

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

14 DECEMBER 2011

REPORT OF FINANCE AND ASSET MANAGEMENT PORTFOLIO HOLDER

A.5 SURRENDER OF LEASE, KIOSK 5, MARINE PARADE EAST, CLACTON ON SEA

(Report prepared by Andy White)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek approval for the surrender of the lease of the site of Kiosk 5. The site is shown edged bold on the attached plan, Appendix A.

EXECUTIVE SUMMARY

The kiosk is let to Tenants on a full repairing lease. The lease is secured under the Landlord and Tenant Act 1954. The contractual term has ended, there are rent arrears and outstanding repairs. The Tenants have agreed to a surrender of the.

RECOMMENDATION(S)

That Cabinet considers whether to accept surrender of the kiosk lease.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Corporate Plan identifies priorities relevant to the matter:

- 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

Rent is outstanding and there are outstanding repairs. Surrender of the lease will require the write off of the rents. Details are included in the report in Part B of this agenda. Future letting of the site and investment in bringing the property up to standard will be the subject of further reports if required.

Risk

The rent and repairs are both behind. Appropriate actions have been carried out and notices have been served where applicable. The situation cannot be allowed to continue. The alternative to accepting the surrender would be to forfeit the lease. This has risks and costs attached to it and external solicitors have advised that accepting the surrender would be the safest course of action.

LEGAL

External solicitors have advised that accepting the surrender would be the most prudent course of action. Further detail is included in the report in Part B of this Agenda. Accepting the surrender is within the Council's discretionary powers.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder/Equality and Diversity/Health Inequalities/Consultation/Public Engagement

Ward

Pier

PART 3 – SUPPORTING INFORMATION**BACKGROUND**

The Tenants took on the lease of the property by taking an assignment from previous Tenants. Significant rent arrears and wants of repair have accrued.

CURRENT POSITION

The Council cannot allow the breaches of the lease covenants to go unaddressed. External solicitors have acted for the Council. They advise that the acceptance of a surrender of the lease would be a prudent course of action given the risks of adverse publicity or uncertainty of seeking forfeiture by taking possession or court action.

FURTHER HEADINGS RELEVANT TO THE REPORT

None

BACKGROUND PAPERS FOR THE DECISION

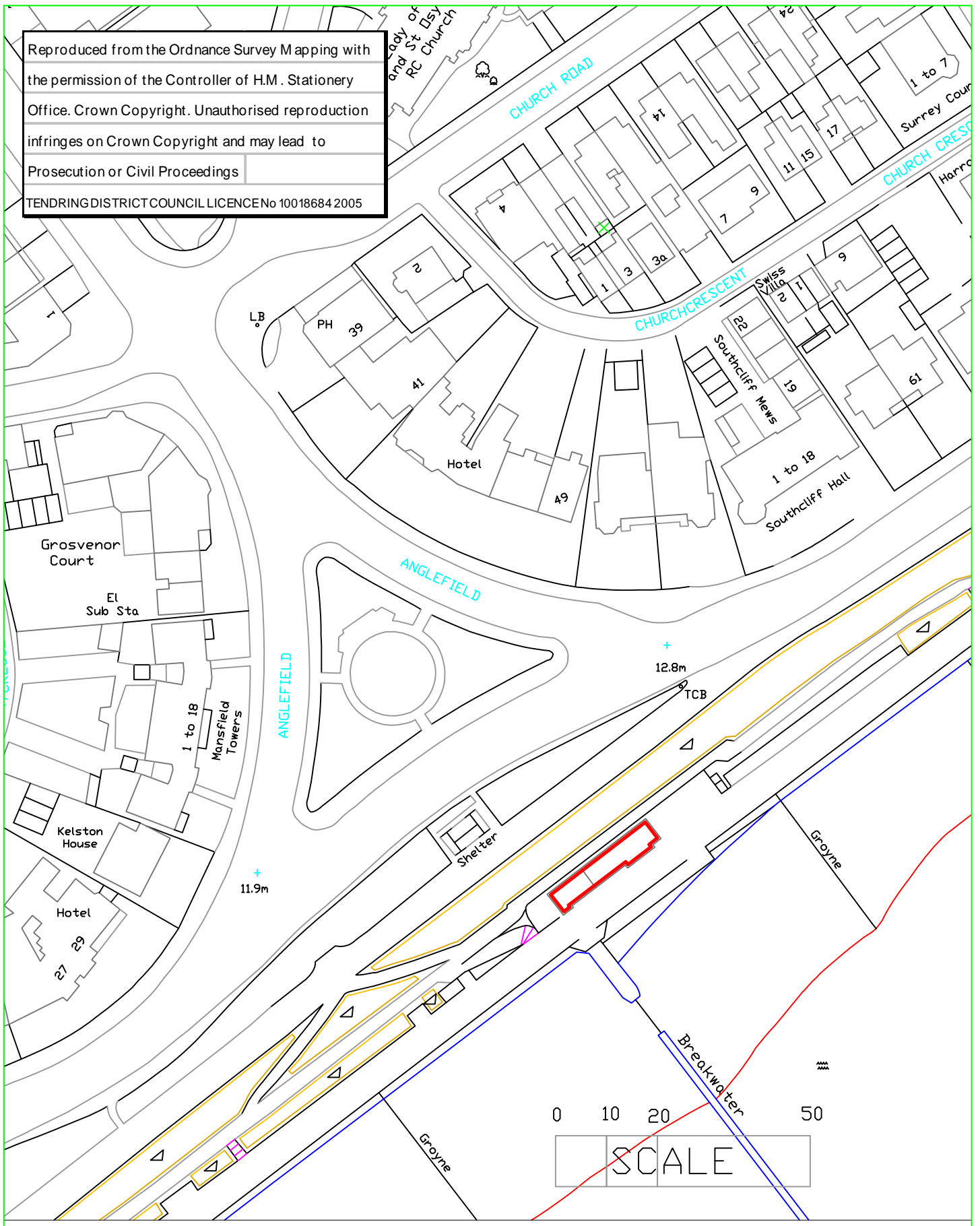
None.

APPENDICES

Appendix A – Location plan.

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TENDRINGDISTRICTCOUNCIL LICENCE No 100186842005



TENDRING DISTRICT COUNCIL

KAREN NEATH C.P.F.A.
HEAD OF RESOURCE MANAGEMENT

title: Kiosk 5

drawing: Location Plan

scale:	1:1000
drawn by:	AR WHITE
date:	25 Nov 2011
drwg.No.	revision
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