

EAST AYRSHIRE COUNCIL

CABINET – 30 SEPTEMBER 2009

**LEASE OF DISUSED ASSLOSS WALLED GARDEN, DEAN CASTLE COUNTRY PARK,
KILMARNOCK**

Report by the Executive Head of Finance and Asset Management

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek Cabinet approval to extend the lease between the Council and Heal the Earth Ayrshire in respect of the disused Assloss Walled Garden, Dean Castle Country Park (as shown on attached location plan), from a period of 5 years to 10 years with an option to extend the lease at the end of the 10 years for a further period to be agreed at that time.

2. BACKGROUND

- 2.1 At its meeting on 4th February 2009 Cabinet approved a report dated 29th January 2009 by the Executive Director of Neighbourhood Services seeking authority to lease the disused Assloss Walled Garden at Dean Castle Country Park to Heal the Earth Ayrshire.
- 2.2 Cabinet authorised the Executive Head of Finance & Asset Management to set up a lease between the Council and Heal the Earth Ayrshire for an initial period of 5 years.

3. CURRENT POSITION

- 3.1 Negotiations on the proposed lease terms have taken place between Heal the Earth Ayrshire and Estates Management Services of the Council in consultation with Legal Services and Leisure Services.
- 3.2 Agreement has now been reached on the proposed lease terms which have been approved by the Executive Head of Finance & Asset Management under the scheme of delegated powers, subject to Cabinet Approval to extend the lease term.
- 3.3 Cabinet approval on the 4th February 2009 was to grant a lease for an initial period of 5 years. However following discussions with Heal the Earth Ayrshire it transpired that in order to satisfy the Group's Grant Funding conditions from a number of organisations, including the Climate Change Challenge Fund, the Group requires a 10 year lease. They also wish an option to extend the lease at the end of the 10 years should they be successful in obtaining additional funding, for a further period to be agreed at that time. The option would be in favour of the tenant and would be treated as a new lease rather an extension of the existing lease. The Head of Leisure Services has confirmed that such a proposal is acceptable to Leisure Services.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications to the Council.

5. LEGAL IMPLICATIONS

- 5.1** The proposed lease of the subjects will be formalised and concluded by the Solicitor to the Council.

6. POLICY AND COMMUNITY PLANNING IMPLICATIONS

- 6.1** The proposed use of the subjects of lease by Heal the Earth Ayrshire will help achieve Community Regeneration by enhancing the natural environment and reducing the 'carbon footprint'.
- 6.2** Heal the Earth Ayrshire propose to host occasional garden related community and educational activities within the subjects of lease.
- 6.3** It is Council policy to advertise property for sale or lease on the open market unless there are special reasons to do otherwise. The above policy does not apply in this case as Heal the Earth Ayrshire approached officers from Leisure Services with the proposal to lease the Walled Garden during the Leisure and Cultural Strategy consultation process.

7. ASSET MANAGEMENT IMPLICATIONS

- 7.1** The proposed strategy meets the Council's policy objectives in respect of Asset Management.

8. RECOMMENDATIONS

It is recommended that Cabinet agree to the extension of the lease period of the proposed lease of the disused Assloss Walled Garden, Dean Castle Country Park, Kilmarnock to Heal the Earth Ayrshire from 5 years to 10 years with the option to extend at the end of 10 years for a further period to be agreed at that time.

