

# DEED OF VARIATION OF A LEASE TO THE COUNCIL AT HARLINGTON COMMUNITY SCHOOL, HAYES

<b>Cabinet Member</b>	Councillor Jonathan Bianco
<b>Cabinet Portfolio</b>	Finance Property and Business Services
<b>Officer Contact</b>	Susan Williams-Joseph - Residents Services
<b>Papers with report</b>	Appendix A - Site Plan

## 1. HEADLINE INFORMATION

<b>Summary</b>	The Adult & Community Learning (HACL) Service occupies a number of rooms on the Harlington Community School site, by way of a lease granted to the Council. The School formally approached HACL and they have mutually agreed a reallocation of rooms within the School premises. The Deed of Variation is required to document the change of the location of the rooms, as well as to update the definition of the permitted use and times of use and the rights of access and parking.
<b>Putting our Residents First</b>	This report supports the following Council objectives of: <i>Our People; Our Built Environment; Financial Management</i>
<b>Financial Cost</b>	A reduction in the annual premises costs paid by the Council to the school of circa £12,000 p.a.
<b>Relevant Policy Overview Committee</b>	Corporate Services and Partnerships Policy Overview Committee.
<b>Ward(s) affected</b>	Pinkwell

## 2. RECOMMENDATION

**That the Cabinet agree to the variation of the terms of the existing lease dated 15 September 1998 agreed by officers as detailed in this report and instructs Legal Services to complete the appropriate legal documentation.**

### **Reasons for recommendation**

Under the Constitution a Deed of Variation for a lease over 25 years needs to be approved by the Cabinet.

## **Alternative options considered / risk management**

Cabinet could choose not to approve the variations provisionally agreed. This would result in the Adult & Community Learning (HACL) service reverting to having its classrooms dispersed throughout the School's premises, causing some inconvenience to residents attending courses and creating concern to the School over managing the safe-guarding of its pupils.

## **Policy Overview Committee comments**

None at this stage.

## **3. INFORMATION**

### **Supporting Information**

The Adult & Community Learning (HACL) service occupies a number of rooms on the Harlington Community School site, by way of a 99 year lease dated 15<sup>th</sup> September 1998 granted to the Council. The School formally approached HACL and they have mutually agreed a reallocation of rooms within the School premises so that HACL's classrooms are located more closely together and greatly reducing adult learners' presence in school corridors. Having completed the relocation, both HACL and Harlington Community School are reported to be very satisfied with the outcome.

The Deed of Variation is required to document the change of the location of the rooms and make reference to the Council's furniture and equipment in the School, as well as to modify the definition of the permitted use (from "the provision of the Harlington Adult Education and Training Centre the service" to "the provision of Hillingdon Adult & Community Learning and Harlington Adult Learning Centre the service"), and days and times of use so that it is reflective of the usage of the premises by HACL and HACL's rights of access and parking on the site by using updated plans to more clearly illustrate the intentions of the existing lease.

### **Financial Implications**

The relocation of rooms, which included moving furniture and equipment and full redecoration of all rooms involved, was carried out at the School's expense. The relocation resulted in a more compact footprint and an agreed proportionate reduction in the annual premises costs paid by HACL to the School. The value of this is circa £12,000 per year.

## **4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

The classrooms have been located more closely together and are more easily accessed by residents for their courses. The creation of a new reception area with its own entrance has had a very positive impact on residents, providing them with an area which is separated from the main school and where they can meet and socialise between courses, and giving improved access to staff for support.

## **Consultation Carried Out or Required**

Consultation was carried out with the relevant officers in Legal, Finance and Corporate Finance and Adult & Community Learning.

## **5. CORPORATE IMPLICATIONS**

### **Corporate Finance**

Corporate Finance has reviewed this report and concurs with the financial implications set out above, noting the recommendation to agree to the Deed of Variation for the Council's use of Harlington Community School premises to provide the HACL service. If approved, the recommendation will result in a net reduction of premises costs of £12,000 per year, payable by the Council to the school and add value by improving the layout and practicality of the premises for delivery of learning services.

### **Legal**

In considering the recommendation, Cabinet Members are reminded that the terms of the existing lease govern the legal relationships between the parties. Therefore, any variation to the lease has to be agreed between both sides, documented in a deed of variation to be read in conjunction with the lease and bind the parties in contract.

All future dealings between the parties will continue to be regulated by the lease and deed construed thereafter as one deed.

The deed of variation will be prepared by Legal Services in accordance with the Contracts and Property Standing Orders, Schedule H of the Council's Constitution.

### **Corporate Property and Construction**

Corporate Property and Construction has authored this report.

## **6. BACKGROUND PAPERS**

NIL