



BONIFACE FIELDS LEASE

TOWN COUNCIL MEETING

REPORT 20/19

11 MARCH 2019

The purpose of this Report is to ask Members to consider the draft Heads of Terms for a formal lease of Boniface Fields for the Town Council from the Isle of Wight Council.

No. DETAILS

1) BACKGROUND

- a) Following the move of the Island Free School from the old St Boniface school site and its adjacent fields to its new building in Upper Ventnor Minute 70/17 of the Town Council meeting of 10 July 2017 included the fields as one of the sites in its Regeneration Plan.
 - b) The Town Council purchased the three newer portacabins on the site from the Island Free School along with the staircase linking the two levels for £20,000 on 25 August 2017.
 - c) The Town Council accepted a Tenancy at Will from the Isle of Wight Council for the management of the site, by then named as Boniface Fields, by Minute 48/18 of its meeting of 9 April 2018.
 - d) Planning permission for the proposed development of the site was granted on 15 October 2018 for a period of five years from that date.
 - e) Agreement has now been reached for St Catherine's School to lease part of the site as a games area for their use during school hours, initially for a period of two years with an option to extend to 125 years.
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2) LEASE

- a) The Isle of Wight Council has now provided a draft Heads of Terms document for a lease to the Town Council of the whole of the site area excluding the area allocated to St Catherine's
 - b) A copy of the draft is attached to this Report.
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3) RECOMMENDATION

Members are recommended to consider the draft Heads of Terms for its Lease of Boniface Fields with a view to agreement of, or amendment to, them.

HEADS OF TERMS – St Boniface Fields, St Boniface Road, Ventnor,
IOW (Postcode)
SUBJECT TO CONTRACT

Property Address:	All that land and property shown edged red on the attached plan.
Landlord:	Isle of Wight Council, County Hall, High Street, Newport, Isle of Wight, PO30 1UD.
Contact:	Andrea Jenkins (andrea.jenkins@iow.gov.uk) (Tel: 07779 999931).
Tenant:	Ventnor Town Council, Salisbury Gardens, Ventnor, IW PO38....
Contact:	David Bartlett (position) Tel.: Email:
Landlord's Solicitor:	IWC Legal Department County Hall, Newport Isle of Wight PO30 1UD Attn. Ben Gard Tel. 01983 821000 x Email: ben.gard@iow.gov.uk
Tenant's Solicitor:	To be confirmed
Occupier:	St Catherine's School. (Please see separate heads of terms for lease of remainder of St Boniface Fields to the Occupier.)
Date of Commencement:	Date of grant.
Lease Length:	25 year term
Annual Rent:	Both leases at £1 consideration.
Rent Payment Dates:	N/A
Rent-Free Period:	N/A
Rent Deposit:	N/A
Rent Reviews:	N/A
Tenants Initial Works:	TBC
Break Clause:	Tenants only break at year 2 and 5 at three months notice.
Insurance:	The Tenant will insure the buildings, buildings and boundaries.
Rates & Utilities:	The Tenant will be responsible for the payment of all rates and utilities (electricity, gas, water).

Service Charge:	N/A
Repairs:	The Tenant will be responsible for all internal and external repair and maintenance of the land, buildings and boundaries.
Alterations:	<p>Notwithstanding the Tenant's "Initial Works", the Tenant shall not make any external or structural alteration or addition to the buildings without the consent of the Landlord, such consent not to be unreasonably withheld</p> <p>The Tenant shall not carry out any alteration or addition to the buildings which would, or may reasonably be expected to, have an adverse effect on the asset rating in any Energy Performance Certificate commissioned in respect of the Property.</p>
Utilities	Sub-meter from former St Boniface School to provide electricity. Sub-meter to be paid for by Tenant to reimburse Occupier of former St Boniface School as required by sub-meter readings.
Permitted Use:	The permitted uses for the land and buildings are for allotment, community and leisure uses only. (AJ to confirm Use Classes)
Rights to be granted:	The Tenant will have a right for disabled and vehicular access across the higher plateau (see attached plan) from St Boniface Road, which will cross land to be leased to St Catherine's School.
Alienation:	The Tenant will not be permitted to assign or sublet the whole.
Charging:	The Tenant cannot grant a legal charge on the Property.
Health & Safety:	The Tenant will be responsible for all health & safety matters relating to the use of the buildings including compliance with LOLER and PUWER regarding pressure vessels and lifting equipment and all other relevant legislation.
Landlord & Tenant Act 1954 Part II	The Lease will be excluded from the Act.
Legal Costs:	TBC
Subject to:	<ol style="list-style-type: none"> 1. Contract 2. Formal IWC approval 3. Department for Education consent (and any other consents that may be required)

Signed on behalf of IWC:

Name:

Signature:

Date:

Signed on behalf of Ventnor Town Council:

Name:

Signature:

Date:

(End)