

Key Decision Required:	No	In the Forward Plan:	No
-------------------------------	-----------	-----------------------------	-----------

CABINET

REPORT OF THE FINANCE AND ASSET MANAGEMENT PORTFOLIO HOLDER

13 DECEMBER 2013

A.5 LAND SOUTH EAST OF MARINE PARADE EAST: SUPPLEMENTAL LEASE

(Report prepared by Andy White)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider the grant of a supplemental lease of land to the East of Clacton Pavilion, as shown on the attached plan.

EXECUTIVE SUMMARY

The Council holds the freehold ownership of a substantial area, including the bulk of the seafront. Within this, the Council seeks to develop a range of different options to develop the facilities and improve the tourism and leisure offer on the seafront.

The tenant of a major seafront attraction seeks a supplemental lease in order to develop proposals for new features and attractions on land to the South East of Marine Parade East, opposite Beach Road.

Potential disposal of the land has been advertised and no objections have been received.

Provisional terms are being negotiated. These will be considered at a future meeting.

RECOMMENDATION

That Cabinet authorises the granting of a supplemental lease, in principle, subject to its decision on terms to be determined at a future meeting.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The establishment of economic use in this area would contribute to a range of Council priorities including:

- Build a thriving local tourism industry.
- Promote sustainable economic growth.
- Regenerate the District and improve deprived areas.
- Protect and enhance our environment, countryside and coast.

FINANCE, OTHER RESOURCES AND RISK

Finance and other Resources

The lease of the land will lead to rental income for the Council and reduce costs. Details of these will be considered at a future meeting.

Risk

The key risks associated with this proposal are:

Risk	Control
That the additional area does not lead to an improved visitor attraction.	User provisions defined and completion of agreed works will be an obligation in the lease.
That the works to or use of the area increases the Council's responsibilities for the cliffs or other maintenance.	Define the nature and extent of the responsibilities in the terms.

LEGAL

Section 123(1) of the Local Government Act 1972 indicates that a local authority may dispose of land held by it in any way it wishes, so long as (Section 123 (2)) the land is disposed for a consideration not less than the best that can reasonably be obtained.

The General Disposal Consent Order (England) 2003 gives consent for disposal at below best consideration reasonably obtainable provided that the undervalue is less than £2m and the proposal enhances the environmental economic and social well-being of the area.

Section 123(2A) of the Local Government Act 1972 indicates that a local authority may not dispose of land held by it without advertising its intention to do so in the local press.

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law, following Section 120 of the Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of Crime and Disorder, Equality and Diversity, Health Inequalities, Consultation/Public Engagement and Wards; and any significant issues are set out below.

None

Ward

Pier

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Council holds the freehold ownership of a substantial area including the bulk of the seafront from Martello Bay to Holland Haven.

Within this, the Council seeks to develop a range of different options to develop the facilities and improve the tourism and leisure offer on the seafront.

The sites adjoining Pier Gap are prime opportunities on the seafront. On one side of the Pier, the Pavilion tenant has carried out substantial remodelling and improvement to create exciting new facilities and, on the other, the Council is seeking sustainable ways to complete amenities proposals for regeneration of the area.

The tenant of a major seafront attraction seeks a supplemental lease in order to develop proposals for new features and attractions on land to the South East of Marine Parade East, opposite Beach Road.

CURRENT POSITION

The tenant of a major seafront attraction seeks a supplemental lease in order to increase the range and quality of attractions on the seafront. The details of the potential uses are confidential because of commercial factors but officers from the Council's Inward Investment and Growth Team are confident that the development has the potential to contribute towards changing the face of Clacton in line with the Council's aspirations for a 21st Century coast.

The potential disposal of the land was advertised in the Daily Gazette on 4 and 11 September 2013. No comments or representations have been received.

The Council will rely on the provisions of the General Disposal Consent Order 2003 and, in doing so, will consider the valuation of the property and that the purpose for the disposal will help in securing 'the promotion or improvement of the economic, social or environmental well-being of the area' having regard to the Transforming Tourism Strategy, Creating a 21st Century Resort and the Local Development Plan for the area.

Detailed terms for the proposed lease are being negotiated and are likely to be set out for Cabinet's consideration in early 2014.

FURTHER HEADINGS RELEVANT TO THE REPORT

None

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

- Appendix A – Location Plan