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| Key Decision Required: | No | In the Forward Plan: | Yes |
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PORTFOLIO HOLDER FOR FINANCE AND CORPORATE RESOURCES

January 2019

A. TERMS FOR A NEW LEASE OVER THE FORMER PUBLIC CONVENIENCES, MAGDALEN GREEN, CLACTON

(Report prepared by Jennie Wilkinson)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To approve the principle of the granting of a new lease of the former public conveniences at Magdalen Green, Clacton, which are no longer in use by the Council.

EXECUTIVE SUMMARY

Tendring District Council took the decision to close 10 of its public conveniences in June 2017 and these at Magdalen Green, shown edged red on the plan at Appendix A, were closed at this time. The building is detached and in a poor condition.

Following a decision in February 2018 to grant a Lease over the property, the prospective tenant was unable to realise the proposed project and had to pull out. The property has since been re-marketed and a new proposal received. It is proposed to grant a lease to this party and further details of the proposal are set out in the concurrent confidential report.

RECOMMENDATIONS

That the Portfolio Holder approves the principle of the granting of a new lease of the site.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The new lease will facilitate renovation of the building which will contribute to the following Council priorities:

- To support business growth
- To make the most of our assets
- To regenerate the District and improve deprived areas

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The granting of a new lease will reduce revenue costs, and provide a further revenue income to the council whilst retaining the freehold of the asset.

Risk

The proposal received will require planning permission for change of use and it is possible this may not be granted. Because the building has deteriorated there is some chance that the proposed lessee will not be able to complete all of the work. Officers will monitor progress and ensure that there are conditions within the lease that facilitate the management of any default.

LEGAL

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.

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.

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.

Ward Members have been advised of this report.

Ward

Alton Park Ward

PART 3 – SUPPORTING INFORMATION**BACKGROUND**

Cabinet made the decision in June 2017 to adopt a new Public Conveniences Strategy including plans to decommission 10 public toilets across the district and to invest saved resources into the remaining 30. The Magdalen Green toilets were one of those identified for closure.

The building is in a poor condition and a considerable amount of money would be required to strip out and refurbish it.

The Council marketed the site through a local agent in order to find a tenant who would refurbish this site and pay a market rent for the building and a decision was made to proceed with a lease in February 2018. Unfortunately the proposed tenant was not able to realise their proposal and had to pull out.

The property has since been re-marketed and a new proposal received.

CURRENT POSITION

The Agent has confirmed that they have fully marketed the site and believe the proposal received to be in line with the current rental market considering the amount of development needed to be carried out by the tenants.

It is proposed that approval be given to the principle of the granting of a new lease.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix A: Location Plan