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**To: Infrastructure, Land & Environment Policy Board**

**On: 31 August 2022**

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**Report by: Chief Executive**

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**Heading: 5 Year Lease of Shop at 28 MacDowall Street, Johnstone**

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## **1. Summary**

- 1.1 This report advises the Board on the provisional terms and conditions agreed for the Lease of the property at 28 MacDowall Street, Johnstone as shown on Report Plan E3267.

## **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 (Ms K Addison) and authorise the Head of Corporate Governance to conclude the lease on the basis of the terms and conditions detailed in this report.

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## **3. Background**

- 3.1 The property at 28 MacDowall Street was placed on the market for lease on the 9<sup>th</sup> of June 2022 with an asking rent of £3,500 per annum.
- 3.2 Due to the level of interest, a closing date was set for the property and two offers were received.
- 3.3 The offers were analysed considering the proposed rent, use and any additional information that the applicants provided to support the application.

- 3.4 The first offer was for a proposed use as a Make Up Artist Studio with a proposed rent of £3,500 per annum. The second offer was for a proposed use of the property of a Sandwich Shop with a proposed rent of £4,000 per annum. This offer also included business plan information and company details. Both parties requested a lease length of 5 years and both were considered acceptable in terms of the proposed use.
- 3.5 Considering the offers received, it was concluded that the Lease of the property should be offered to the second offeror as this represented best value to the Council and a stronger covenant strength.
- 3.6 Satisfactory references have been obtained and provisional terms agreed as detailed within this report.

#### **4. Proposed Terms and Conditions of Lease**

- The lease shall be for a period of 5 years and shall be on the basis of the Council's full repairing and insuring lease.
- The rent shall be £4,000 per annum and shall be reviewed 3 years from the date of entry. A payment of £1,000 shall be payable on the date of entry.
- The property shall be used as Sandwich Takeaway Shop and for no other purpose whatsoever.
- Assignment and 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.

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#### **Implications of the Report**

1. **Financial** – Rent of £4,000 per annum to the HRA account.
2. **HR & Organisational Development** – None.
3. **Community Planning** – None.
4. **Legal** – Conclusion of Property.
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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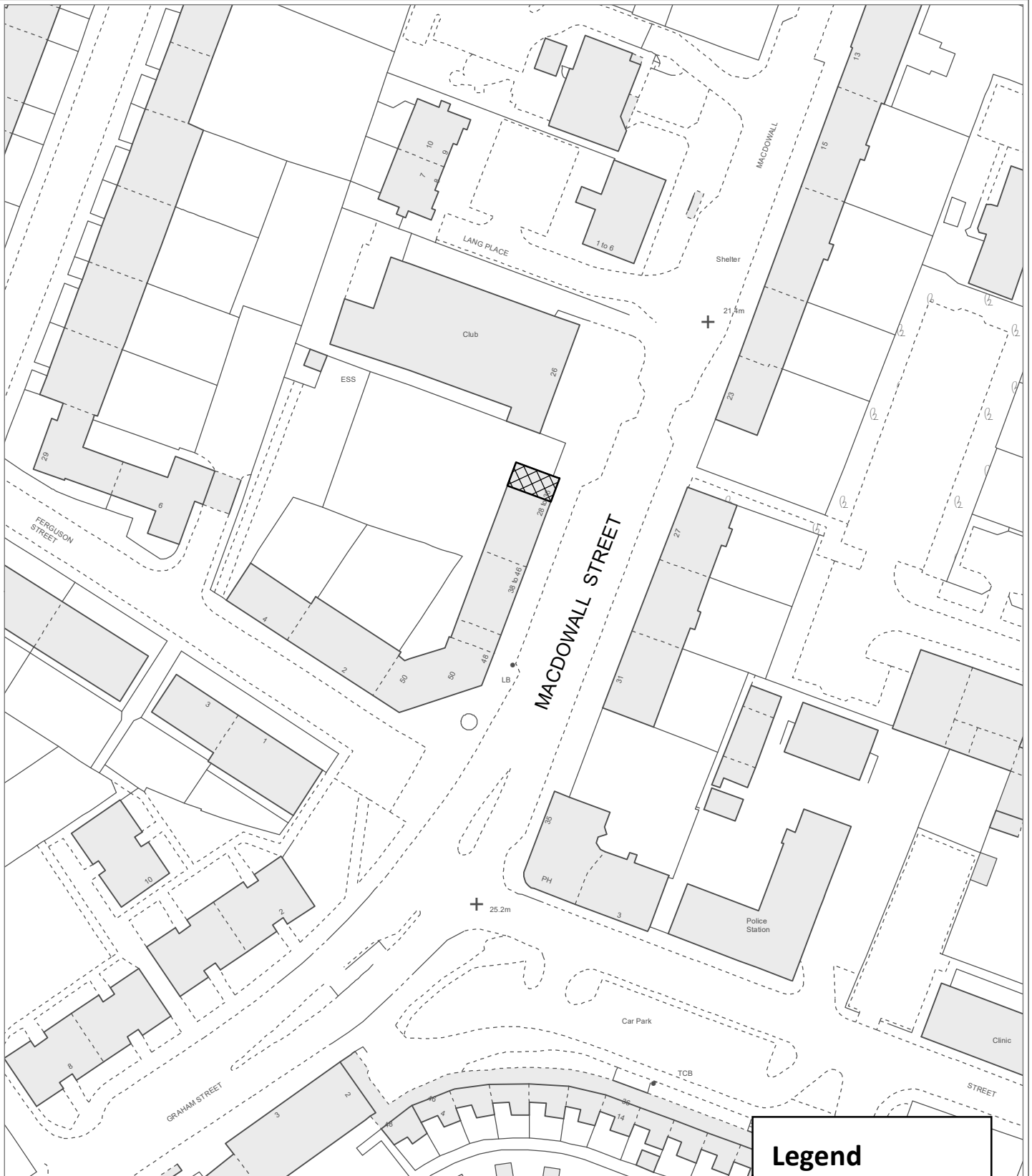
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# Property at 28 MacDowall Street, Johnstone

## Report Plan Ref. E3267

JW

Date: 04/08/2022



Notes:

### Legend



Area to be leased