

<b>Key Decision Required:</b>	<b>No</b>	<b>In the Forward Plan:</b>	<b>No</b>
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**23 JANUARY 2013**

**CABINET**

**REPORT OF THE HOUSING, BENEFITS & REVENUES AND SPORTS FACILITIES  
PORTFOLIO HOLDER**

**A.12 - RENEWAL OF THE LEASE OF LAND OFF VALLEY ROAD, CLACTON  
ON SEA**

(Report prepared by David Black)

**PART 1 – KEY INFORMATION**

**PURPOSE OF THE REPORT**

To seek approval to renew the lease of land at Valley Road, Clacton on Sea used by East Anglia Reserve Forces and Cadets Association as a training centre.

**EXECUTIVE SUMMARY**

- The Council owns approximately 0.22 acres of land, which consists of a natural area to the street frontage (Valley Road) a surfaced car park and a timber structured training centre.
- The Existing Supplemental Lease, held by East Anglia Reserve Forces and Cadets Association, expired in October 2011
- East Anglia Reserve Forces and Cadets Association, formally TAVR, have leased the site since 1991 and erected the wooden structure training centre.
- Cabinet approval in principle is sought to renew the lease to East Anglia Reserve Forces and Cadets Association for a further term of seven years.

**RECOMMENDATION(S)**

**That Cabinet considers and decides in principle whether to progress with the renewal of the existing lease as set out in this report.**

**PART 2 – IMPLICATIONS OF THE DECISION**

**2.1 DELIVERING PRIORITIES**

Priorities in the Corporate Plan seek to:

- Promote healthy and active lifestyles by improving activities and facilities for all our communities.
- Provide and promote increased activities for people of all ages.
- Work with partners to promote and provide for the development of our communities.

## **2.2 FINANCE, OTHER RESOURCES AND RISK**

### **2.2.1 Finance and other resources**

The lease of the site provides an income to the Housing Revenue Account. The detailed financial implications of renewing the lease will be set out in the report included in part B of this agenda.

### **2.2.2 Risk**

No risks have been identified that would preclude entering into a new lease for this land. The terms of the current lease have been adhered to and the site is generally well maintained and there is a satisfactory record of paying rent.

## **2.3 LEGAL**

The existing lease is subject to the provisions of part II of the Landlord & Tenant Act 1954 (as reformed).

Under this legislation the existing tenant has the right to apply for renewal of the lease at any time after its contractual end date and particularly if the Council seeks to end it. If the Council were minded not to renew the lease it would have to serve notice on the tenant specifying one or more of seven statutory grounds upon which a new lease would be opposed if the tenant sought a new one. If the granting of a lease was opposed or if the Council and tenant could not agree on whether to engage in a new lease or on its terms a case in the County Court would result.

Reasonable enquiries have been carried out and no grounds have been identified that would give officers cause to recommend to Cabinet that it should not renew the lease.

The granting of a new lease is in accordance with the Council's discretionary powers.

## **2.4 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 and Public Engagement.

### **2.4.1 Crime and Disorder**

Appropriate use of the land will have a positive impact on the street scene and local community and will avoid the problems that are likely to arise if it were left untenanted. The Cadet Association provide positive activities for young people, which is likely to have a significant diversionary effect.

### **2.4.2 Ward**

St Marys Ward Clacton

## **PART 3 – SUPPORTING INFORMATION**

### **3.1 BACKGROUND**

The land was a former scout hut and in 1991 the T.A.V.R , now East Anglia Reserve Forces and Cadet Association , took up a 13 year lease, a further supplemental lease was approved in 2004 for a seven year period. The current application is for a further supplemental seven year lease

**3.2 CURRENT POSITION**

The land remains in regular use by the East Anglia Reserve Forces and Cadets Association

**FURTHER HEADINGS RELEVANT TO THE REPORT**

None

**BACKGROUND PAPERS FOR THE DECISION**

The existing lease agreement and other documentation in relation to renewal of the lease are held by the Head of Life Opportunities.

**APPENDICES**

Appendix A – Plan showing the site location

Appendix B – Heads of Terms Schedule

Appendix C – Photographs of Site