

**Report to:** Lead Member for Resources

**Date of meeting:** 26 March 2019

**By:** Chief Operating Officer

**Title:** Lower Willingdon Pre-School Lease

**Purpose:** To seek Lead Member approval to grant a new 30 year lease to the Pre-School.

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## **RECOMMENDATIONS**

The Lead Member for Resources is recommended to:

- 1) Agree the implementation of a new 30 year lease to replace the existing agreement for the pre-school provision at the Willingdon Primary School; and
  - 2) Agree to delegate authority to the Chief Operating Officer to approve the details of the new lease.
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### **1 Background**

1.1 In 2006, Lower Willingdon Pre-School (the Pre-school) was granted a 30 year lease by East Sussex County Council (ESCC) for pre-school provision at the Willingdon Primary School. Construction of the building was funded by the Pre-school and in recognition of this the 30 year lease was granted with no break and a small ground rent.

1.2 The Pre-school approached ESCC last year requesting permission to carry out works to their external play area. Subsequent legal work highlighted issues with the existing lease; the plan is inaccurate and does not include the external play area used by the Pre-school.

1.3 ESCC is currently unable to grant the pre-school the Licence for Alterations they require in order to carry out works.

### **2 Supporting information**

2.1 After liaising with the Pre-school and colleagues in Children's Services, a proposal has been developed. This would involve surrendering the existing lease and issuing a new lease with an accurately drawn plan to include the external play area (Appendix 1).

2.2 The new lease is to be back-dated from 2006 rather than the current date to ensure that maintenance and repairing responsibility for the condition of the property when the Pre-school took occupation remains with them. This follows advice provided by Orbis Legal Services.

2.3 The Local Member, Councillor Stephen Shing, was contacted on 22<sup>nd</sup> February 2019 and fully briefed on the situation and plan. He has not raised any concerns or objections to the proposal to surrender the existing agreement and grant a new lease.

### **3. Conclusion and reasons for recommendations**

3.1 It is recommended that the Lead Member agrees for East Sussex County Council to surrender the existing lease and grant a new 30 year lease from 2006 to Lower Willingdon Pre-school in order that the outside space can be included.

3.2 It is recommended to grant the same 30 year term as the previous lease in recognition of the fact that the construction of the setting was funded by the Pre-school.

3.3 It is further recommended that the Lead Member agrees to delegate authority to the Chief Operating Officer to approve the details of the new lease

**Kevin Foster**  
**Chief Operating Officer**

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