

Name of decision maker:	Councillor Nicholas Tiley
Portfolio:	Finance and Resources
Date of Portfolio Holder Decision:	20 April 2010
Title of Decision:	Creation of a new 'Pocket Park' on land at Maylands Avenue, Hemel Hempstead
Decision made and reasons: To authorise the completion of a lease with Jarvis Commercial Properties Limited ("Jarvis") in relation to the land at Maylands Avenue as shown on the attached plan (Appendix One) for the creation of a 'pocket park', provisional heads of terms for which are set out below, subject to: (1) the Head of Planning and Regeneration being satisfied as to the final terms of the lease, with the benefit of advice from the Head of Legal Services; (2) the consent of Jarvis' Mortgagee to the lease and (3) compliance with the appropriate procurement and contractual procedures.	
Reports considered: Background report attached.	
Officers/Councillors/Ward Councillors/Stakeholders Consulted: Head of Resources Maylands Partnership Maylands Implementation Team Corporate Regeneration Group	
Deputy Monitoring Officer/ Chief Financial Officers Comments: The Deputy Monitoring Officer's comments have been incorporated into the report. Deputy S.151 Officer: The £45,000 capital cost of this scheme will be funded by Growth Area Fund Grant (GAF) as part of the Maylands Physical Improvements Project to which £180,000 has been allocated in years 2008/09 to 2010/11 inclusive. Of the £180,000 allocation for the Maylands Physical Improvement Project, £24,525 has been recorded as being spent at 4 March 2010. Any revenue costs relating to Pocket Park Project will be funded by the Maylands Partnership.	
Implications: The provision of a Pocket Park will help to address the lack of usable amenity space on the Maylands Business Estate.	

Risk:

The Hemel 2020 Vision sets out the Council's aspirations for the development and improvement of the town. One of the six key projects is concentrated on the rejuvenation of Maylands Business Area to achieve a vibrant, dynamic and premier business-led community and first choice investment location.

The provision of a Pocket Park addresses one of the current issues limiting Maylands' potential. Failure to deliver the project would impinge on the delivery of one of the key projects within the Council's Hemel 2020 Vision.

There is a restrictive covenant affecting an area of land including the proposed Pocket Park. The covenant provides that the land will only be used for a purpose defined by Class B1 of the Town and Country Planning (Use Classes) Order 1987. Class B1 states the use as being all or any of the following purposes-

- (a) as an office other than a use within Class A2 (financial and professional services),
- (b) for research and development of products or processes or
- (c) for any industrial process....

Clearly the creation of a Pocket Park does not fall within this category. A risk assessment has been carried out in relation to such covenant and is appended to this report as Appendix Two.

Value for Money:

It is proposed that £45,000 of Growth Area Funding is used to cover the cost of providing the Pocket Park.

£120,000 of Growth Area Funding from years one (2008/09) and two (2009/10) has been allocated towards Maylands Physical Improvements, with a further £60,000 from the year three (2010/11) allocation. The allocation of funding to this project has been approved by Cabinet.

The regeneration of Maylands supports the Corporate Priorities of Economic Development and Regeneration and Our Community. It delivers good use of Resources and Value for Money through the use of external Growth Area Funding.

Options Considered and reasons for rejection:

No alternative sites are available.

Portfolio Holders Signature:**Date:****Details of any interests declared and any dispensations given by the Standards Committee:**

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Date Decision Record Sheet received from portfolio holder: 20 April 2010	
Date Decision Published: 20 April 2010	Decision No: PH/019/10
Date of Expiry of Call-In Period: 27 April 2010	
Date any Call-In received or decision implemented:	

BACKGROUND

1. East Hemel Hempstead is a dynamic and complex area of the town, with a variety of different needs. The area includes Buncefield, which is one of the most important fuel distribution centres in the country; it has the biggest and one of the most vibrant employment areas in the region and hosts some of the most vital services and facilities for the town.
2. The general quality of the environment and public realm throughout Maylands suffers from inconsistent maintenance and quality. This deters investment and weakens the offer of the Business Area to potential and existing tenants. Although individual buildings and private areas can only be influenced in a limited way by those managing the area, improvements to the public realm are within the sphere of the Council and the Maylands Partnership and so investment in these areas is a proactive way of lifting the quality and perception of Maylands.
3. At a meeting of the Maylands Partnership on 1 October 2009 public realm improvement works to the Maylands Gateway and the provision of amenity space to serve the local community of employees on the Maylands Business Estate were identified as key priorities.
4. Following the meeting, a representative of Jarvis Commercial Properties Limited approached the Council regarding a small section of grass verge in the Company's ownership that could be utilised as amenity space. A plan showing the location of the site is attached at Appendix One.
5. The Pocket Park will be a temporary facility until such a time as a permanent facility is provided as part of the redevelopment of the Heart of Maylands.
6. Following an inspection of the site, and in the absence of any other suitable sites, a high quality landscape design for the park has been produced. The proposals for the Pocket Park were presented to the Maylands Partnership on 5 November 2009 and the project endorsed. Planning permission has subsequently been granted for the change of use of the land concerned.
7. Negotiations have been progressed between Dacorum Borough Council and Jarvis Commercial Properties Limited, subject to formal Portfolio Holder approval, as sought in this report and subject to confirmation from the Landlord's Mortgagee that it consents to the lease. The provisional heads of terms of the lease are set out below. The final version of the heads of terms and the proposed lease will be subject to the satisfaction of the Head of Planning and Regeneration, with the benefit of advice from the Head of Legal Services.

EXECUTIVE DECISION RECORD SHEET**PH/019/10**

Tenant	Dacorum Borough Council
Landlord	Jarvis Commercial Properties Limited
Address	1 Waterside Station Road, Harpenden, Hertfordshire, AL5 4US
Company Number	4103174
Term of Lease	Three Years
Commencement	As soon as lease completed
Break Clause/Yield Up	Provision for determination by either party at any time with three months written notice. At the end of the lease (however determined) to yield up the land in a clean and tidy state and remove the furniture and plants and, if required by the Landlord, the paving and the retaining wall constructed on the land as part of the works.
Rent (p.a.)	£1.00
Alienation	Not to assign, charge, underlet, share or part with possession of the whole or any part of the land.
Insurance	Lessee to take out and maintain public liability insurance in a sum of not less than five million pounds (£5,000,000.00)
Alterations	Not to erect any building or structure nor to alter or add to the land except in accordance with an agreed schedule of works, such works to be carried out in a good and workman-like manner in compliance with requisite permissions and statutes.
Maintenance	To keep the land in a clean and tidy condition at all times.
Use	To use and occupy the land solely and exclusively as a pocket park amenity space with a picnic area.
Legal Costs	Each party to be responsible for their own legal costs

The lease would also be expected to incorporate standard provisions requiring the Council to advise and assist the Landlord in relation to the service of any notice on the Council in respect of the land, prohibiting both activities of certain kinds, so as prevent the occurrence of nuisance, and the display of advertisements, indemnifying the Landlord in certain circumstances and excluding certain liabilities in favour of the Landlord.