



# COLNEY HEATH PARISH COUNCIL

Highfield Park Office  
Highfield Park Visitor Centre  
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83 High Street  
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<b>MEETING:</b>	Full Council
<b>MEETING DATE:</b>	Thursday 22 <sup>nd</sup> April 2021
<b>ITEM NO.</b>	20/21-144
<b>SUBJECT:</b>	<b>RECOMMENDATIONS FROM LEASES AND ASSETS WORKING PARTY HELD 13/04/2021</b>
<b>REPORT BY:</b>	Clerk to the Council and Responsible Finance Officer

## 1. BACKGROUND

The following matters were discussed in a working party held on Tuesday 13<sup>th</sup> April 2021. These issues required extensive discussion:

- Criteria for reviewing interest in land at Gloucester Fields/Gloucester Park, Hill End Lane
- Criteria for reviewing interest in land at Horseshoe Field, Smallford
- Roestock Hut
- Colney Heath Recreation Ground and Pavilion Lease

## 2. EXPRESSIONS OF INTEREST IN PARISH COUNCIL LAND

Councillors wanted to ensure that a transparent process was followed. It was felt that without current land value it would be very difficult to proceed.

The following is recommended to Council for approval:

- 1. To proceed with land valuation on both parcels at Smallford and Hill Lane Lane.**
  - 2. Once valued the evaluation criteria for both bids received and future bids would be agreed.**
  - 3. Council to confirm that any sales or lease complies with the appropriate legislation.**
- Council to confirm that there will be a Parish wide consultation on the options for both sites.**

## 3. ROESTOCK HUT

Councillors were keen to ensure their responsibilities as corporate landlords were noted and the following information was confirmed in all property matters:

### **The responsibilities of a commercial landlord**

As the Council own a commercial property for rent it comes with certain responsibilities to any tenants and the wider public.

Most commercial properties are let on a Fully Repairing and Insuring (FRI) Lease. This means the tenant is responsible for repairs during the tenancy, as well as any costs to return the building to its original state when the tenancy ends. However, not all maintenance and repairs are the responsibility of the tenant.

The Council maintain responsibility for the structural integrity of the main building.

Other responsibilities include:



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### **Commercial property insurance**

It is in the best interest of the Council to arrange insurance for a variety of reasons, such as unoccupied commercial property insurance if there are no tenants within the building.

### **Fire safety**

The Council will have responsibility for fire safety, including evacuation procedures. If the premises are rented as a workplace, this is usually the tenant. However, the landlord should always include fire safety in any risk assessment undertaken, and may be responsible for providing safety equipment, like fire extinguishers.

### **Gas safety**

The terms of the lease should clearly set out who is responsible for the safety of any gas installations in the building. Usually, the tenant is responsible for the safety of any gas appliance, installation pipework or flue installed. Meanwhile, landlords should look after the safety of installations in all communal areas.

### **Electrical safety**

The landlord has a legal responsibility to ensure that electrical safety standards are maintained. This includes a duty of care to ensure all reasonable steps and precautions are taken to prevent personal injury to tenants, the public or damage to their property. On the other hand, tenants and users of the building are responsible for the safety of any electrical appliances they buy or install.

### **Asbestos**

The 'duty holder' has a responsibility to manage asbestos under the Control of Asbestos Regulations 2012. Under a lease this will usually be the tenant, but if the duties are not clearly defined in the lease it will be the person who has the most control over the building.

### **Fixtures and fittings**

Fixtures and fittings belonging to the landlord need to be safe to use, correctly installed and maintained by them. However, tenants are responsible for the safety of and maintaining any fixtures and fittings they install. This should be clear in the lease.

### **Air conditioning, heating, or refrigeration systems**

Responsibility for air conditioning, heating or refrigeration systems rests whoever has control over the technical functioning of the equipment. This is usually the tenant. However, the landlord may retain responsibility for these if they retain some day-to-day responsibilities for running the site.

