

Subject: Civic Hall, Market Street,
Whitworth.

Status: For Publication

Report to: Cabinet

Date: 19th September 2006.

Report of:

Head of Legal and Democratic Services

Portfolio

Holder: Cabinet member for Finance and Risk Management

Key Decision:

NO

Forward Plan
Relevant Box

General Exception

Special Urgency

“X” In

1. PURPOSE OF REPORT

- 1.1 To consider the lease of rooms in the Civic Hall, Market Street, Whitworth to the Whitworth Town Council
- 1.2. To consider the lease of the Civic Hall, Market Street, Whitworth to the Community Leisure Association of Whitworth.

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report are linked to and support the following corporate priorities:
- Regeneration.

3. RISK ASSESSMENT IMPLICATIONS

- 3.1 There will be financial and risk implication in the leasing of the rooms and the Civic Hall and also with regard to the Highways Act Agreement for road works in connection with access to the Civic Hall.
- 3.2 Rossendale Borough Council will be responsible for the insurance of the Civic Hall and car park during the term of the Leases subject to indemnities from both Whitworth Town Council and the Community Leisure Association of Whitworth in favour of Rossendale Borough Council against any claims during the term of the Leases.

- 3.3. Rossendale Borough Council will be indemnifying the County Council against any claims in connection with the works to the Highway as detailed in this report under clause 4.6.
- 3.4. There may be financial implications if either of the Tenants are requesting any grant monies to cover the cost of rent or any other financial demands contained in the Leases, more details will be provided by the Head of Financial Services.
- 3.5. The Head of Financial Services will provide other information about financial and risk implications he considers will affect this report.

4. BACKGROUND AND OPTIONS

- 4.1. This report continues Members considerations of the issues regarding the new Civic Hall at Whitworth, presently nearing completion.
- 4.2. Members will be aware of the negotiations between Officers of the Council, representatives of the Community Leisure Association of Whitworth Limited (CLAW) and representatives of the Whitworth Town Council regarding use of the Civic Hall.
- 4.3. At the various meetings, this Council, the Town Council and CLAW have agreed that,
 1. The Town Council is to have a permanent presence within the new Civic Hall to fulfil and discharge its statutory, municipal and civic duties and in recognition of the User Rights that the Town Council had with its previous offices.
 2. This Council will grant a Lease to CLAW, which will be subject to a similar Lease to the Town Council, for the whole of the Civic Hall premises and car parking to the rear.
- 4.4. The Cabinet needs to give authority for the preparation and completion of the formal documentation which will give substance to the negotiations that have been ongoing during this period.
- 4.5. The Lease from Rossendale Borough Council to the Town Council shall:
 1. Be for a term of 99 years from a date to be agreed.
 2. The rent will be one peppercorn per annum if demanded, but the Town Council will pay a Service Contribution to be agreed between the Head of Financial Services and the Town Council.
 3. The rooms to be leased will consist of the Council Chamber/ Wedding Room and the Town Clerks Office and rights of passage over and use of the common parts of the Buildings

The Head of Legal and Democratic Services will draw up the Lease and shall include any other terms and conditions as deemed necessary.

- 4.6. The Lease from Rossendale Borough Council to CLAW shall:

1. Be for a term of 7 years from a date to be agreed.
2. The rent shall be £75,000 per annum and subject to 3 yearly upward only reviews.
3. The premises to be leased will be the site of the Civic Hall and land to the rear to form a car park
4. The Town Council shall have the use of the lounge and bar facility each year (at no charge) for Mayor Making and Remembrance Sunday
5. Rossendale Borough Council shall have the use of one room (for a minimum of one morning per week) at no charge, for the purposes of holding a surgery and the use of a room at no charge for the purpose of holding Area Forums.
6. Be subject to the existing Lease between Rossendale Borough Council and Whitworth Town Council.

The Head of Legal and Democratic Services will draw up the Lease and shall include any other terms and conditions as deemed necessary

- 4.6. The Head of Legal and Democratic Services and the Head of Financial Services shall liaise with the Lancashire Highways Partnership and continue negotiations with them concerning any highway changes required to assist traffic flow on Market Street fronting the Civic Hall. The Head of Legal and Democratic Services will prepare and complete the Agreement under Section 278 of the Highways Act 1980 required for the highway works. This Agreement also contains an indemnity by the Borough Council to the County Council against all actions claims costs demands expenses and liabilities which may be made at any time in connection with or incidental to the carrying on of the works to the Highway, unless any claim arises as a consequence of any negligent act default or omission by the County Council.

5. COMMENTS OF THE HEAD OF FINANCIAL SERVICES

- 5.1. To be supplied separately to the Cabinet.

6. COMMENTS OF THE HEAD OF HUMAN RESOURCES

- 6.1 There are no Human Resources implications.

7. CONCLUSION

- 8.1. That Members are aware of the need for the formal documentation to proceed so that the Civic Hall may be used for community and municipal functions following completion of the building works and the Recommendations be agreed.

9. RECOMMENDATION(S)

- 9.1. That the Head of Legal and Democratic Services be authorized to prepare and sign the Lease Agreements specified in clauses 4.4, 4.5 and the Section 278 Highways Act 1980 Agreement referred to in clause 4.6. of this Report.

10. CONSULTATION CARRIED OUT

10.1. Whitworth Town Council

10.2. Community Leisure Association of Whitworth Limited

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Background Papers	
Document	Place of Inspection
Legal File Z.26/836	Legal Services Department