

OFFICER DECISION RECORD

For staff restructures, please also complete an RA1 form to update the HR Portal. This is attached at Annex 2.

Decision Ref. No:

RE18 0108

Box 1

DIRECTORATE: Regeneration & Environment

DATE: 8 June 2018

Contact Name: Joanne Chipp-Smith

Tel. No.: 01302 734476

Subject Matter: Springwell Centre - Denaby Library Community Lease

Box 2

DECISION TAKEN:

To grant a sublease of space within the Springwell Centre, Denaby to ReRead for the purpose of delivering a community library service.

Box 3

REASON FOR THE DECISION:

Doncaster Council occupy space in the Springwell Centre, as tenant, on a lease which is due to expire 18/10/2031. Doncaster Community Solutions (FundCo1) Ltd are the Landlord. A community library facility is currently operating under a Well Doncaster project. The Well Doncaster project is however due to finish at the end of June, however ReRead wish to continue providing a community library facility.

As ReRead is not a part of the Council a sub-lease will be required to formalise their occupation. Landlords consent has been obtained for the sub lease subject to the underletting being in accordance with the terms of our lease.

One stipulation of the lease in relation to subletting is that the sublease must be at the full market rent. As ReRead will be operating the library service as volunteers there is no cost to be passed on to them. The landlord has advised that one way around this is to lease at the correct level of rent and issue a financial rebate or subsidy to the sub tenant to compensate. Another alternative is to seek an amendment to the LPA and funders consent, which could be prohibitively expensive for the Council. However, the final option and the proposed course of action is to include the market rental in the lease and stipulate in the SLA that the Council will continue to pay the rent and outgoings.

The Council already has in place a model for allowing libraries to become community led and ran by volunteers, reducing the need for staff, and consequently assisting the Council in reducing staffing costs.

The lease terms and service agreement for the ongoing provision of library services in this instance is to mirror that of the other libraries where completed leases are already

in place (as far as possible ensuring compliance with the head lease). The essential terms agreed are as follows;

1. A 12 year lease term with effect from 01.07.18.
2. Lease at the market rent plus pass through charge, to be borne by DMBC. Reviewed annually, linked to RPI. Current charges are £48,337.62 rental, and £5,569.34 pass through charge.
3. The Council to be responsible for all maintenance and repairs, statutory testing and compliance, and reimbursing any cost to the landlord for tenant damage.
4. The Council to reimburse rates (11.76%) and insurance and utility costs (10.85%).
5. The lease will be determinable should the SLA for provision of library services be determined for whatever reason
6. Use – the proposed use will be a community library providing the services required including also community uses and centre for educational and charitable fund raising activities.
7. Break in favour of the tenant at any time after 3 months of the commencement date by giving a minimum of 1 months written notice
8. The lease is to be contracted out of the statutory renewal provisions contained within S.24-S.28 LTA 1954.

This follows the model already established in earlier community leases of libraries passed over for community management for consistency.

Box 4

OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:

The recommended action follows an established model for delivering community library services, providing the facility for the community but enabling the Council to reduce staffing costs. This was approved for other libraries within the Borough in a cabinet report dated 11/04/14, and options were considered at length within that report.

ReRead currently occupy the space, and the recommended option formalises their occupation setting out a clear Landlord and tenant relationship.

Box 5

LEGAL IMPLICATIONS:

Under s.123 of the Local Government Act 1972 the Secretary of State's consent is required for the lease of land for 7 years or over for less than the best consideration reasonably obtainable. Under Circular 06/03 the Secretary of State has given their consent to the disposal of non-housing/HRA land by local authorities for less than the best consideration reasonably obtainable provided that:

- (i) The difference between the consideration being received and full open market value does not exceed £2 million, and
- (ii) The Council is satisfied that the purpose of the disposal will contribute to the promotion or improvement of the economic,

**Signature of Assistant Director of Finance & Performance
(or representative)**

Box 9

ICT IMPLICATIONS:

DMBC network connectivity with public computer access is already provided at the Springwell Centre and as such there are no anticipated ICT implications in relation to the granting of a sublease to ReRead for the purpose of delivering a community library service. Any requirements for new, enhanced or replacement technology would need to be considered by the ICT Governance Board (IGB).

Name: Peter Ward (Technology Governance & Support Manager)

Signature: **Date:** 12/06/18

**Signature of Assistant Director of Customer Services and ICT
(or representative)**

Box 10

ASSET IMPLICATIONS:

The asset implications relevant to this decision are contained within the main body of the Officer Decision Record

Name: Gillian Fairbrother (Principal Property Surveyor)

Signature: **Date:** 8th June, 2018

**Signature of Assistant Director of Trading & Property Services
(or representative)**

Box 11

RISK IMPLICATIONS:

This decision needs to be taken to ensure that there is a formal occupancy agreement in place, in the interests of good estate management.

(Explain the impact of not taking this decision and in the case of capital schemes, any risks associated with the delivery of the project)

Box 12

EQUALITY IMPLICATIONS:

N/A

Name: J Chipp-Smith **Signature:**

Date: 08th June 2018

(Report author)

**Box 13
CONSULTATION**

Officers

(In addition to Finance, Legal and Human Resource implications and Procurement implications where necessary, please list below any other teams consulted on this decision, together with their comments)

Members

Under the Scheme of delegation, officers are responsible for day to day operational matters as well as implementing decisions that have been taken by Council, Cabinet, Committee or individual Cabinet members. Further consultation with Members is not ordinarily required. However, where an ODR relates to a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the appropriate Cabinet Member before exercising the delegated powers. In appropriate cases, officers will also need to consult with the Chair of Council, Committee Chairs or the Chair of an Overview and Scrutiny Panel as required. Officers shall also ensure that local Members are kept informed of matters affecting their Wards.

Please list any comments from Members below:

None

**Box 14
INFORMATION NOT FOR PUBLICATION:**

It is in the public's interest to be aware of this decision record under the Freedom of Information Act 2000, therefore this decision will be published in full, redacting only signatures.

Name: Joan L'Amie **Signature:**

Date: 2nd July 2018

Signature of FOI Lead Officer for service area where ODR originates

Box 15

Signed: _____ **Date:** 23 July 2018
Dave Wilkinson, Assistant Director Trading and Property Services

Signed: _____ **Date:** _____
Additional Signature of Chief Financial Officer or nominated representative for Capital decisions (if required)

Signed: _____ **Date:** _____
Signature of Mayor or relevant Cabinet Member consulted on the above decision (if required).

- **This decision can be implemented immediately unless it relates to a Capital Scheme that requires the approval of Cabinet. All Cabinet decisions are subject to call in.**
- **A record of this decision should be kept by the relevant Director's PA for accountability and published on the Council's website.**
- **A copy of this decision should be sent to the originating Directorate's FOI Lead Officer to consider 'information not for publication' prior to being published on the Council's website.**
- **A PDF copy of the signed decision record should be e-mailed to the LA Democratic Services mailbox**