

CHESHIRE EAST COUNCIL

Cabinet Member for Regeneration

Date of Meeting:	6 December 2016
Report:	Portfolio Holder
Subject/Title:	Lease Renewal at River Street Car Park, Wilmslow
Portfolio Holder:	Councillor Don Stockton

1.0 Report Summary

- 1.1 This report considers a lease renewal of Cheshire East Council Land at River Street Car Park, Wilmslow ("the Land"). The Land is subject to an existing lease between Macclesfield Borough Council (now vested with Cheshire East Borough Council) and the Trustees of River Street Old Road and Cliff Road Residents Association ("the Tenants") dated 31st March 2009.
- 1.2 The existing lease is for a term of 10 years from the 1st September 2006 and enables the Land to be used for residents' car parking. The Lease is contracted out of the Landlord and Tenant Act 1954 and, therefore, the Tenants do not have Security of Tenure.

2.0 Decision Requested

- 2.1 That Cheshire East Council renews the lease on the same terms as the existing lease, subject to necessary modification as agreed by the Assets Manager and Director of Legal Services.

3.0 Reasons for Recommendations

- 3.1 There is a shortage of on-street car parking in the area due to the narrow width of River Street and parking restrictions at the junction of Cliff Road and River Street and, therefore, the existing lease arrangement provides essential car parking to the Tenants who comprise residents of River Street and Cliff Road.
- 3.2 The provision of the leased car parking facility reduces the overflow of car parking from River Street and Cliff Road onto neighbouring streets. Therefore, this helps to alleviate car parking congestion in the area.
- 3.3 The previous lease arrangement contained maintenance obligations which were adhered to by the Tenants throughout the term. The new lease will

contain the same terms, ensuring the Tenants continue to maintain the Land.

- 3.4 The car park is self-managed by the Trustees of River Street Old Road and Cliff Road Residents Association.

4.0 Wards Affected

- 4.1 Wilmslow Lacey Green Ward.

5.0 Local Ward Members

- 5.1 Councillor Don Stockton.

6.0 Policy Implications

- 6.1 There are no Policy Implications resulting from the proposed 10 year lease.

7.0 Implications for Rural Communities

- 7.1 Not applicable.

8.0 Financial Implications

- 8.1 The new lease will generate an income and will also avoid unnecessary maintenance costs being met by Cheshire East Council for the next 10 years.
- 8.2 The Tenants have agreed to cover Cheshire East Council's reasonable Legal and Surveyor's fees in respect of the proposed lease renewal.
- 8.3 The annual rent shall be reviewed at year 5 in line with the Retail Price Index (RPI).

9.0 Legal Implications

- 9.1 The Localism Act 2011 introduced the General Power of Competence, which allows the Council to do anything an individual can do, provided it is not prohibited by other legislation. These powers have replaced the previous wellbeing powers, however, the use of these powers must be in support of a reasonable and accountable decision made in line with public law principles
- 9.2 The Council has the power to grant a lease of the land pursuant to s123 of The Local Government Act 1972 subject to any disposal for 7 years or more being at the best consideration that can reasonably be obtained.
- 9.3 The Council has a fiduciary duty at all times to the taxpayers and must fulfil this duty in a way which is accountable to local people.

10.0 Risk Management

- 10.1 The new lease will remove the ongoing maintenance liability for Cheshire East Council for a further 10 year term.
- 10.2 Refusal to grant the new lease is likely to result in reputational damage to the council and criticism from the local community.

11.0 Background

- 11.1 The Land comprises approximately 527 square feet (or thereabouts), of unmade land which is restricted for the use of car parking under the terms of the Lease. The Land is shown on Plan for identification purposes.
- 11.2 The car park is operated by way of a permit system with permits allocated by the Trustees of River Street Old Road and Cliff Road Residents Association.
- 11.3 The Tenants have requested a new lease in order to secure a further 10 year term to provide car parking in the area. This will allow the Tenants to continue to provide ongoing maintenance and repairs to the Land. The new lease will also help alleviate car parking congestion in the surrounding residential streets.
- 11.4 A rental increase has been agreed from £250.00 per annum to £340.00 per annum and shall be reviewed at year 5 in line with the Retail Price Index (RPI).
- 11.5 The Tenants have agreed to meet the reasonable professional fees of Cheshire East Council in granting the new lease.
- 11.6 There are no other more beneficial proposals for this land at this time.

12.0 Access to Information

Supporting Documents

Appendix 1 - Plan

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

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