



## Portfolio Holder Report

The portfolio holder will make a decision on this item after seven days have elapsed (including the date of publication).

Report of:	Portfolio Holder	Date of publication
Neil Turvey, Assistant Director of Property and Development Projects	Councillor Lesley McKay, Resources Portfolio Holder	31 October 2024

### Land at Kelly's Corner, Knott End – proposed new lease terms

#### 1 Purpose of report

- 1.1 To confirm the terms of a new 50-year lease to Preesall Town Council for the land at Kelly's Corner, Knott End.

#### 2 Council priorities

- 2.1 To use our land and buildings wisely, managing them to appropriate standards, reducing environmental impact and maximising income to reinvest in improving services.

#### 3 Recommendation

- 3.1 That the proposed new lease is approved.

#### 4 Background

- 4.1 Kelly's Corner is a piece of land at the north-eastern side of the junction of Grasmere Road and Lancaster Road, Knott-End-on-Sea. A copy of the plan can be found in Appendix 1. S Kelly and Bros Limited transferred the land at Kelly's Corner to Wyre Council on 18 September 1967 to use as Public Open Space.

- 4.2 A memorial stone to the late Samuel Kelly was provided by the Kelly Brothers at their own expense to sit on the Public Open Space.

- 4.3 It was previously agreed that Wyre Council would maintain and preserve the stone. It is estimated that the general maintenance of Kelly's Corner costs the council around £500 per annum.

- 4.4 It was also agreed that the space should remain as Public Open Space.

4.5 This is a very small site which does not have any development potential

## 5. Key issues and proposals

5.1 It is proposed that the land at Kelly's Corner, Knott End will be leased to Preesall Town Council. The term will be a 50-year lease commencing from a date to be agreed. There will be a one peppercorn rent per annum, if demanded.

5.2 The tenant will be responsible for keeping the premises in a good state of repair including the two benches and one stone marker on site. The waste bin on the site will remain the responsibility of the Council and will be emptied by the Council. A schedule of condition will be prepared at the commencement of the lease. There will be an obligation on the tenant to keep the site weed free and in a safe and well-kept condition as a Public Open Space.

5.3 The lease will benefit from security of tenure under sections 24 to 28 of Part II of the Landlord and Tenant Act 1954.

5.4 The lease contains a restrictive covenant in that the memorial stone to Samuel Kelly shall not be moved or altered in anyway.

## 6. Alternative options considered and rejected

6.1 That the lease is not granted, and that Wyre Council continue to maintain the land at an estimated ongoing cost of £500 per annum.

## 7. Delegated functions

7.1 The matters referred to in this report are considered under the following executive function delegated to the Resources Portfolio Holder (as set out in Part 3 of the council's constitution): "To consider the management, repair, maintenance and use of the Council's land and buildings".

<b>Financial, Legal and Climate Change implications</b>	
Finance	Whilst the Lease provides no income stream for the council it will remove the ongoing liability for the maintenance and insurance of the area and will allow the Town Council to invest in the site.
Legal	The Local Government Act 1972 s.123 provides that the Council may dispose of land in any manner it sees fit subject to the constraint that (except in the case of leases for less than 7 years) a disposal must be for the best consideration reasonably obtainable. The land was advertised on the council's website between 27 August 2024 date and 10 September 2024 date and no comments nor objections were received.

	It is considered that the proposed terms outlined above represent best value and is therefore compliant with the legislation.  A lease will be entered into in accordance with the terms set out in this report.
Climate Change	There are no material climate change implications in leasing this land.

### Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
health and safety	x

risks/implications	✓ / x
asset management	✓
ICT	x
data protection	x

### Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Neil W Turvey	07385 366503	Neil.turvey@wyre.gov.uk	17/10/2024

List of background papers:		
name of document	date	where available for inspection
none		

### List of appendices

Appendix 1 – location and site plan

