

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

19 APRIL 2013

REPORT OF THE FINANCE AND ASSET MANAGEMENT PORTFOLIO HOLDER

A.3 LEASE OF WASTE AND RECYCLING CENTRE AT WEST END LANE DOVERCOURT

(Report prepared by Andy White)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider the principle of granting a lease of the waste and recycling centre at West End Lane Dovercourt, as shown on the attached plan (Appendix A).

EXECUTIVE SUMMARY

Tendring District Council owns a large area of open space and other leisure and recreational facilities to the West of Dovercourt. Within this there is a waste and recycling centre. The waste and recycling centre has existed at its current location at West End Lane for many years and has been occupied and operated by Essex County Council and their contractors.

Although the site has existed for many years there has never been a formal lease. Both Councils seek to regularise the position. Terms for a peppercorn lease and sharing costs to maintain the access road have been proposed.

RECOMMENDATIONS

That Cabinet

- (a) determines in principle to grant a lease at a peppercorn rent to Essex County Council;**
- (b) delegates authority to agree remaining terms to the Corporate Director (Corporate Services);**
- (c) authorises the Corporate Director (Corporate Services) to enter into a lease to Essex County Council at a peppercorn rent and on such other terms as he considers appropriate.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Provision of the Waste and Recycling Centre contributes to the Corporate Plan priority to protect and enhance our environment, countryside and coast.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The proposed lease will not result in any income to the Council but it will ensure that the Council's ownership is not compromised. It will result in the cost of maintaining the access

road being appropriately shared

Risk

If no lease is agreed the Council will not benefit from sharing the costs of maintaining the road and there could be a claim of adverse possession of the land by the County Council.

LEGAL

This action proposed is within the Council's discretionary powers.

The land has been occupied for many years. The granting of a new lease will avoid the risk of a claim of adverse possession or continuing with undefined responsibilities.

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.

Ward

Harwich West Central

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Tendring District Council owns a large area to the West of Dovercourt. The land includes beaches, open space, recreation ground, parking, swimming pool, beach huts and other leisure and recreational facilities. Within this there is a waste and recycling centre.

The location has included waste facilities for many years including prior to the 1974 reorganisation of Local Government. The Waste and recycling centre has existed at its current location at West End Lane for many years and has been occupied and operated by Essex County Council and their contractors.

Although the site has existed for many years there has never been a formal lease, no rent or other costs have been charged.

CURRENT POSITION

Both Councils seek to regularise the position. The County Council wish to manage their relationship with the contractor by granting an underlease. Tendring District Council wish to establish clear terms for the use of the land. Terms for a peppercorn lease and sharing costs to maintain the access road have been proposed. The details of these terms remain under discussion at the time of drafting.

FURTHER HEADINGS RELEVANT TO THE REPORT

None

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix A – Plan indicating location of the site.