

REPORT OF THE SERVICE DIRECTOR, INVESTMENT AND GROWTH**PROPOSED LEASE ARRANGEMENTS FOR THE MILL ADVENTURE BASE,
KINGS MILL RESERVOIR, SUTTON-IN-ASHFIELD****Purpose of the Report**

1. The purpose of this report is to propose a new lease arrangement at the Mill Adventure Base to protect and enable capital investment.

Information

2. The County Council occupy the adventure base shown hatched on the attached plan under a lease from Ashfield District Council (ADC) dated 13 May 2004 which is due to expire in 2029. The existing site also includes a second area shown cross hatched on the plan which is leased separately from ADC and known as the Ecology field. The Council is currently 'holding over' under the terms of the lease dated 6 May 2015 which expired in 2020.
3. An earlier report to Policy Committee in May 2018 approved entering into a Partnership Agreement with ADC to accept part of their Heritage Lottery Fund (HLF) project being spent on improvements to the café at the Mill Adventure Base which have now been completed. The report also approved the surrender of the existing lease of the centre and taking a new extended lease to match the terms of the HLF funding.
4. The County Council's capital programme previously approved investment in the existing centre to replace the climbing tower and high ropes course which has also now been completed. To support this scheme Policy Committee on 13th January 2021 approved terms for a new over riding lease to combine the two existing leased areas with additional land shown coloured grey on the plan. This new single lease has not been completed.
5. It is now proposed to provide a further extended adventure course including zip wires and a variety of access structures which will also require the Council to occupy further land shown as a dotted area on the plan. Committee approval for additional capital funding is awaited. This latest phase would provide a community offer of activities to be made available to the wider public thereby increasing numbers and helping to make the centre become self-financing.
6. It is therefore now proposed to protect the investment in the site that the Council surrender its existing leasehold interests and take a new single lease to include the whole of the land edged black on the plan (the hatched land, cross hatched land, grey land and dotted land). This will bring the enlarged site under a single lease encompassing the existing centre, ecology field, community field and adventure course area.

7. The lease terms have now been revised slightly as set out below to reflect the larger area required and a higher rent payable to take account of this. The other terms are the same as previously reported.

Property –as indicated hatched, cross hatched, coloured grey, dotted and edged black on the attached plan including landing stage access to the reservoir as indicated.

Landlord – Ashfield District Council

Tenant – Nottinghamshire County Council

Term – A new lease to run until 31 December 2041.

Rent - £2,175 per annum exclusive of rates and other outgoings. (The current rent for the existing leases is £1,050 pa and rent for smaller area was agreed at £1,700 pa).

Rent review – Upward only on every fifth anniversary in accordance with CPI.

Rates and Utilities- The Council to be responsible for the payment of rates and utility invoices.

Insurance – The Council to be responsible for the insurance of the property.

User - Adventure Centre including a café for the purpose of education and training, water-based activities on the reservoir, various land based activities including climbing, orienteering, cycling, together with the provision of residential accommodation and catering to support the activities provided.

Assignment and Sub-letting - the assignment or subletting of the whole or part of the property is permitted with landlord's consent which is not to be unreasonably withheld.

Repairs – The Council to maintain the property in good repair and condition.

Alterations - Structural and external alterations are permitted with landlord's consent which is not to be unreasonably withheld. Internal alterations are permitted without landlord's consent. In both cases also to be in accordance with any applicable funding conditions.

Break Clause – a break clause in favour of the County Council following the service of 6 months' notice in writing.

Landlord and Tenant Act - the lease would be protected under the renewal provisions contained in the Landlord and Tenant Act 1954

Costs - each party to be responsible for payment of their own costs.

Other Options Considered

8. The Council could agree separate leases for each parcel of land.

Reasons for Recommendations

9. The additional field is required for the next phase of capital investment and the taking of a lease until December 2041 will provide a secure term for this.

10. Bringing the site into one lease will ensure it can be managed coherently for the duration of the partnership agreement.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATIONS

It is recommended that:

- 1) Committee approves the leasing of the additional areas of land indicated dotted on the attached plan and coloured grey on the attached plan.
- 2) That the existing leases dated 13 May 2004 and 6 May 2015 are surrendered, and one new lease is agreed of the land contained within these leases together with the additional areas described in recommendation (1), on the terms contained in this report.

Matthew Neal
Service Director, Investment and Growth

For any enquiries about this report please contact: Neil Gamble, Group Manager Property Asset Strategy, Tel. 0115 9773045

Constitutional Comments (CJ 10/02/2022)

12. The recommendations fall within the remit of Economic Development and Asset Management Committee by virtue of its terms of reference.

Financial Comments (NC 23/02/2022)

13. The current rent is £1,050 and it had been agreed for the rent to increase in total to £1,700 for both areas. The £2,175 rent (exclusive of rates and other outgoings) will be for all three areas combined.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Report to Policy Committee in May 2018 and minutes of that meeting.
- Report to Policy Committee in January 2021 and minutes of that meeting.

Electoral Division(s) and Member(s) Affected

- Sutton Central and East
- Councillor Sam Deakin

File ref.: BH/SB/54011
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Properties affected: 54011: The Mill Adventure Base