
Lease Renewal of Selkirk Tennis Courts to Selkirk Tennis Club

Report by Service Director Commercial Services

EXECUTIVE COMMITTEE

1 December 2015

1 PURPOSE AND SUMMARY

- 1.1 **This report proposes that Scottish Borders Council takes complete ownership of the tennis courts at Hillside Terrace, Selkirk and then renews the lease of the tennis courts to Selkirk Tennis Club for 25 years at a rent of £1 per annum if asked. A new lease will facilitate the Tennis Club to apply for grant funding for the renewal of the club house and improvements to the courts.**
- 1.2 The ownership of the tennis courts at Hillside Terrace is in the name of the Rector of Selkirk High School. It is proposed to transfer the ownership from the Rector to Scottish Borders Council. The existing tennis courts and club house have been leased to Selkirk Tennis Club for many years with the most recent lease being in 1998. The Club propose to rebuild the club house. However to raise the funding from Lottery Sport Scotland and the Lawn Tennis Association, a new long term lease is required from the Council.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Executive Committee authorises the Service Director for Commercial Services together with the Chief Legal Officer and in consultation with the Chief Financial Officer,**
- a) to transfer the ownership of Selkirk Tennis Courts to Scottish Borders Council and**
 - b) grant Selkirk Tennis Club a new 25 year lease for the subjects at Hillside Terrace (as shown on the attached plan) at a nominal rent. The new lease would transfer the responsibility for repairs and maintenance, insurance and health and safety to the Tennis Club. Selkirk High School will continue to have free use of the tennis courts at specified times.**

3 BACKGROUND

- 3.1 In 1950 John Waters sold an area of the tennis courts at Hillside Terrace, Selkirk to the Rector of Selkirk High School. The remaining area of the tennis courts are owned by Scottish Borders Council. Selkirk Tennis Club currently lease the courts and clubhouse jointly from the Rector of Selkirk High School and Scottish Borders Council.
- 3.2 A sale of the tennis courts from the Rector of Selkirk High School to Scottish Borders Council for a nominal price would simplify and clarify the ownership of the asset. This would enable the whole of the tennis courts to be in the Council's ownership and facilitate a new lease from the Council alone to Selkirk Tennis Club.
- 3.3 Selkirk Tennis Club has leased the three courts and club house for many years at a market rent which is currently £735 per annum. The most recent lease is for 21 years from 1998. (see attached plan).
- 3.4 The club house is currently in poor condition and the tennis club has drawn up plans to build a new club house but to be eligible for grant funding a long term lease is required. The proposed funding for a new club house will be from Lottery Sport Scotland and the Lawn Tennis Association.
- 3.5 The Tennis Club currently pay an annual rent of £735 but the Council are responsible for repairs and maintenance of the clubhouse. All other tennis clubs in the Borders have a rent free lease from the Council because the clubs are responsible for repairs and maintenance to the courts and clubhouses. It is proposed to offer a rent free lease to Selkirk Tennis Club but they will be responsible for repairs and maintenance instead of the Council. The tennis club would also be responsible for insurance and the health and safety arrangements.
- 3.6 One of the terms of the current lease stipulates certain times that the courts are available for the use of the High School. These times for school use would be included in the new lease.
- 3.7 The proposed lease would proceed under the Disposal of Land by Local Authorities (Scotland) Regulations 2010 and the purpose of the lease would be for the promotion and improvement of the health and social well-being of Selkirk and its wider community.

4 PROPOSAL

- 4.1 It is proposed to transfer the ownership of a section of the tennis courts from the Rector of Selkirk High School to Scottish Borders Council.
- 4.2 It is proposed that a lease of 25 years at a rent of £1 per annum if demanded be granted to Selkirk Tennis Club with the club responsible for developing and thereafter maintaining the proposed club house, together with insuring the facility; all at the club's cost and to the Council's satisfaction and prior approval. The Tennis club are also to be responsible for health and safety arrangements at the facility.

- 4.3 The lease will include any other terms that the Service Director Commercial Services together with the Chief Legal Officer and in consultation with the Chief Financial Officer deems appropriate.
- 4.4 The lease will proceed under the Disposal of Land by Local Authorities (Scotland) Regulations 2010 and the purposes of the disposal would be for the promotion and improvement of the health and social well-being of Selkirk and its wider community.

5 IMPLICATIONS

5.1 Financial

Selkirk Tennis Club has paid an annual rent of £735 for the courts and clubhouse since 2011. In 1999 or 2000 the Council spent approx. £25,000 on the courts and clubhouse and the clubhouse now requires major refurbishment which, under the current lease, is the Council's responsibility. A new lease would reduce the Council's income but also remove the Council's responsibility for both capital and routine expenditure.

5.2 Risks and Mitigations

If the lease is not granted an opportunity to facilitate the development of an improved sports facility in Selkirk and district could be lost. There is a risk of accidents at the facility and subsequent claims for compensation and this is mitigated by the lease making the tenant responsible for health and safety arrangements at the site and for obtaining third party liability insurance to the Council's reasonable satisfaction.

5.3 Equalities

There are no adverse equality implications.

5.4 Acting Sustainably

The granting of the proposed lease and the development of the tennis club would help encourage a healthy lifestyle in the community and improve its social well-being.

5.5 Carbon Management

There are no effects on carbon emissions as a result of the proposal in this report.

5.6 Rural Proofing

This report does not affect the Council's rural proofing policy.

5.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

6 CONSULTATION

- 6.1 The Chief Financial Officer, Service Director Strategy and Policy, Service Director Regulatory Services, Chief Officer Audit and Risk, Chief Officer Human Resources and the Clerk to the Council have been consulted in the preparation of this report.

Approved by

Andrew Drummond-Hunt
Service Director Commercial Services

Signature

Author(s)

Name	Designation and Contact Number
James Morison	Estates Surveyor tel 01835 824000 Ext. 5295

Background Papers: None

Previous Minute Reference: None

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Andrew Drummond-Hunt can also give information on other language translations as well as providing additional copies.

Contact us at Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, Scottish Borders, TD6 0SA tel 01835 826672 fax 01835 793110 e-mail adrummond-hunt@scotborders.gov.uk