

Key Decision Required:	No	In the Forward Plan:	Yes
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11 February 2020

PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE

A. GRANT OF A NEW LEASE FOR A PROPERTY IN WINDSOR AVENUE, CLACTON ON SEA

(Report prepared by Layla Davey)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To approve the principle of the granting of a new lease of a property in Windsor Avenue, Clacton on Sea.

EXECUTIVE SUMMARY

The Clacton Sea Cadets are holding over on a 28 Year Lease that passed the end of its contractual term in 2003. The Club is now seeking a new lease for a 15 year term.

It is proposed to grant a new Lease in accordance with the Heads of Terms set out in the concurrent confidential report.

RECOMMENDATION(S)

That the Portfolio Holder approves the principle of the granting of a new 15 year lease.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The new lease will contribute to the following Council priorities:

- Support improved community health
- Make the most of our assets

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The granting of a new lease will continue to provide income to the council and retain the freehold of the asset.

Risk

The Sea Cadets have been tenants of this facility for the last 39 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 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 / Area or Ward affected / Consultation/Public Engagement. - None

Ward Members have been advised of this report and its recommendation.

Ward

Coppins

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Clacton Sea Cadets have been tenants of the land in Windsor Avenue since the 1 October 1975. During that time they have used the land as the site for their club house.

CURRENT POSITION

The Clacton Sea Cadets are currently holding over on a 28 year lease which passed the end of its contractual term in 2003. The Clacton Sea Cadets are currently seeking to renew the lease so they can continue with their club house at this site.

FURTHER HEADINGS RELEVANT TO THE REPORT

None

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix A – Location plan.