

<b>Key Decision Required:</b>	<b>No</b>	<b>In the Forward Plan:</b>	<b>YES</b>
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## CABINET

**6 SEPTEMBER 2013**

### REPORT OF THE ENVIRONMENT AND COAST PROTECTION PORTFOLIO HOLDER AND FINANCE AND ASSET MANAGEMENT PORTFOLIO HOLDER

**A.8 LEASE FOR NEW KIOSK 3A, KINGS PARADE, CLACTON-ON-SEA.**  
(Report prepared by Ian Taylor and Andy White)

#### **PART 1 – KEY INFORMATION**

##### **PURPOSE OF THE REPORT**

**To consider granting a lease of Kiosk 3A to the current tenant of Kiosk 3 below at Kings Parade (Lower promenade) Clacton-on-Sea, as shown on the attached plan (Appendix A).**

##### **EXECUTIVE SUMMARY**

- The Council has created a new kiosk by converting the disused inshore lifeboat station immediately adjoining the existing Kiosk 3. The kiosk is fitted out as a bar and has been called Kiosk 3A for administrative purposes.
- A new, separate, lease to the tenant of Kiosk 3 is proposed because of the immediate proximity of the two buildings.
- Terms representing the Best Consideration Reasonably Obtainable have been negotiated by the Council's agents. These terms are considered in Part B of this agenda.

##### **RECOMMENDATION(S)**

**That, subject to their decision on terms in Part B of this agenda; Cabinet resolves to grant a lease of kiosk 3A.**

#### **PART 2 – IMPLICATIONS OF THE DECISION**

##### **2.1 DELIVERING PRIORITIES**

Priorities in the Corporate Plan seek to build a thriving local tourism industry and promote sustainable economic growth and regeneration especially along seafront areas of the District. This business is located in an important area of Clacton seafront for visitors and has the potential to assist with the development of this area, which has already begun with the new pavilion building and proposals for the Atlanta café.

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

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

The lease of this additional kiosk will provide an income to the Council. The financial

implications of the lease will be set out in the report included in part B of this report.

### **2.2.2 Risk**

No risks have been identified that would preclude entering into a new lease for this kiosk / business with the tenant of Kiosk 3. The tenant of Kiosk 3 has complied with the terms of his current lease.

## **2.3 LEGAL**

The granting of a new lease is in accordance with the Council's discretionary powers. The proximity of the building to the existing and the terms negotiated are such that the Council's duty to obtain Best Consideration Reasonably Obtainable is met by leasing the building to the adjoining tenant.

## **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**

The operation of a new business in this area will have a positive impact on the street scene and local community by converting a derelict building into a thriving business. The business will help develop an evening economy along Clacton seafront and will help to avoid the problems that are likely to arise when businesses close early or buildings are left unused.

### **2.4.5 Ward**

Clacton Pier Ward

## **PART 3 – SUPPORTING INFORMATION**

### **3.1 BACKGROUND**

In support of strategic goals for the Council in respect of supporting coastal opportunities and protection the Council agreed to utilise £25,000 from the asset refurbishment budget to create a new bar called Kiosk 3A by converting the disused Inshore Lifeboat Station along Kings Parade, Clacton-on-Sea. The building is immediately adjacent to Kiosk 3 which is a traditional seafront kiosk selling food, drinks and beach requisites.

The Old Inshore Lifeboat building was the responsibility of the Council and currently provided no income but incurred NNDR and other costs. The Council undertook the conversion following a proposal received from the tenant of the adjacent Kiosk.

The kiosks are structurally separate units with their own entrances but are immediately adjacent. Access, services and waste facilities are shared. Because of this proximity the management of separate refreshment facilities would be likely to require ongoing input from the Council. Coupled with the origin of the proposals and the terms negotiated by agents being the Best Consideration Reasonably Obtainable this proximity makes the granting of a new lease to the tenant of Kiosk 3 the most appropriate course of action.

The extent of the building and outdoor seating area is shown on the plan attached at appendix A.

**3.2 CURRENT POSITION**

The refurbishment of the old inshore lifeboat building now known as Kiosk 3A is complete and ready for use as a seafront bar. A temporary agreement is in place to allow the facility to be used during the current season. A lease of the building, together with the outside seating area is proposed.

The Council's property consultants NPS Property Consultants Ltd were instructed to advise on achieving Best Consideration Reasonably Obtainable and then to negotiate terms. Advantageous terms have been negotiated and these are set out in the report in part B of this agenda.

