

Report Title:	Leasing of Sports Pavilion in Braywick Park, Maidenhead
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Bermange, Cabinet Member for Planning, Legal and Asset Management
Meeting and Date:	Cabinet – 25 October 2023
Responsible Officer(s):	Andrew Durrant, Executive Director of Place Services
Wards affected:	Oldfield

REPORT SUMMARY

The Council owns the former Sportsable Building in Braywick Park. The building was returned by the Trustees of Sportsable in summer 2021 as the charity was wound up. The building was built in phases by Sportsable since the early 1980s and is of basic construction and is in a poor condition and requires significant investment to bring back into use.

Terms have been agreed with Padel Berkshire to take a new 20 year lease whereby the tenant invests significant capital into refurbishing and improving the building and constructing internal and external padel tennis courts and to deliver a new sporting facility within Braywick Park. After an initial rent free period the tenant will pay the Council an annual rental income of £60,000 pa which will be subject to review at the end of each 5 year period.

The letting is conditional on the tenant obtaining planning permission for the works proposed and for the approval of a Public Open Space disposal for a small external that will used for the external courts.

RECOMMENDATION: That Cabinet notes the report and:

- i. Approves the leasing of the former Sportsable Pavillion, Braywick Park to Padel Berkshire**
- ii. Delegates authority to the Executive Director of Place Services in consultation with the Cabinet Member for Planning, Legal and Asset Management, to conclude the negotiation of a new agreement for lease and lease to Padel Berkshire**
- iii. Approve the Executive Director of Place or their nominee, to consult with the Braywick Park Users Group for their views on the re-use of the building and external areas for a new sporting facility**
- iv. Approve the use of the Public Open Space Application and Consultation process and delegates the decision to the nominated officer.**

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

Options

Table 1: Options arising from this report

Option	Comments
Lease the building to Padel Berkshire This is the recommended option	The leasing will deliver a new sporting facility in Braywick Park, generate substantial rental income stream for the Council
Refurbish the Building the Building to provide a community building This is not the recommended option	The building requires a substantial refurbishment that would require a budget of c£xxxx in order to provide a modern and efficient building for community use.
Do Nothing	The Council does nothing and the building remains vacant with the Council incurring vacant property costs and repairs caused by anti-social behaviour

- 1.1 The building is currently vacant following the surrender of the lease by the Trustees of Sportsable in 2021 as the charity was wound up. The Council is liable for all the outgoings for the property including no-domestic rates, security, repairs and insurance costs.
- 1.2 The property is located in Braywick Park opposite the running track. A site plan is attached in Appendix 2.
- 1.3 The existing building was built in several phases since the first opening in 1982 but is built to a basic specification and is in a poor condition.
- 1.4 The building comprises c 7,800 sq ft and to make the necessary improvements to bring the building into use will require a significant capital budget.
- 1.5 Terms have been agreed with Padel Berkshire to lease the building and external areas to enable the development of a new Centre of Excellence for the rapidly growing sport of Padel tennis.
- 1.6 The agreed Heads of Terms are attached in Appendix 3. The key terms are as follows
 - Lease term – 20 years subject to a Landlord’s break option after 15 years if the property is to be redeveloped by the Council
 - Rent - £60,000 pa subject to an 18 month rent free and upwards only rent review at the end of the 5th, 10th and 15th years
 - All refurbishment costs are the responsibility of the Padel Berkshire

- All property outgoings and maintenance are the responsibility of Padel Berkshire
- 1.7 Padel Berkshire are working closely with the Lawn Tennis Association to expand this sport. The centre as envisioned will be capable of hosting national and international tournaments. Outline plans and drawings are attached in Appendix 4
 - 1.8 Planning permission will be required for the changes and improvements to the building and for the construction of the external courts
 - 1.9 The inclusion of external land in the lease will require Public Open Space (POS) consultation given the use and nature of Braywick Park.
 - 1.10 The Council and Berkshire Padel will enter into an agreement for lease that is conditional on the successful outcome of the planning application and POS process.

