

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

REPORT OF THE FINANCE AND ASSET MANAGEMENT PORTFOLIO HOLDER

13 DECEMBER 2013

A.6 NEW LEASE FOR THE LUNEY SOCIAL CLUB

(Report prepared by Aileen Middleton)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider the grant of a new 24 year and 1 month lease for the former Royal British Legion building on Barrack Lane, Harwich to The Luney Social Club for use as a charitable social club.

EXECUTIVE SUMMARY

The Luney Social Club currently has a Licence to Occupy the former Royal British Legion building which expires in February 2014.

The building is in considerable disrepair and the Luney Social Club proposes to undertake significant refurbishment.

The Luney Social Club would like to take a new 24 year and 1 month lease, on terms to be agreed, from TDC to enable them to have certainty going forward.

RECOMMENDATION

That Cabinet authorises the granting of a new lease, in principle, subject to its decision on terms set out in the report in Part B of this agenda.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Club's activities have potential to deliver on the following Council priorities:

- Reducing health inequalities and disadvantage.
- Promoting healthy lifestyle and activity in the area.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The lease of the building will lead to rental income for the Council. Details of this are contained in Part B of this agenda.

Risk

There are a small number of risks associated with this proposal:

Risk	Control
If no lease is granted, but Club continue to occupy the building a secure tenancy will be created by accident.	It is proposed to grant a lease to replace the License.
If no lease is granted and the Club do not continue in occupation the Council will have to consider whether to repair or demolish the building.	It is proposed to grant a lease to replace the License.
The Council could be called upon to meet repair costs or face claims if the building becomes dangerous.	The lease will contain specific provisions to ensure that the Council is not held responsible for the building's condition.
The Club will be unable to meet their obligations under the lease.	The lease will include additional provisions to reinforce the ability to end it if the Club cannot meet the obligations.

LEGAL

The initiation of the disposal process is within the Council's discretionary powers.

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 the land is disposed for a consideration not less than the best that can reasonably be obtained.

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under 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.

Consideration of other legal matters will take place within the process, as it is followed.

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

Harwich

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The building was let for many years to the Royal British Legion. The British Legion surrendered the lease in March 2013. It is in poor condition.

CURRENT POSITION

The Luney club is a registered charity No. 1138125. Its objects are to help relieve financial hardship amongst the elderly people living on Bathside Bay, Harwich and also to help the

elderly people from Bathside Bay who are suffering hardship through sickness and ill-health. Fundraising is carried out mainly on a Sunday lunchtime by way of a game of bingo, sales of football cards, weekly bonus ball competition and raffles.

The Club has held a Licence to Occupy the former Royal British Legion building since March 2013 but this expires at the end of February 2014. To enable The Luney Social Club to have security of tenure and carry on with their charitable works they have requested a new lease of the building. A lease of 24 years and 1 month is proposed in order to end on the same date as other leases on the site. Terms for the proposed lease are set out in Part B of this agenda.

FURTHER HEADINGS RELEVANT TO THE REPORT

None

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

- **Appendix A – Location Plan**