

Report of:	Meeting	Date
Councillor Lesley McKay, Resources Portfolio Holder and Marianne Hesketh, Director of Communities	Cabinet	8 January 2025

## Garstang Swimming Pool - Freehold Acquisition

**Key decision:** Y

### 1. Purpose of report

- 1.1 To seek approval to proceed with the purchase of Garstang Swimming Pool from Lancashire County Council.

### 2. Council priorities

- 2.1 Improve our leisure facilities ensuring they meet the needs of our residents and visitors.
- 2.2 Use our land and buildings wisely, managing them to appropriate standards, reducing their environmental impact and maximising income to reinvest in improving services.

### 3. Recommendation

- 3.1 That approval is given to acquire Garstang Swimming Pool and the surrounding land from Lancashire County Council.

### 4. Background

- 4.1 Garstang Swimming Pool is a community pool currently run and managed by the Fylde Coast YMCA. The building was constructed in 1974 and provides a 20-metre pool, reception area, changing rooms, associated plant and equipment and car parking.
- 4.2 The pool and surrounding site are owned by Lancashire County Council and leased to Wyre Council for a term of 15 years from 1 April 2011 at a peppercorn rent.

- 4.3** Under the terms of the lease the tenant is responsible for all internal and external maintenance. The lease is excluded from the security of tenure provisions of the 1954 Landlord and Tenant Act meaning that there is no automatic right to renew the lease.
- 4.4** Wyre Council has granted a sub-lease to Fylde Coast YMCA to enable the YMCA to provide leisure services to the area. This lease comes to an end on 31 March 2026 which is the same date as the current Leisure Agreement with the YMCA.
- 4.5** In terms of liabilities in relation to the swimming pool building the council has had condition surveys carried out on the building and the estimated expenditure required over the next 15 years is as follows:

<b>Wyre Borough Council</b>			
<b>Building</b>	<b>Building Maintenance</b>	<b>M&amp;E</b>	<b>Total</b>
Garstang Swimming Pool	£71,850	£75,000	£146,850

<b>Leisure Operator</b>			
<b>Building</b>	<b>Building Maintenance</b>	<b>M&amp;E</b>	<b>Total</b>
Garstang Swimming Pool	£60,500	£200,050	£260,550

As the lease between Lancashire County Council and Wyre Council is on full repairing terms the liability for the building maintenance and M&E works already exists until the end of the lease and would continue if the lease were to be renewed on the same terms as an alternative to the council purchasing the property.

## **5. Key issues and proposals**

- 5.1** Wyre Council currently holds the swimming pool site on a lease which comes to an end in 2026 and has no security of tenure. Purchasing the site would provide security in terms of swimming pool provision in Garstang. The lease already makes the council as tenant responsible for all repairs and maintenance so there will be no greater financial obligation in this regard. By becoming the freeholder Wyre Council would also be

free of any restrictions in the lease and freehold ownership would make any future investment in the building more worthwhile.

**5.2** An independent valuation has been carried out to assess the value of the land and buildings.

**5.3** Preliminary discussions have taken place with Lancashire County Council regarding the purchase of the site by Wyre Council and a provisional purchase price agreed.

**6. Alternative options considered and rejected**

**6.1** To continue with the current arrangement and seek to renew the lease with Lancashire County Council. As there is no statutory right to renew there is no guarantee that this would be agreed. Renewing the lease on the same terms would also mean that Wyre Council would continue to pay for the maintenance of a building that it doesn't own. There is also the possibility of the landlord offering less favourable terms and/or seeking to charge a higher rent.

**6.2** To hand back the building at the end of the current lease term in 2026. This would mean that the residents of Garstang and the surrounding area would have no swimming facility in the town.

<b>Financial, Legal/MO, and Climate Change implications</b>	
Finance	Whilst there would be an initial financial outlay to purchase the site, there would be no increase in maintenance costs as these are already a tenant responsibility under the lease. The agreed price is below the site value provided by the external valuer and the site should be a valuable land holding with future development potential. The cost of the acquisition will be met from capital receipts.
Legal/MO	The purchase will be subject to the usual due diligence and the sale documentation drafted to reflect the Heads of Terms agreed between parties.
Climate Change	The proposal has a slight positive climate impact. With the council as a freeholder, there is potential to have greater investment into the property and obtain grant funding which may aid decarbonisation and other energy efficiency measures. Purchasing the site gives greater security for swimming pool provision, this avoids transport emissions which would be created if the facility was no longer available and residents had to travel further to another facility.

**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 'Data Protection Impact Assessment (DPIA)' 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 DPIA will need to be completed with advice provided by the Data Protection Officer or Deputy Data Protection Officer.

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

### List of appendices

Appendix 1 - Site plan

Appendix 2 – Exempt Financial Details