

Supporting Information and Impact Assessment

Service / Policy:	Communities and Customer Services
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Section 1: Background Information

1.	<p>What is the proposal / issue?</p> <p>The tender of the long Lease of the Waterpark, Go-kart and part of the Peter Pan area, Goodrington, Paignton has been undertaken through the Council's procurement process and a successful bidder has been identified. Only one bid was received.</p> <p>Further negotiations have taken place with the sole bidder and it is now proposed that 25 year lease be granted with lease break options in favour of the Council at intervals commencing at year 10 in the lease. The annual rental to be around £35,000 per annum, with an additional uplift in rent based on a percentage of turnover and regular rent reviews throughout the lease period. This rental level allows for a large capital investment by the bidder in the first five years of the contract. The proposed lease would be a full repairing lease with no right to renew at the end of the term.</p>
2.	<p>What is the current situation?</p> <p>The Waterpark was built in the 1980's by a Company called Rush & Thompkins, who then went bust in the 1990's. The then manager was granted a lease which was surrendered in 2009 due to the Tenant's financial difficulties.</p> <p>The existing Tenant, was successful in a tender for the site in 2009 and was granted a 5 year non renewable lease from the Council to run the waterpark.</p> <p>Due to the on-going large OJEU tender for the whole Clennon Valley, the Tenant was granted a 2 year short term lease, to enable the Waterpark to be run and to await the outcome of the OJEU procurement process.</p> <p>The OJEU Procurement did not progress and the existing Tenant's lease expires on 1 November 2016. The Tenant does not have any rights to renew the lease and therefore the site went out to tender.</p> <p>The area to the north of the Waterpark is the old Go-kart track site, as shown on plan number EM2663 at Appendix 2. This area is vacant at the moment</p>

	<p>and was included in the tender.</p> <p>The area to the south of the Waterpark known as the Peter Pan area was also included in the Tender as an additional option, shown edged blue at Appendix 2. External consultation in the form of a legal Notice for Disposal of Open Space has been carried out for the possible leasing of this area.</p> <p>As there was only one bidder, further detailed negotiations with the successful bidder were undertaken to decrease the length of the proposed Lease and improve the financial offer to the Council stated in the Tender.</p> <p>The benefits of a long lease for the waterpark, ex-go kart site and Peter Pan area being granted are annual income for the Council, investment and new attractions at the site.</p>
<p>3.</p>	<p>What options have been considered?</p> <p>The tender option considered was re- letting the attraction for up to a maximum of 40 years, thus giving the potential bidders the flexibility to bid for a long lease and providing investment in the operation, or a shorter lease. Other options include:</p> <ul style="list-style-type: none"> • Close the existing facility (as there is no option to extend the lease); • Offer a tender for the site, as is, as a waterpark; • Offer a tender of the site, to expand the offer on the site (including Go-Kart Track and Peter Pan area). • To consider the site as a part of a wider redevelopment opportunity across Goodrington/Clennon Valley <p>Further discussions with the sole bidder have been undertaken to improve the offer to the Council.</p>
<p>4.</p>	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</p> <p>Principles:</p> <ul style="list-style-type: none"> • Use reducing resources to best effect <p>Targeted actions:</p> <ul style="list-style-type: none"> • Working towards a more prosperous Torbay • Promoting healthy lifestyles across Torbay • Ensuring Torbay remains an attractive and safe place to live and visit <p>Ambitions : Working towards a more prosperous Torbay</p>
<p>5.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>The potential Lease was included in the Council’s Forward Plan, reference I023108.</p>

	<p>The Local Ward Councillors have been consulted and made aware of the proposals.</p> <p>A Legal Notice has been advertised for the Disposal of Open Space for the Peter Pan Area, where the public can object in writing to the Council. The closing date for objections was 29th June 2016. One objection was received after the closing date.</p> <p>The proposal involves some alterations, and any development will be submitted through the Planning process.</p>
6.	<p>How will you propose to consult?</p> <p>As stated above in Paragraph 5.</p>

Section 2: Implications and Impact Assessment

7. What are the financial and legal implications?

Financial Implications of Decision

On completion of the long Lease, the Council would have an increased annual rent receipt for the property, and maintenance and improvement conditions from the new Tenant. By entering into a long lease for this attraction however, the Council limits its option for any future redevelopment of the site for the next 10 years.

If the Council were to trigger the landlord break option from year 10 then a compensation payment will be due to the tenant. This reflects the initial investment in the asset and also encourages and promotes ongoing investment without the fear of the Council breaking the lease. This compensation payment will be tapered and will reduce year on year from year 10 to 25.

Legal Implications

The Disposal of Open Space Notice for the area edged blue at Appendix 2 was advertised in the Local Newspaper and one objection was received after the closing date.

The one objection to the Disposal of Open Space of the Peter Pan Area mentions an Urban Protection Order; however, initial Legal advice in consultation with Planning and Natural Environment confirms that the Peter Pan Area is not covered by the Urban Landscape Protection Order of Goodrington Park and Roundham.

There may need to be a negotiated alteration of a 3rd party accessway to facilitate the ideal attraction arrangement.

A new Lease to be agreed and completed.

8. What are the risks?

- If the tender proposals and further negotiated terms are not implemented, the Council will need to go out to tender again, or look at different options for the site rather than a waterpark.
- If the tender proposals are implemented, this will limit the Councils ability to consider any future redevelopment of the site for the next 10 years.
- If the Council decides not to grant a lease then the existing facility will

	<p>close in November 2016 and remain closed until a redevelopment opportunity is identified.</p> <ul style="list-style-type: none"> • Not achieving planning permission for the tender submission as proposed
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>Yes, and the process has been the subject of a formal procurement process and was market tested.</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>The tender for a lease of up to 40 years for the site was market tested through a full Council procurement exercise. A marketing strategy for the site was also implemented. However, the interest in the site was limited.</p> <p>Further negotiations with the only successful bidder were undertaken and a 25 year lease with lease break options in favour of the Council is now being recommended.</p> <p>In accordance with the Council's Asset Management Plan, the asset was market tested.</p>
11.	<p>What are key findings from the consultation you have carried out?</p> <p>One objection to the Disposal of Open Space Notice for the Peter Pan Area was received after the closing date.</p>
12.	<p>Amendments to Proposal / Mitigating Actions</p> <p>Further negotiations with the successful bidder have taken place to clarify certain issues, in particular the length of the lease and financial return to the Council.</p>

Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	Additional facilities provided for families and young people within the terms of the lease.		
	People with caring Responsibilities			Granting of a new Lease should have a neutral impact, and there should be no differential impact
	People with a disability			Granting of a new Lease should have a neutral impact, and there should be no differential impact
	Women or men			Granting of a new Lease should have a neutral impact, and there should be no differential impact
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			Granting of a new Lease should have a neutral impact, and there should be no differential impact
	Religion or belief (including lack of belief)			Granting of a new Lease should have a neutral impact, and there should be no differential impact
	People who are lesbian, gay or bisexual			Granting of a new Lease should have a neutral impact, and there should be no differential impact
	People who are transgendered			Granting of a new Lease should have a neutral impact, and there

			should be no differential impact
	People who are in a marriage or civil partnership		Granting of a new Lease should have a neutral impact, and there should be no differential impact
	Women who are pregnant / on maternity leave		Granting of a new Lease should have a neutral impact, and there should be no differential impact
	Socio-economic impacts (Including impact on child poverty issues and deprivation)		Granting of a new Lease should have a neutral impact, and there should be no differential impact
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		Granting of a new Lease should have a neutral impact, and there should be no differential impact
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	Loss of open space on the Peter Pan area	
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	None aware of.	