

SUMMARY OF OPTIONS

1 To agree the extension of the lease from 7 years to 20 years.

- Legal Dept have written to Charity Commission to request if an 'extention' is possible. They have a 29 week response time.
- This delay is unfortunate in terms of BOCS securing external Lottery funding with a deadline of December 2023.
- Officers believe this would still require the same 'full' procedure as required when issuing a new lease due to the term of 20 years.

2 To agree to grant a new lease for 20 years.

- This requires the Council to follow due process set out by the Charities Act 2011 to secure a Designated Advisors report on the valuation of the land to be included in the lease and the advertising of the affective loss of public open space, to enable the Trustees to consider if the proposal is in the best interest of the charity.
- Officers could have delegated powers to decide if the report is satisfactory to save further reporting back to Trustees.
- Costs of securing the report and advert to be recovered from BOCS or from Estates as the originator of the first lease or the recipient of the income. This must not be bourne by the charity as this would not be in the interest of the charity.
- It ensures BOCS have the ability to apply and potentially secure external funding and therefore sustain their provision which is community based.
- The location of the Community Garden is such that, at any time in the future, it could be brought back into the main park area as public open space.
- The area of land is being properly managed and has no adverse impact on the park as an amenity or on the inhabitants of the local area.
- Saving on additional maintenance costs will be applicable should the area be brought back into the main park area as public open space.

3 To refuse the request and allow the existing lease to expire and at that time appraise the situation.

- This would run the risk of BOCS not being able to sustain itself until the end of the existing lease.
- Community and Political support for BOCS would mean a reputational risk to the Council / Trustees
- Situation is unlikely to have changed in the next 4 years and the process would have to be carried out then anyway.

4 To refuse the request and allow the existing lease to expire and then bring the area back into the main park area as public open space.

- additional maintenance costs will be applicable.

- The Trustee / Council will retain overall control of the land.
- This would run the risk of BOCS not being able to sustain itself until the end of the existing lease.
- Community and Political support for BOCS would mean a reputational risk to the Council / Trustees
- Situation is unlikely to have changed in the next 4 years and the process would have to be carried out then anyway.