

# CHESHIRE EAST COUNCIL

## Cabinet Member for Procurement, Assets and Shared Services

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<b>Date of Meeting:</b>	22 March 2010
<b>Report of:</b>	Assets Manager
<b>Subject/Title:</b>	Proposed Surrender and Simultaneous Grant of a New Lease in Favour of Nantwich Lawn Tennis Club
<b>Portfolio Holder:</b>	Councillor Peter Mason

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### 1.0 Report Summary

- 1.1 To consider a request from the Nantwich Lawn Tennis Club to surrender their existing lease with Cheshire East Council and be granted a new lease to enable the Club to be eligible for grants from the Lawn Tennis Association and Sport England.

### 2.0 Decision Requested

- a) To approve the surrender of the existing lease with Nantwich Lawn Tennis Club
- b) To approve the grant of a new 35 year lease to Nantwich Lawn Tennis Club.
- c) That the terms and conditions of the surrender of the existing lease and grant of the new lease be determined by the Assets Manager, Borough Solicitor and Head of Health and Wellbeing.

### 3.0 Reasons for Recommendations

- 3.1 Nantwich Lawn Tennis Club wishes to improve facilities at the site and requires funding in order to carry out those improvements. In order to become eligible for the necessary grant funding the club requires a minimum lease term of 21 years. There are currently 12 years remaining on the clubs lease and they are therefore not eligible to apply for grant funding.

### 4.0 Wards Affected

- 4.1 Cholmondley Ward

### 5.0 Local Ward Members

- 5.1 Cllr Rachel Bailey  
Cllr Margaret Hollins  
Cllr Stan Davies

## **6.0 Policy Implications**

“Improvement to the terms of the lease will allow and contribute towards the strategic objectives of Cheshire East council with Adult Health and Wellbeing-encouraging healthier lifestyles, giving people opportunities to play. It will also help to make the communities stronger and allowing communities have the power of engagement.

There is also the current Sport and Physical Activity strategy which has been adopted for the South area of Cheshire East which seeks Sports providers to delivery of the action plan which looks at Starting, staying and succeeding in Sport and Physical activity.”

## **7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)**

Not applicable.

## **8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)**

- 8.1 The new lease will be subject to a market rent. The terms and conditions of the new lease are yet to be formally agreed.

## **9.0 Legal Implications (Authorised by the Borough Solicitor)**

- 9.1 A formal deed of surrender will be required in relation to the existing lease. The said surrender will only be completed on the simultaneous grant of a formal new lease.

## **10.0 Risk Management**

- 10.1 There are no perceived risk management issues.

## **11.0 Background and Options**

- 11.1 Nantwich Lawn Tennis Club currently hold a lease from the 13 April 1987 expiring on the 12 April 2022 from this Council. As such 12 years remain on the lease. The lease provides for rent reviews on a 5 yearly basis and is not contracted out of Landlord & Tenant Act 1954 security of tenure provisions. The demised premises are shown edged black on the accompanying plan for identification purposes and extends to approximately 2.5 acres in size.
- 11.2 Since commencement of the existing lease the club have made numerous improvements to the site including a new club house and also new tennis courts. These improvements have been possible due to the clubs success in securing grants in order to facilitate the work. The club wish to make further improvements to the site including the installation of floodlighting, construction of a children’s area and also car park resurfacing (subject to the club obtaining

all necessary planning and other necessary consents). It is estimated that these improvements will cost in the region of £50,000.

- 11.3 In order for the club to be eligible for the necessary grants the club require a lease with a longer term than the existing 12 years remaining. Therefore in order to support the club in its expansion there is a need to surrender the existing lease and grant a new 35 year lease to the club. Health and Wellbeing Services support the proposed lease term of 35 years.

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