

St Nicholas Gardens Lease Expiry

EXECUTIVE MEMBER: Deputy Leader Councillor George Clements
Portfolio Holder Councillors Hugh Branney
LEAD OFFICER: Keith Parker, Head of Leisure and Environmental
Services
REPORT AUTHOR: Toni Magean, Open Spaces Manager

Summary and Recommendation:

This report informs Executive that the current lease arrangement for St Nicholas Gardens expires on the 18 November 2008

That the Executive Board

1. Note the options for consideration at 3.1 and
2. agree option 3

1. INTRODUCTION

- 1.1 The current lease agreement for St Nicholas's grounds was made between the vicar, churchwardens (effectively the Diocese of Carlisle) and Copeland Borough Council on the 18 November 1983 for a period of 25 years, the lease arrangement provides for the management and maintenance of the infrastructure and gardens (including the Nave and Chancel areas) The lease arrangement has been continually in place from 1919. As the current lease reaches its term it is appropriate that Executive consider the lease in the context of the cost and benefits to the Council.

2. ARGUMENT

- 2.1 St Nicholas Gardens is one of the Councils principle green spaces and contributes to the Councils corporate priority "providing high Quality Streets and Open Spaces" and supports the safer stronger communities' outcomes of the Local Strategic Partnership and Cumbria Agreements "Future Generations"

- 2.2 Being located in the centre of Whitehaven, this green space is easily accessible and well used by many residents and visitors alike, contributing to improve their quality of life and experiences in Copeland. The green space also supports a number of local community events such as the Christmas and Maritime Festivals.
- 2.3 The quality of St Nicholas Gardens are of a high national standard, leading to the Council achieving a number of awards, most successfully with support from the friends group in achieving the Governments National Green Flag Standard in 2004, 2005, 2006 and 2007 also in 2007 St Nicholas Gardens achieved a further award the National Green Heritage standard.
- 2.4 St Nicholas Garden is the town's most focal green space, and the key green space during the Cumbria in Bloom competitions, in 2005 and 2006 St Nicholas Gardens was judged as runner up for the title of "Royal Horticultural Societies "Best Park in Britain" by the National Britain in Bloom organisation.
- 2.4 Over the last few years the Gardens have been managed and maintained in a more environmentally sustainable manner. The main impact of this approach has been a 65% reduction of the seasonal bedding areas these now being planted with long term perennials. As a result a financial efficiency saving to the Council has been delivered, significantly lowering the overall maintenance costs to an estimated £50k per annum.

3. OPTION TO BE CONSIDERED

- 3.1 The following 3 options are asked to be considered by the Executive:

No	Option	Benefit	Detriment
1	Not to renew the lease.	<ul style="list-style-type: none"> ▪ Potential Financial Savings. ▪ No Liabilities 	<ul style="list-style-type: none"> ▪ Current high quality maintenance standards will not be maintained ▪ Loss of the National Green Flag Award ▪ Potential Staff Redundancy (if financial savings not reinvested back into the service) ▪ High customer dissatisfaction
2	Renew the lease for a further 25 Years	<ul style="list-style-type: none"> ▪ Will remain a leading green space ▪ Continue to achieve 	<ul style="list-style-type: none"> ▪ Limited financial savings. ▪ Continue to be

		<ul style="list-style-type: none"> Green Flag status Retain good customer satisfaction Retaining standards Retaining staff 	responsible for a range of liabilities
3	Renew the lease for a shorter period of 5 years – an interim measure to provide the Council greater flexibility and potentially for the establishment of a Whitehaven Town Council which may then wish to take on the lease.	<ul style="list-style-type: none"> Will remain a leading green space Continue to achieve Green Flag status Retain good customer satisfaction Retaining standards Retaining staff 	<ul style="list-style-type: none"> A short term lease period Town Council may not wish to take on the lease. Limited financial savings Potential Staff redundancy after period of lease

4. FINANCIAL AND HUMAN RESOURCES IMPLICATIONS (INCLUDING SOURCES OF FINANCE)

- 4.1 If Executive agrees to renew the current lease arrangement under options 2 & 3 there are no financial implications as St Nicholas Gardens is managed and maintained within current agreed budgets.
- 4.2 If Executive chooses not to renew the lease arrangement, option 1, then current maintenance financial savings of £50k will be realised per annum within the base budget, though this will be offset in the first year by one off redundancy and early termination leasing costs totalling approximately £39k.

5. CONCLUSIONS

- 5.1 St Nicholas Gardens is a well maintained and a high quality green space that is well used and valued by the residents and visitors of Copeland, this is recognised through the many national environmental awards the green spaces as gained.
- 5.2 Three options are presented to Executive, 1) not to renew the lease, 2) to renew the lease on the same basis, 3) to renew the lease over a shorter term.
- 5.3 It is recommended that Executive chose option 3. A short term lease period (5 years) which gives the Council the flexibility to review the position in the medium term.

6. IMPACT ON CORPORATE PLAN

- 6.1 St Nicholas Gardens contributes and supports the quality of life objectives within the Corporate Plan

List of background documents:

Lease Agreement
Draft Greenspace Strategy

List of Consultees:

Councillor George Clements
Councillor Hugh Branney
Corporate Team

CHECKLIST FOR DEALING WITH KEY ISSUES

Please confirm against the issue if the key issues below have been addressed. This can be by either a short narrative or quoting the paragraph number in the report in which it has been covered.

Impact on Crime and Disorder	Crime audit undertaken, actions addressed through the site management plan
Impact on Sustainability	Reference made to point 2.4
Impact on Rural Proofing	N/A
Health and Safety Implications	None
Impact on Equality and Diversity Issues	St Nicholas Gardens provides accessibility to all
Children and Young Persons Implications	St Nicholas Gardens support and provide activities for Children and young people.
Human Rights Act Implications	None
s.151 issues	Reference made to point 4.2
Legal issues	No formal notice in respect of the end of the tenancy has been given by the diocese. However the lease could be treated as terminated at the end of the lease period.

Please say if this report will require the making of a Key Decision Yes