

SUBJECT	Buryfield Car Park Lease
REPORT OF:	<i>Councillor Michael Smith</i>
RESPONSIBLE OFFICER	Chris Marchant Head of Environment
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WARD AFFECTED	<i>Great Missenden</i>

1. Purpose of Report

- 1.1 To recommend delegated authority to agree detailed terms of a new lease of Buryfield car park.

2. Recommendation

- 2.1 That, authority is delegated to the Parking Manager and Head of Environment in consultation with the Portfolio Holder to agree detailed terms of a new lease and to proceed with the transaction.
- 2.2 That, authority is delegated to the Parking Manager and Head of Environment in consultation with the Portfolio Holder to agree detailed terms of subsequent leases for Buryfield car park, where it is deemed necessary to help protect the local economy and support the local community.

3. Reason for recommendation

- 3.1 The previous lease expired in April 2016 and CDC is currently occupying the land under a Tenancy at Will. A new lease would protect all parties and ensure CDC is able to manage the car park on a cost neutral basis.

4. Content of the Report

- 4.1 In 2004, Executive (Minute 112 28/09/2004) authorised officers to consult with Great Missenden Parish Council (GMPC) on the management of parking at Buryfield and to delegate contract arrangements to the relevant Director and Portfolio.
- 4.2 Discussions with GMPC progressed and in 2006, the Director and Portfolio Holder used their delegated powers to approve principal terms of a lease. The lease commenced in April 2007 and expired in April 2013.
- 4.3 In 2013, Executive (Minute 132 12/02/2013) authorised officers to consult with GMPC and agree new detailed terms. This lease commenced in April 2013 and expired in April 2016. The lease is excluded from LTA 1954 and CDC is holding over by continuing to occupy through. The current position is a Tenancy at Will.
- 4.4 GMPC do not have legal powers to implement an off street parking order to apply restrictions in the car park. Without restrictions there are concerns the car park would become a 'free for all' for commuters, thus reducing the availability of short stay parking spaces in Great Missenden. Hence, the Parish Council wish to renew the lease to CDC.
- 4.5 The proposal is for a seven-year lease, similar to the previous lease with a peppercorn rent.
- 4.6 To ensure future management of the car park continues to operate at a cost neutral level for CDC there has been a significant change to the lease. This is to remove the capped amount that GMPC previously paid to CDC should the operating costs exceed the income and replace it with a clause that states CDC will be reimbursed in full for any deficit.

4.7 Similar to the previous lease, GMPC will be refunded 50% of any surplus on the net parking income.

4.8 Since the previous lease there has been a change to the way the one hour free is calculated to recharge the parish councils (2015, Executive (Minute 69 01/12/15). This is to be included as an appendix to the lease and the value of the one-hour free that is recharged to GMPC, will be included in the income.

5. Options

5.1 Proceed with the recommendation set out above.

5.2 Vacate the land.

6. Consultation

6.1 Consultation required with GMPC to agree the terms of the lease.

7. Legal Implications

7.1 There are no known legal implications

8. Financial Implications

8.1 Lease terms to be structured so that any risk of a financial loss to CDC is minimised.

9. Links to Council Policy Objectives

9.1 Develop closer working with towns, parishes, and local neighbourhoods to promote safe, healthy, and cohesive communities.

9.2 Contributes towards the Council's aim to deliver value for money services that are driven by customer and community needs.

10. Next Steps

10.1 If the recommendation is agreed, negotiations on the new lease can proceed.

Background Papers:	None
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