### **Minimum Energy Efficiency Standards (MEES)**

New regulations came into force on April 1, 2018 which made it a legal requirement for eligible rented properties to have an Energy Performance Certificate (EPC) rating of no worse than E.

- From now, it is unlawful to grant new leases on a commercial property which has an EPC rating worse than E
- From April 1, 2023 it will be unlawful to continue to let eligible commercial property which does not meet the minimum standards.



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### **The Well Code for Leasing Business Premises**

Drawn up in 2007, the Code for Leasing Business Premises is a voluntary best practice code. It was created by a collaboration between commercial property professionals and industry bodies representing both landlords and tenants. Its intention is to promote fairness in commercial leases, and landlords are encouraged to adhere to 10 key points. The most recent edition of this document can be located at this link: [https://www.rics.org/globalassets/code-for-leasing\\_ps-version\\_feb-2020-1.pdf](https://www.rics.org/globalassets/code-for-leasing_ps-version_feb-2020-1.pdf)

The PPM Survey was reviewed in detail and the following works were confirmed to be required prior to the building being declared safe:

### **EXTERNAL WORKS REQUIRED FOR SAFE REOPENING OF BUILDING**

1. Roof Option 1 – Clear, clean, repair and seal roof
2. Installation of gratings and water gullies
3. Clean and clear gullies
4. Repair of concrete post
5. Remove and replace existing windows and install lintels
6. Handrails to entrance ramp
7. Entrance ramp to be cleared of moss and debris
8. New path required for exit at rear
9. Clean access path
10. Tarmac for new driveway
11. Replace gates
12. Drainage survey
13. Demolish garage

### **INTERNAL WORKS REQUIRED FOR SAFE REOPENING OF BUILDING**

1. Reboarding of broken fibre boarding in ceiling
2. Entrance level flush with internal door
3. Ventilate floor void with air bricks
4. Replace all doors with fire rated doors
5. New boiler cupboard
6. New secure utility cupboard
7. Timber boxing to water supply
8. Minor repairs to toilets
9. Install accessible WC
10. Install hand dryers
11. Mechanical extractor fans to WCs and kitchen
12. Hot water heaters for water in WCs
13. Distribution board checked – tripping external lights
14. Legionnaires check and survey
15. Risk Assessment and sampling of systems
16. Disinfect cold water system and storage cistern
17. Annual gas service
18. Box in radiators and water pipes
19. Install mains powered fire alarm system
20. Fire System Check
21. Fire Inspection and Equipment Check
22. Asbestos Survey



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Council to approve the following recommendations:

- 1. The works as listed are carried out prior to the building being checked for legal compliance and before any occupation approved**
- 2. Works listed are considered to exceed £100,000 therefore a meeting should be arranged with the Scout Association to review the way forward.**
- 3. To instruct the Clerk to commence obtaining quotes for the refurbishment of the building.**

#### 4. COLNEY HEATH RECREATION GROUND AND PAVILION

The Heads of Terms on the new pavilion lease and main pitch were reviewed and decided these were agreed in principle but that there were several matters that required clarification:

- Implications to the Recreation Ground and public access from the announced potential promotion from Step 5 to Step 4, this would also require lease amendment
- Confirm % profit as stated
- De-designate the tennis courts and confirm arrangements for parking, require a proposal for the ongoing use of car park as outside terms of lease
- Remove small play area and consult public on re-siting elsewhere in village
- Remove the brown container and toilet block
- Booking of other pitches requires clarity
- Gate between school and recreation ground installed without permission, wayleave?
- Removal of floodlights not included in planning permission or obtain further permission
- Ensure boundary fencing is in correct place
- Full accounts for last two years to be requested again or two years of bank accounts, accounts must be complete and include all income and expenditure

Council to approve the following recommendations:

- 1. To instruct the Clerk to clarify the points raised formally in correspondence.**
- 2. To instruct the Clerk to commence action on the points raised above.**