

# CHESHIRE EAST COUNCIL

## Portfolio Holder for Finance

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<b>Date of Meeting:</b>	30 <sup>th</sup> June 2014
<b>Report of:</b>	Property Services
<b>Subject/Title:</b>	Lease of Land adjacent to Davenport Golf Club to the Trustees of Davenport Golf Club, Poynton
<b>Portfolio Holder:</b>	Cllr Peter Raynes

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### 1.0 Report Summary

- 1.1 The purpose of this report is to obtain consent from the Portfolio Holder to grant a new lease for a term of 21 years, with 3 year rent reviews, to the Trustees of Davenport Golf Club, Poynton on terms and conditions to be determined by the Director of Economic Growth and Prosperity or any officer she may nominate. The Trustees of Davenport Golf Club have a statutory right to renew the existing lease as they have security of tenure under the Landlord and Tenant act 1954.

### 2.0 Recommendations

- 2.1 To provide consent to grant a lease of land adjacent to Davenport Golf Club to the Trustees of Davenport Golf Club, Poynton on terms and conditions to be determined by the Director of Economic Growth and Prosperity or any officer she may nominate.

### 3.0 Reasons for Recommendations

- 3.1 The land the subject of this report is owned by Cheshire East Council (“CEC”) and currently let by way of a lease dated 13<sup>th</sup> September 1990 to the Trustees of Davenport Golf Club. Davenport Golf Club use the land as part of their Championship Golf Course and a practice area.
- 3.2 The Council has negotiated terms for a new lease for a term of 21 years, with rent reviews every three years with an initial rent of £2,250 per annum which represents Market Rent in accordance with the Councils duty to secure best value.
- 3.3 The new lease provides an option for the trustees and for the Council to terminate the lease at the end of the 7<sup>th</sup> and 14<sup>th</sup> years of the term. The use of the land is limited to the purposes of a golf course and a golf practice ground only.

3.4 The new lease cannot be assigned or sublet without consent in writing from CEC although new trustees can be substituted.

3.5 Countryside service department have confirmed the land is still surplus to operational requirements.

#### **4.0 Wards Affected**

4.1 Poynton East and Pott Shrigley

#### **5.0 Local Ward Members**

5.1 Cllr Howard Murray  
Cllr Jos Saunders

#### **6.0 Policy Implications**

6.1 The land is considered to be surplus to the requirements of Cheshire East Council.

#### **7.0 Implications for Rural Communities**

7.1 N/A

#### **8.0 Financial Implications**

8.1 Cheshire East Council will receive a minimum of £2,250 per annum for the term of lease.

#### **9.0 Legal Implications**

9.1 Under section 123 of the Local Government Act 1972 the Council is obliged to secure best consideration when granting a lease for the length of this proposed renewal lease.

9.2 By reason of the Landlord and Tenant Act 1954 the Trustees of Davenport Golf Club have a statutory right to renew their existing lease.

#### **10.0 Risk Management**

10.1 There are no perceived risk management issues

#### **11.0 Background and Options**

11.1 The land in question has been formally requested for transfer by Poynton Town Council as part of the second phase (Appendix B) of the Local Service Delivery -Transfer and Devolutions to Town and Parish Councils process. The Council is currently considering its position with regard to this request to transfer.

11.2 The adjacent land is also owned by Cheshire East Council. Poynton Town Council has requested that this piece of land should also be transferred as part of the second phase (Appendix B) of the Local Service Delivery -Transfer and Devolutions to Town and Parish Councils process to enable Poynton Town Council to develop the land for a community use / benefit. It is Poynton Town Councils intention to use the income derived from the land subject to this report to help them develop the adjacent land for a community use / benefit.

11.3 Please refer to section 3.0 of this report.

## **12.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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