2. KEY IMPLICATIONS

- 2.1 The lease to Padel Berkshire will generate a strong rental income to support Council budgets
- 2.2 The new sports facility follows the Council's classification of Braywick Park as a key sports and activity hub
- 2.3 A currently unused property will be brought back into use and the Council's financial liabilities for the vacant building will cease.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
New Lease Agreed	No rental income secured and the Council will continue to incur vacant property costs	Agreement for lease exchanged by 31 st January 2024	Agreement for Lease exchanged by 31 st December 2023	Agreement for lease exchanged by 30 th November 2023	Completion of lease in 31 st March 2024 subject to receiving planning consent

3. FINANCIAL DETAILS / VALUE FOR MONEY

- 3.1 The letting will secure an annual rent of £60,000 pa on the expiry of the rent free period of 18 months whilst the refurbishment works are undertaken and the club established.
- 3.2 The Council is not responsible for any of the refurbishment costs
- 3.3 The building was returned to the Council in 2021 via the surrender of the lease by the Trustees of Sportsable.
- 3.4 The Council is currently liable for all of the building's outgoing.
- 3.5 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	2026/27
Additional total	£0	£0	£0	£0
Reduction	£0	£10,000	£15,000	£60,000
Net Impact	£0	£10,000	£15,000	£60,000
CAPITAL COSTS	2023/24	2024/25	2025/26	2025/26
Additional total	£0	£0	£0	£0
Reduction	£0	£0	£0	£0
Net Impact	£0	£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.
- 5.3 The tenant is to pay a 3 months rent deposit (£15,000) on completion of the lease
- 5.4 The tenant will have to prove funding for the refurbishment works before completing the lease

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 complete the lease	Minor 1	Medium	Detailed Heads of Term have been agreed	Professionally qualified chartered surveyors and solicitors are managing negotiations and documentation process	Minor 1	Low
Risk of increased construction costs	Medium	Medium	The works are the responsibility of the tenant	The tenant will have to provide details of its construction contract and proof of funding to meet these costs before the lease is completed	Minor	Low

6. POTENTIAL IMPACTS

6.1 Equalities. An Equality Impact Assessment is available as Appendix A. The property already provides step free access as the building was built by Sportsable and has suitable blue badge parking in the car park.

The refurbishment works will be required to meet the latest DDA standards as set out in the current building regulations and DDA legislation.

In addition Padel Berkshire and the LTA have a clear focus and commitment for the sport and its facilities to be inclusive and available to all groups

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 November. The full implementation stages are set out in table 5.

Table 5: Implementation timetable

Date	Details
1 st November 2023	Draft lease and Agreement for Lease issued to tenant
1 st December 2023	Public Open Space Notice Issued for Consultation Process
31 st June 2024	Lease Completed
30 th December 2025	Rent Commences

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
- Appendix D – Images and Plans for the new Facility

10. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officer (or deputy)</i>			
Elizabeth Griffiths	Executive Director of Resources & S151 Officer	28 th Sept 2023	
Elaine Browne	Deputy Director of Law & Governance & Monitoring Officer	28 th Sept 2023	2 nd Oct 2023
<i>Deputies:</i>			
Andrew Vallance	Deputy Director of Finance & Deputy S151 Officer	28 th Sept 2023	4 th Oct 2023
Jane Cryer	Principal Lawyer & Deputy Monitoring Officer	28 th Sept 2023	
<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	28 th Sept 2023	
Mandatory: <i>Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>			
Ellen McManus-Fry	Equalities & Engagement Officer	28 th Sept 2023	29th Sept 2023
Other consultees:			
Directors (where relevant)			
Stephen Evans	Chief Executive	28 th Sept 2023	
Andrew Durrant	Executive Director of Place	28 th Sept 2023	
Kevin McDaniel	Executive Director of Adult Social Care & Health	n/a	
Lin Ferguson	Executive Director of Children's Services & Education	n/a	
Assistant Directors (where relevant)			
N/A			
External (where relevant)			
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>Leasing of Sports Pavilion in Braywick Park, Maidenhead</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 to a new tenant to enable the delivery of a new sports facility
- The existing building was developed by Sportable and designed for disabled users and is a single storey building with step free access and onsite disabled car parking.
- The redeveloped building will enhance the accessible features of the existing building and will have to meet the DDA requirements as set out in building regulations and in the various obligations set out in legislation to ensure compliance.
- Padel Tennis and the LTA are committed to making the sport and this facility a fully inclusive one that all groups can use and enjoy.
- Who will deliver it? Property Services and Legal Services will deliver the project on behalf of the Borough with Padel Berkshire delivering the investment and development works
- Is it a new proposal or a change to an existing one? New Proposal

2. Relevance Check

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

- No – 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: 25th September 2023
Approved by: Ian Brazier-Dubber, Managing Director, RBWM Property Company	Date: 25th September 2023

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

Reviewed by:	Date:
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