

Cabinet Meeting		Agenda Item: 4
Meeting Date	2 September 2015	
Report Title	Teynham Car Park – Community Asset Transfer	
Cabinet Member	Cllr Mike Whiting, Cabinet Member for Localism, Sport, Culture and Heritage	
SMT Lead	Mark Radford	
Head of Service	Anne Adams	
Lead Officer	Kent Parker	
Key Decision	No	
Classification	Open	
Forward Plan	Reference number:	
Recommendation	1. That Cabinet agrees to enter into a new 125 year lease with Teynham Parish Council on the terms set out in the report.	

1 Purpose of Report and Executive Summary

- 1.1 This report sets out the proposals for a new 125 year lease of Teynham car park to Teynham Parish Council on the terms set out in the report. The transfer will be carried out in accordance with the provisions set out in the Community Asset Transfer policy.

2 Background

- 2.1 The car park is currently let to the Parish Council on a lease which expired on 4 August 2015 and was for a term of six years at a nominal rent. The site, which extends to approximately 340 sq.m/3,660 sq.ft., has been managed by the Parish Council as a free car park since 1979 initially under a Licence Agreement, when the site was unsurfaced, and then under consecutive six year leases since 2001 when the Parish Council paid for the site to be surfaced and marked up with 17 parking spaces, including one reserved for the adjacent doctors surgery.
- 2.2 It is believed the land was originally held as a potential vehicular access point from the A2 London Road for possible future development of the agricultural land to the north of Frognaal Gardens. In the latest draft Local Plan access to the residential development land is now further to the west along the A2 London Road.

- 2.3 The existing use as a public car park is well established and is important in providing parking for the local facilities. The Planning Officer has advised that residential development may be permitted on this site if an applicant could demonstrate that there would be adequate parking facilities elsewhere for the existing services and facilities nearby. It is, however, considered that there is no alternative parking facilities nearby that could replace the loss of this car park and therefore alternative use of the site seems unlikely.

3 Proposals

- 3.1 Rather than continue to grant short term leases it is proposed that the Parish Council be granted a new 125 year lease under the Community Asset Transfer policy. This reflects the agreed terms of the Community Asset Transfer policy and has regard to the length of time that the Parish Council has effectively managed the site.
- 3.2 The terms of the proposed lease will be as follows:
- 125 years (excluded from the L&T Act)
 - The tenant will be responsible for all repairs insurance and other outgoings,
 - The rent will be a nominal £1 per annum (subject to rent reviews as set out in the CAT Policy)
 - Assignment of the lease and sub-letting will be prohibited
 - Use of the premises will be restricted to the provision of a free car park for light vehicles only and no other use will be permitted without the express consent of the landlord.
- 3.3 In accordance with the Community Asset Transfer policy an independent valuation of the site has been obtained. The valuer's advice is that the **restricted** value of the asset (ie. the value subject to the proposed terms) is £10,000 and the **unrestricted** value (ie. the value with vacant possession but assuming the existing car parking use would continue) is £48,000. This means that the amount of **under-value** is £38,000.

4 Alternative Options

- 4.1 The site could be sold on the open market, either at auction or by private treaty. This has been discounted due to the fact that, while it has been in the ownership of the Council, the site has been operated by the Parish Council as an important local community facility alleviating parking on the busy A2 London Road. It is therefore considered important to retain the asset for the benefit of the local community and to support the local economy.
- 4.2 The Council could continue to lease the site to the Parish Council on a short term basis but given that the site is not considered to have a realistic alternative use it is not considered that this is the best option for either authority. It is now possible for local authorities to grant leases for longer than seven years for less than the best consideration without specific consent from the Secretary of State where the

transaction will help to secure the promotion or improvement of the economic, social or environmental wellbeing of its area and the amount of undervalue does not exceed £2 million.

5 Consultation Undertaken or Proposed

- 5.1 The Parish Council, local ward members and the Cabinet Members for Localism and Finance have been consulted and support this proposal.

6 Implications

Issue	Implications
Corporate Plan	The transfer of the car park to the Parish Council is being proposed in accordance with the Community Asset Transfer Policy and supports the Localism priority in the Corporate Plan.
Financial, Resource and Property	There will minimal financial implications as the car park is already operated by the Parish Council under a short term peppercorn lease. The proposal will, however, end the need to periodically renew the lease.
Legal and Statutory	Legal services will be required to prepare the new lease.
Crime and Disorder	None anticipated at this stage.
Sustainability	None anticipated at this stage.
Health and Wellbeing	None anticipated at this stage.
Risk Management and Health and Safety	None anticipated at this stage.
Equality and Diversity	None identified at this stage

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Site Plan

8 Background Papers

None