

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

24 JANUARY 2014

### REPORT OF FINANCE AND ASSET MANAGEMENT PORTFOLIO HOLDER

#### **A.9 RENEWAL OF LEASE, LOW LIGHTHOUSE, HARWICH GREEN, HARWICH**

(Report prepared by Jennie Weavers)

#### **PART 1 – KEY INFORMATION**

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

To seek Cabinet's approval for the renewal of the existing lease of the site of the Low Lighthouse, Harwich Green, Harwich. The site is shown edged bold on the attached Appendix A.

##### **EXECUTIVE SUMMARY**

The Harwich Society are holding over on a 21 Year Lease that reached the end of its contractual term on the 31 December 2011. The Society is seeking to renew the lease for a further 21 year term. The renewal of the lease in line with existing terms has been negotiated by the Council's agents.

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

**That Members approve in principle the granting of a new 21 year lease**

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

##### **DELIVERING PRIORITIES**

This proposal contributes to the following priorities:

- to build a thriving local tourist industry; and
- to protect and enhance our countryside and coast.

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

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

Renewal of the lease will provide a small increase in rental income to this Council. Details of the terms of the lease are set out in the report in Part B of this agenda.

###### **Risk**

The Harwich Society has been tenants of this facility for the last 21 years. Officers therefore consider that there is little risk associated with the renewal of the lease.

##### **LEGAL**

Section 123(1) Local Government Act 1972 indicates that, a local authority may dispose of land held by it in any way it wishes so long as (section 123 (2)) the land is disposed for a consideration not less than the best that can reasonably be obtained.

The General Disposal Consent Order (England) 2003 gives consent for disposal at below best consideration reasonably obtainable provided that the undervalue is less than £2m and the proposal enhances the environmental economic and social wellbeing of the area.

Section 123(2A) Local Government Act 1972 indicates that, a local authority may not dispose of land held by it without advertising its intention to do so in the local press.

In this case the value negotiated by the agents is considered to be best consideration.

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district.

#### **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

##### **Crime and Disorder**

Consideration has been given to the Crime and Disorder Act 1998. There are no direct implications.

##### **Ward**

Harwich East

### **PART 3 – SUPPORTING INFORMATION**

#### **BACKGROUND**

The Harwich Society has been a tenant of the Low Lighthouse since the current lease commenced on the 1 January 1991. During that time they have used the building as a maritime museum.

#### **CURRENT POSITION**

The Harwich Society is currently holding over on a 21 year lease which reached the end of its contractual term on 31 December 2011. The Harwich Society is currently seeking to renew the lease so they can continue with their maritime museum on this site and to allow them to apply for funding.

#### **FURTHER HEADINGS RELEVANT TO THE REPORT**

None

#### **BACKGROUND PAPERS FOR THE DECISION**

None

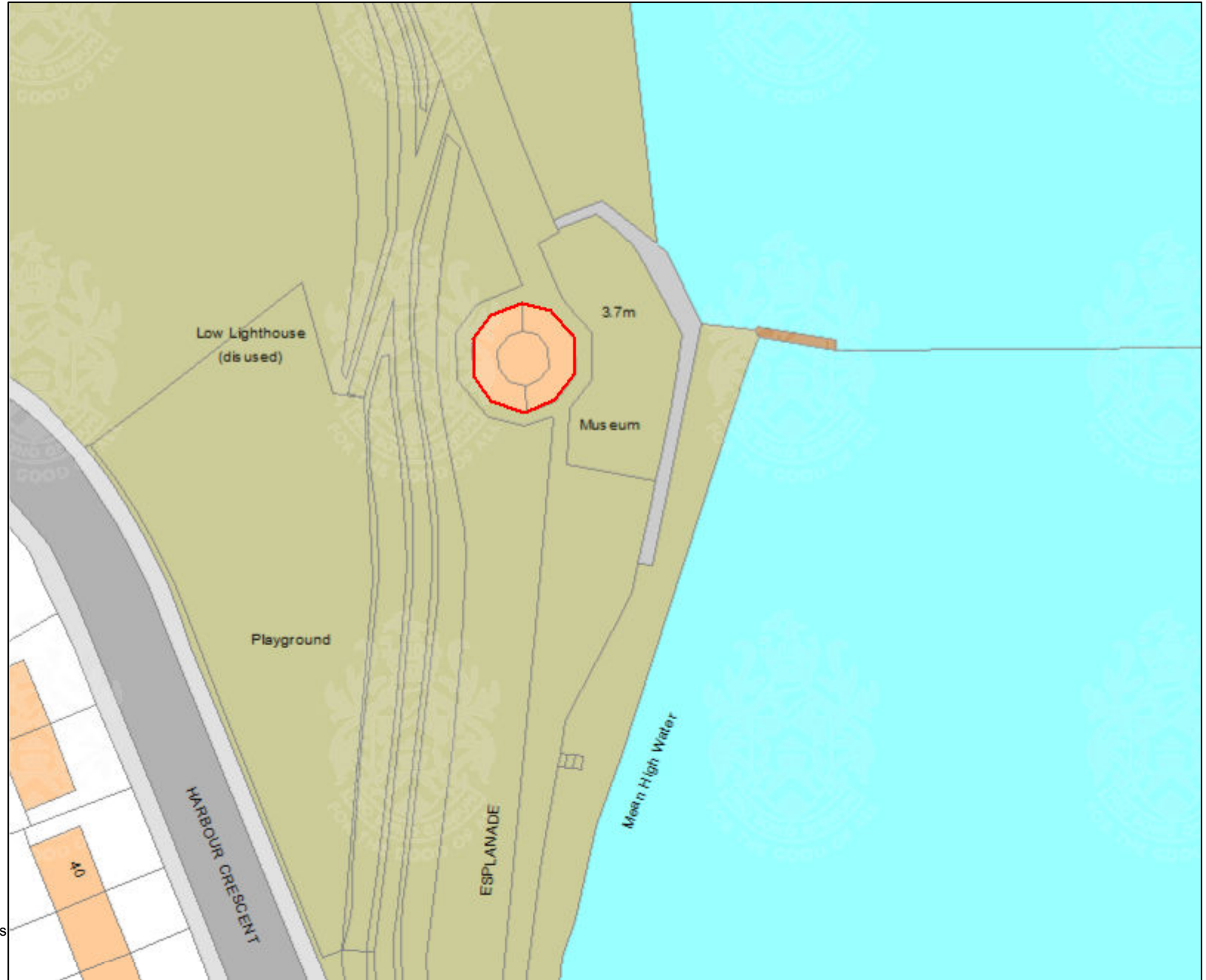
#### **APPENDICES**

Appendix A – Location plan.

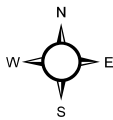


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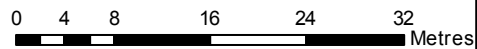
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Date: 11/09/2013



Author:



Map Notes