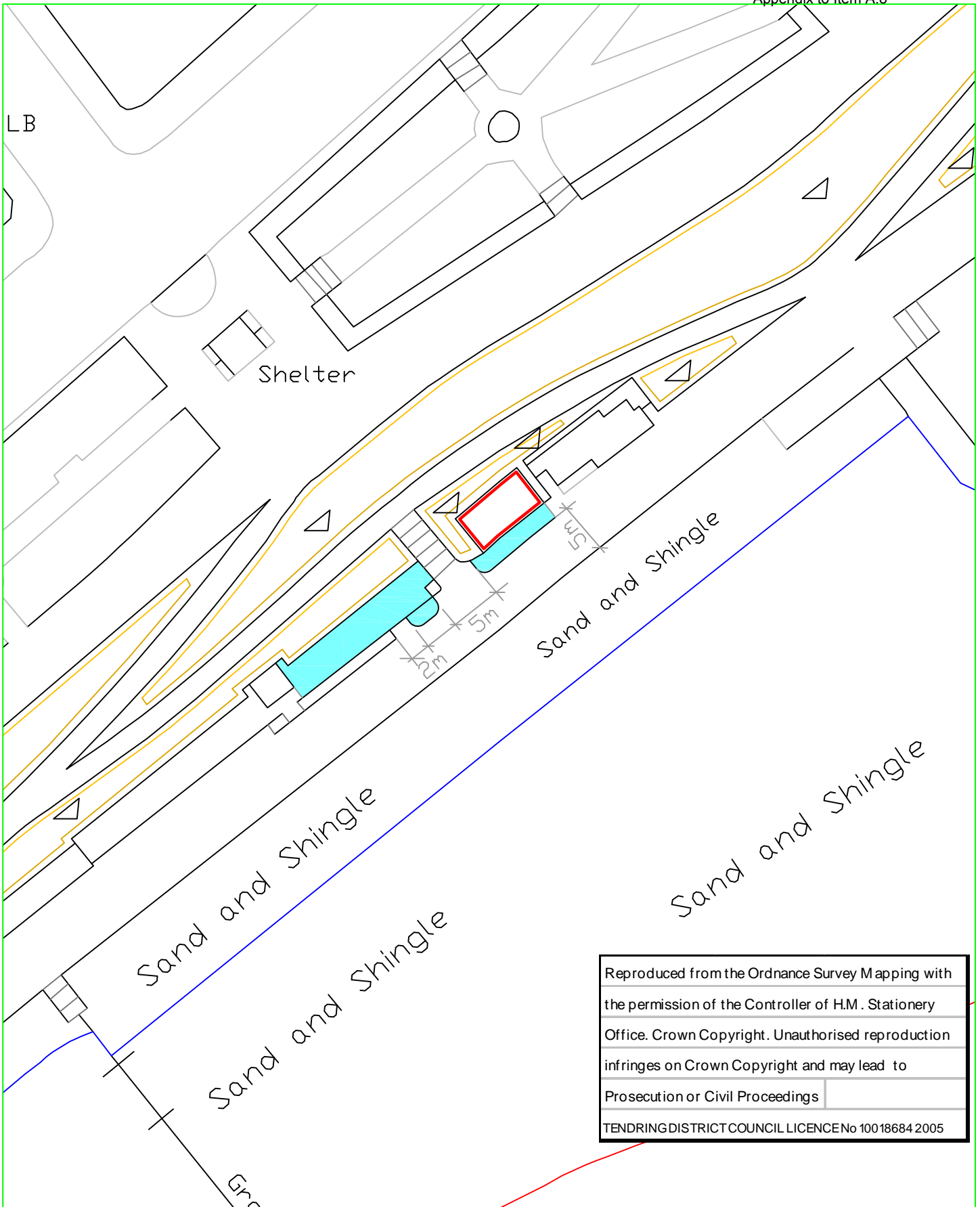
None

**BACKGROUND PAPERS FOR THE DECISION**

None

**APPENDICES**

**Appendix A – Location Plan**



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Rev A ARW. 19 Mar 13 Ramp added and seating area revised

**TENDRING DISTRICT COUNCIL**

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BA(hons). DMS. MCIH.  
CORPORATE DIRECTOR: CORPORATE SERVICES

title: KIOSK 3a

drawing: LOCATION PLAN FOR LEASE

scale: 1:500

drawn by: AR WHITE

date: 13 Feb 2013

drwg.No. 1      revision A