Alex McPhee
Executive Head of Finance & Asset Management

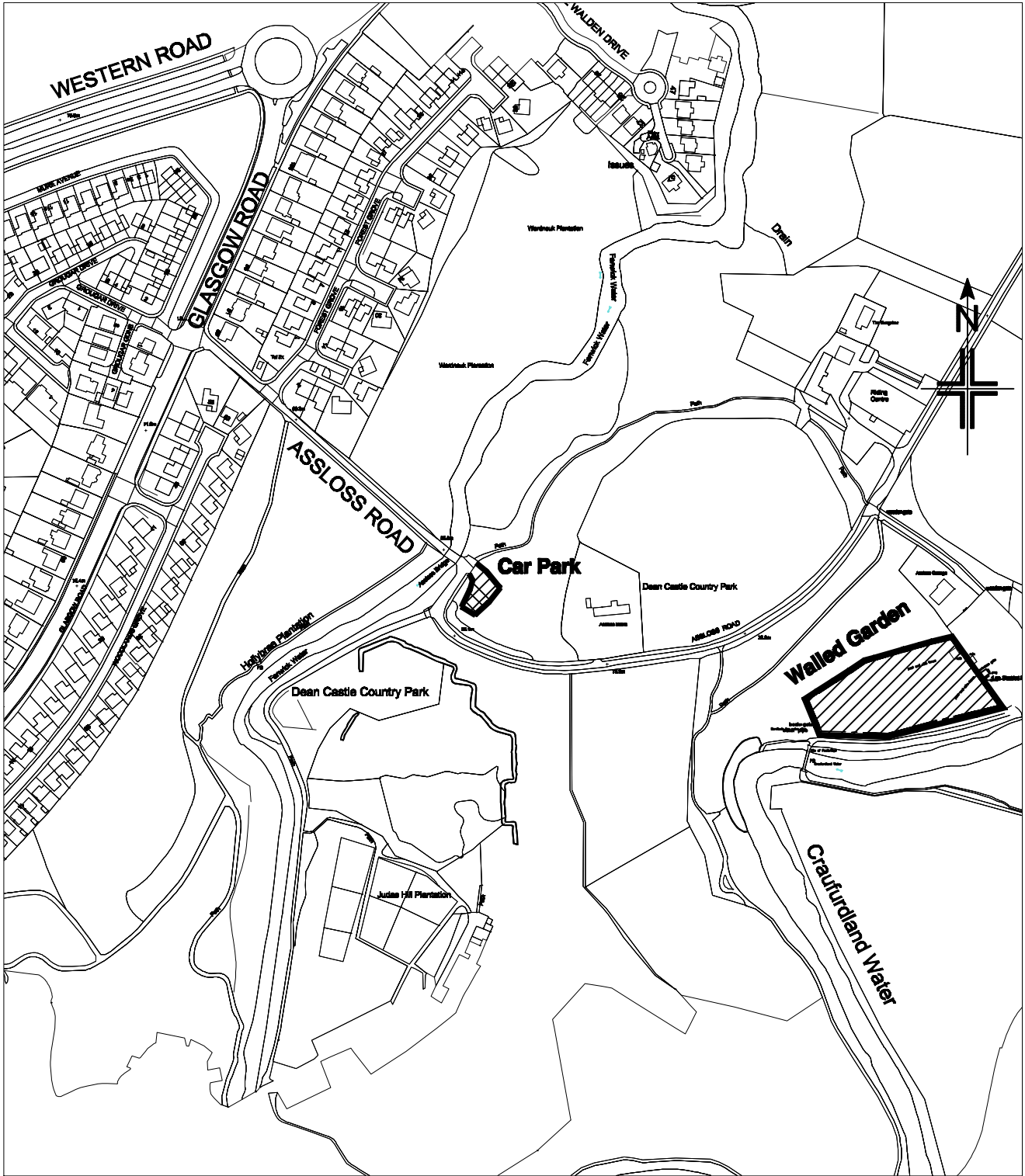
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04 September 2009

LIST OF BACKGROUND PAPERS

Nil

Members wishing further information should contact Alex McPhee, Executive Head of Finance and Asset Management on 01563 576300

CABINET PLAN



Area shown hatched black = 5780 square metres or (1.428) acres

TITLE

WALLED GARDEN, DEAN CASTLE COUNTRY PARK
ASSLOSS ROAD, KILMARNOCK



East Ayrshire
Council

LAND SURVEY

Alexander McPhee ACMA
Head of Finance and
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