
To: Infrastructure, Land & Environment Policy Board

On: 25 January 2023

Report by: Chief Executive

Heading: 9 Year Lease of Shop at 38-40 MacDowall Street, Johnstone

1. Summary

- 1.1 This report advises the Board on the provisional terms and conditions agreed for the lease of the property at 38-40 MacDowall Street, Johnstone as shown on Report Plan Ref. E3323.

2. Recommendations

It is recommended that the Board:

- 2.1 Agree to the Terms and Conditions that have been provisionally agreed with the Council and the proposed Tenant (Creative Therapies Training Scotland) and authorise the Head of Corporate Governance to conclude the lease on the basis of the terms and conditions detailed in this report.

3. Background

- 3.1 The property at 38-40 MacDowall Street was placed on the market for lease on the 1st of December 2022 with an asking rent of £7,000 per annum.
- 3.2 Due to the level of interest, a closing date was set for the property and one offer was received.

- 3.3 The offers received from Creative Therapies Scotland has been assessed considering the proposed rent, use and any additional information that has been provided to support the application.
- 3.4 The offer received from Creative Therapies Scotland has proposed an annual rent of £7,200 which met the Council's expectations for the asking rent. In terms of the intended use for the property, this will be to provide a range of therapy services including mental health education, art therapy and creative therapy groups. This sole trader currently operates from a premises on Quarry Street and is looking to expand their business. They have provided a business plan in support of their application.
- 3.5 The lease of this property should be offered to Creative Therapies Scotland as this represented best value to the Council.
- 3.6 Provisional terms have been agreed as detailed in this report and the conclusion of this lease shall be subject to receiving satisfactory references. Should this lease not conclude within 3 months from the date of this report, then property will be placed back on the open market for lease.

4. Proposed Terms and Conditions of Lease

- The lease shall be for a period of 9 years and shall be on the basis of the Council's full repairing and insuring lease.
- The rent shall be £7,200 per annum and shall be reviewed 3 years from the date of entry. A payment equivalent to three months rent shall be payable on the date of entry.
- The rent shall be reviewed every three years from the date of entry
- The property shall be used for the purpose of providing Creative Therapies and associated retail and for no other purpose whatsoever.
- The tenant shall make sure that all statutory consents required for their intended use prior to operation.
- Assignment is not permitted without prior written consent of the landlord.
- Sub-letting is prohibited
- The Tenant shall meet the Council's reasonable legal expenses incurred in concluded this lease.
- Any other reasonable terms and conditions considered necessary by the Head of Corporate Governance.

Implications of the Report

1. **Financial** – Rent of £7,200 per annum to the Council's HRA account.
2. **HR & Organisational Development** – None.
3. **Community Planning** – None.
4. **Legal** – Conclusion of Lease.

5. **Property/Assets** – As per report.

6. **Information Technology** – None.

7. **Equality & Human Rights**

(a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. Required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. **Health & Safety** – None.

9. **Procurement** – None.

10. **Risk** – None.

11. **Privacy Impact** – None.

12. **Cosla Policy Position** – N.A.

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Council

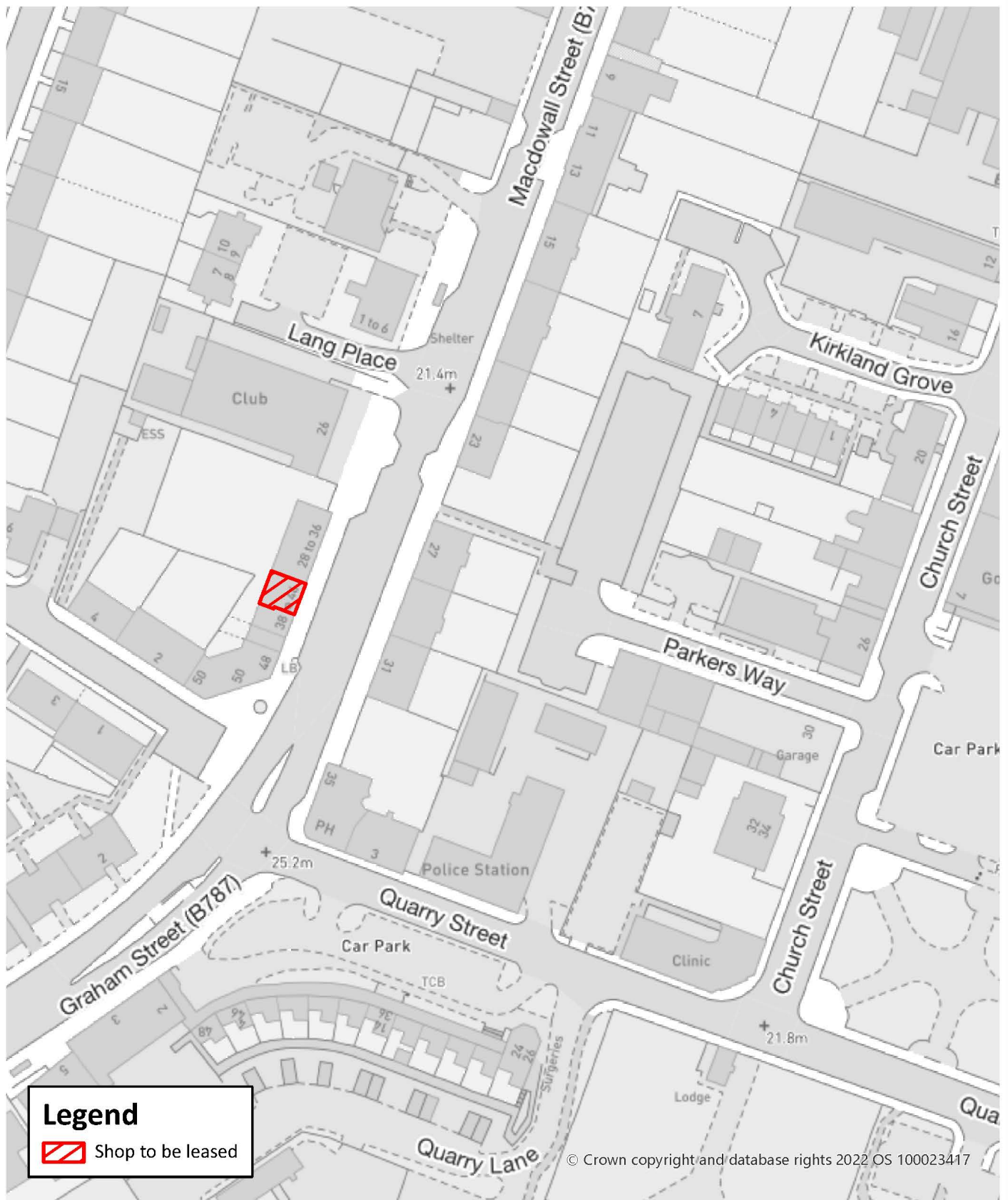
Lease of shop at 38-40 MacDowall St., Johnstone, Report Plan Ref. E3323



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