tenant Act and is therefore entitled to a new lease.

Terms have been agreed for a new 20 year lease at an increased annual rental to the Council which will support the Council's budget and increases during the term of the lease. The new lease enables the tenant to invest further in their facilities and aid expansion of the boatyard business.

Cookham Bridge is due to be refurbished with phase 1 commencing in October 2023. The new lease contains clear provisions for RBWM to re-enter the land to undertake works. The tenant and the Council have been working collaboratively to minimise disruption to the tenant's business and to maximise efficiency for the bridge project. The Council's contractors will be able to use some of the tenant's freehold land for the duration of the project. An option agreement has also been with the tenant to allow the Council to use its land for a contractors' compound if required for future phases.

RECOMMENDATION: That Cabinet notes the report and:

- i) **Delegates authority to the Executive Director of Place Services in consultation with the Cabinet Member for Planning, Legal and Asset Management, to conclude the renewal of the lease over land at Cookham Bridge and Toll House, Cookham.**

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

Options

Table 1: Options arising from this report

Option	Comments
Renew the existing lease to secure an increased rental income for the Council	The tenant is entitled to a new lease under the security of tenure

Option	Comments
This is the recommended option	provisions of the 1954 Landlord and Tenant Act. The annual rent will increase by 36.6%
Do not renew the lease. This is not the recommended option	The Council's income will cease The tenant is entitled to a new lease under the security of tenure provisions of the 1954 Landlord and Tenant Act and would be able to serve notice and seek a new lease via the Courts
Do Nothing	The Council could allow the tenant to continue to hold over under the existing lease, however the rental income would not increase. The tenant is able to serve notice for a new lease in any event

- 1.1 The land is occupied by DB International Limited (DBIL) under a long term lease that expired on 16th September 2023. The tenant has security of tenure under the security of tenure provisions of the 1954 Landlord and Tenant Act and is entitled to a new lease.
- 1.2 DBIL is a long standing business in Cookham and the new lease will enable them to invest further in facilities and bring more visitors to Cookham.
- 1.3 Cookham Bridge is due to be refurbished with the first phase due to commence in October 2023. This is a major project that carries many risk and complexities given the structure's age, nature and location. The land in question sits alongside and under the northern end of the bridge.
- 1.4 The Council and DBIL have worked collaboratively to minimise the disruption to the tenant's business and achieve efficiencies for the Council contractors and minimise the closure of the bridge itself and as such the disruption to residents and users of the bridge'
- 1.5 Terms have been agreed for a new 20 year lease that will see the rent increase from the current £9,150 pa to £12,500 pa for the first 5 years, £14,500 pa years 6 to 10, £16,500 for years 11 to 15 and £19,000 for years 16 to 20
- 1.6 The new lease contains provisions that allow the Council to re-enter the land to undertake works to Cookham Bridge.
- 1.7 The Council and DBIL have agreed a method statement to minimise disruption to DBIL's business and also use some of DBIL's freehold land during the bridge refurbishment project to aid efficiency and minimise the project period and disruption to residents and bridge users.
- 1.8 The Council will enter into an option to use part of DBIL's freehold land for a site compound for future phases of works to the bridge ir necessary

2. KEY IMPLICATIONS

- 2.1 The rental income received by the Council is secured by entering into the new lease and increases by 36.6%.
- 2.2 The new lease will assist with the efficient delivery of the Cookham Bridge refurbishment project.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
New Lease Agreed	Rental income ceases, delays to bridge refurbishment project and risk of cost increases	New lease completed by 1 st December 2023	New lease completed by 1 st November 2023	New lease completed by 15 th October 2023	

3. FINANCIAL DETAILS / VALUE FOR MONEY

- 3.1 The annual rent increases from £9,150 pa to £12,500 pa. The rent increases at the end of each 5 years period
- 3.2 Remove tables below if there are no financial implications

Table 3: Financial impact of report's recommendations

REVENUE COSTS	2023/24	2024/25	2025/26
Additional total	£0	£0	£0
Reduction	£3350	£3350	£3350
Net Impact	£3350	£3350	£3350

CAPITAL COSTS	2023/24	2024/25	2025/26
Additional total	£0	£0	£0
Reduction	£0	£0	£0
Net Impact	£0	£0	£0

4. LEGAL IMPLICATIONS

- 4.1 The terms of the agreements have been negotiated by the asset management surveyors in the property services team and the new lease and option agreement will be drafted by the property solicitor in the legal services team,
- 4.2 The Part 8 Section D – Property Procedures of the Councils' Constitution confirms Cabinet authority to approve lease agreements where the aggregate income exceeds £500,000 and the lease terms exceeds 10 years.

5. RISK MANAGEMENT

- 5.1 The risk to the Council is low. Entering the lease reduces the risk of the rental income ceasing and secures an increase.
- 5.2 The transaction has been negotiated by the asset management surveyors in the property services team and the lease documentation will be drafted and finalised by the solicitors in the legal services team.

