

Rother District Council

Report to: Overview and Scrutiny Committee

Date: 7 June 2021

Title: Egerton Park Children's Centre

Report of: Head of Acquisitions, Transformation & Regeneration

Ward(s): Central

Purpose of Report: To update the Overview and Scrutiny Committee on the position relating to the Egerton Park Children's Centre, Bexhill.

Officer

Recommendation(s): It be **RESOLVED:** That the report be noted.

Introduction

1. This report is presented to update Members on the current position with regard to the Children's Centre at Egerton Park, Bexhill following its closure by East Sussex County Council.

Background

2. The land on which the Egerton Park Children's Centre building stands is owned by Rother District Council (RDC) and prior to the development of the building it was used as open space, being part of the wider Egerton Park facility.
3. In November 2005, the Council granted a ground lease of a parcel of land to East Sussex County Council (ESCC), to enable them to construct an Early Years centre on the site. The lease was for 25 years (expiring November 2030) at a peppercorn rent. A two-storey building was constructed by ESCC on the site, which housed a registered childcare centre and facilities for a range of courses, training opportunities and groups.
4. In September 2019, ESCC published a document entitled "Children's Early Help Revised Strategy" which stated, "The County Council aims to secure sufficient availability, as far as is reasonably practicable, of nursery provision in Bexhill. Nurseries in Bexhill will no longer be operated by the Council, which will instead work with other providers to secure, so far as is reasonably practicable, sufficient nursery places in the area, as it does in the rest of the county. This process may include sub-leasing the spaces for Rainbow and Cygnets nurseries to other nursery providers, without ongoing financial or other direct responsibilities for nursery services. If development of sufficient alternative provision in Bexhill proves impossible, it may be necessary to review closure of the nurseries." (p20).
5. In the period between then and now arrangements were made with the Bexhill Family Collective Community Interest Company to operate a nursery from part of ESCC's Sidley Community Centre site, but despite efforts on all sides a

suitable arrangement could not be made for the Egerton Park building. ESCC have since held discussions with the NHS to use the premises for a healthcare centre, although nothing has been concluded as at the date of publishing this report.

6. The lease between RDC and ESCC contains no alienation provisions that define the ability or otherwise for ESCC to sub-let all or parts of the building. Instead the use of the building is controlled by the user clause which is restricted to "... a centre for early education, childcare, health and family support for no other purpose whatsoever." There is nothing to prevent ESCC from subletting all or part of the building, and charging a rent, provided the use remains within that definition. The Council has sought legal advice on the proposed subletting to the NHS which indicates that this would fall within the permitted use as defined in the lease.
7. The lease contains a clause which states, "In the event that central government funding (including any monies received under the Sure Start program) for the permitted use is withdrawn or substantially reduced there shall be the right for the Tenant upon 12 months prior written notice to terminate this Lease at any time from 1 January 2010 onwards". It should be noted this clause does not say the tenant must terminate the lease, simply that they have the right to terminate the lease. ESCC have not indicated that they wish to terminate the lease.

Conclusion

8. In summary, the building is under the control of ESCC until November 2030. They do not need the permission of RDC to sublet the building and, providing the use remains within the parameters of the user clause, do not need RDC's permission for the activity in the building.
9. The Council will consider any proposals concerning the future occupation and use of the building in accordance with the terms of the existing lease.
10. Should a proposal come forward from ESCC that would require a variation to the lease, officers will report and take instructions from Cabinet at that time.

Recommendation to the Overview and Scrutiny Committee

11. The report be noted.

Legal Implications

12. The Council will take further legal advice as appropriate in the event of alternative proposals coming forward from ESCC.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		
Chief Executive: Malcolm Johnston			

Report Contact Officer:	Ben Hook
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Appendices:	None
Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A