Table 4: Impact of risk and mitigation

Threat or risk	Impact with no mitigations in place or if all mitigations fail	Likelihood of risk occurring with no mitigations in place.	Mitigations currently in place	Mitigations proposed	Impact of risk once all mitigations in place and working	Likelihood of risk occurring with all mitigations in place.
There is a risk that the tenant decides not to renew the lease and the Council ceases to receive rental income	Minor 1	Medium	Negotiations have progressed in advance of the lease renewal and terms agreed.	Professionally qualified chartered surveyors and solicitors are managing negotiations and documentation process	Minor 1	Low

6. POTENTIAL IMPACTS

- 6.1 Equalities. An Equality Impact Assessment is available as Appendix A. The lease renewal has no impact on protected groups or characteristics
- 6.2 Climate change/sustainability. The lease renewal has no impact on climate change or bio-diversity
- 6.3 Data Protection/GDPR. No personal data is being stored or utilised in this matter

7. CONSULTATION

- 7.1 Internal officer and Cabinet Member consultation only

8. TIMETABLE FOR IMPLEMENTATION

- 8.1 Implementation date if not called in: The draft lease will be issued to the tenant's solicitor on 1st October. The full implementation stages are set out in table X.

Table 5: Implementation timetable

Date	Details
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1 st October 2023	Draft lease issued to tenant
1 st December 2023	Lease Completed

9. APPENDICES

9.1 This report is supported by 3 appendices:

- Appendix A – Equality Impact Assessment
- Appendix B – Title Plan
- Appendix C – Agreed Heads of Terms – persona; details redacted

10. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officer (or deputy)</i>			
Andrew Vallance	Deputy Director of Finance, Deputy 151 Officer	15 th September 2023	15 th September 2023
Elaine Browne	Deputy Director of Law & Governance & Monitoring Officer	15 th September 2023	15 th September 2023
<i>Deputies:</i>			
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>			
Lyn Hitchinson	Procurement Manager	N/A	
<i>Mandatory: Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>			
Samantha Wootton	Data Protection Officer	15 th September 2023	15 th September 2023
<i>Mandatory: Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>			
Ellen McManus-Fry	Equalities & Engagement Officer	15 th September 2023	15 th September 2023
<i>Other consultees:</i>			

<i>Directors (where relevant)</i>			
Stephen Evans	Chief Executive	15th September 2023	15th September 2023
Andrew Durrant	Executive Director of Place	15th September 2023	15th September 2023
Kevin McDaniel	Executive Director of Adult Social Care & Health		
Lin Ferguson	Executive Director of Children's Services & Education		
<i>Assistant Directors (where relevant)</i>			
N/A			
<i>External (where relevant)</i>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Planning, Legal and Asset Management	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Non-key decision	No	No

Report Author: Chris Pearse, Senior Asset Manager, Property Services
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Equality Impact Assessment

For support in completing this EQIA, please consult the EQIA Guidance Document or contact equality@rbwm.gov.uk

www.rbwm.gov.uk



1. Background Information

Title of policy/strategy/plan:	<u>Renewal of lease over land at Cookham Bridge and Toll House, Cookham</u>
Service area:	<u>Property Services</u>
Directorate:	<u>Place</u>

Provide a brief explanation of the proposal:

- What are its intended outcomes? Completion of the lease renewal to an existing tenant
- Who will deliver it? Property Services and Legal Services
- Is it a new proposal or a change to an existing one? No

2. Relevance Check

Is this proposal likely to directly impact people, communities or RBWM employees?

- No – this is the renewal of an existing lease. No third parties are impacted by the transaction

If 'No', proceed to 'Sign off'. If unsure, please contact equality@rbwm.gov.uk

3. Evidence Gathering and Stakeholder Engagement

Who will be affected by this proposal?

For example, users of a particular service, residents of a geographical area, staff

Among those affected by the proposal, are protected characteristics (age, sex, disability, race, religion, sexual orientation, gender reassignment, pregnancy/maternity, marriage/civil partnership) disproportionately represented?

For example, compared to the general population do a higher proportion have disabilities?

What engagement/consultation has been undertaken or planned?

- How has/will equality considerations be taken into account?
- Where known, what were the outcomes of this engagement?

What sources of data and evidence have been used in this assessment?

Please consult the Equalities Evidence Grid for relevant data. Examples of other possible sources of information are in the Guidance document.

4. Equality Analysis

Please detail, **using supporting evidence**:

- How the protected characteristics below might influence the needs and experiences of individuals, in relation to this proposal.
- How these characteristics might affect the impact of this proposal.

Tick positive/negative impact as appropriate. If there is no impact, or a neutral impact, state 'Not Applicable'

More information on each protected characteristic is provided in the Guidance document.

	Details and supporting evidence	Potential positive impact	Potential negative impact
Age			
Disability			
Sex			
Race, ethnicity and religion			
Sexual orientation and gender reassignment			
Pregnancy and maternity			
Marriage and civil partnership			
Armed forces community			
Socio-economic considerations e.g. low income, poverty			
Children in care/Care leavers			

5. Impact Assessment and Monitoring

If you have not identified any disproportionate impacts and the questions below are not applicable, leave them blank and proceed to Sign Off.

What measures have been taken to ensure that groups with protected characteristics are able to benefit from this change, or are not disadvantaged by it?

For example, adjustments needed to accommodate the needs of a particular group

Where a potential negative impact cannot be avoided, what measures have been put in place to mitigate or minimise this?

- For planned future actions, provide the name of the responsible individual and the target date for implementation.

How will the equality impacts identified here be monitored and reviewed in the future?

See guidance document for examples of appropriate stages to review an EQIA.

6. Sign Off

Completed by: Chris Pearse – Senior Asset Manager	Date: 13 September 2023
Approved by: Ian Brazier-Dubber, Managing Director, RBWM Property Company	Date: 13 September 2023

If this version of the EQIA has been reviewed and/or updated:

Reviewed by:	Date:
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