

Key Decision Required:	No	In the Forward Plan:	Yes
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PORTFOLIO HOLDER FOR CORPORATE FINANCE & GOVERNANCE

25 JUNE 2021

REPORT OF ASSISTANT DIRECTOR (BUILDING & PUBLIC REALM)

A. LEASE RENEWAL IN RESPECT OF BATEMANS TOWER, PROMENADE WAY, BRIGHTLINGSEA

(Report prepared by Layla Davey)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek approval for the granting of a new lease over land and property known as Batemans Tower, Brightlingsea shown edged red on the plan at Appendix A.

EXECUTIVE SUMMARY

The current tenants have rented the property for over 40 years and are holding over on a 21 year lease that expired on the 31 March 2021. The tenants have requested that they are granted a new lease for a further 15 years.

It is proposed to grant a new 15 year lease in accordance with the Heads of Terms set out in the concurrent confidential report.

RECOMMENDATIONS

That the Portfolio Holder approves the principle of the granting of a new 15 year Lease over the land and property known as Batemans Tower, Brightlingsea.

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 tenant is responsible for the full repair and maintenance of the land and property under the Lease and Officers will monitor the property and ensure that the conditions within the Lease are met.

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.

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.

The local Ward Members have been advised of this Report and its recommendations.

Ward

Brightlingsea

PART 3 – SUPPORTING INFORMATION**BACKGROUND**

The current tenants have leased the property for over 40 years as a look out and starting and finishing point for yacht races as well as ancillary storage for marine equipment. The current lease term expired on 31 March 2021 and the tenant would like a new lease for a further 15 year term in order to continue using the property.

CURRENT POSITION

Officers have negotiated Heads of Terms based on the Council's standard lease and those of the current lease, which have been agreed by the Tenant. Full details of these Heads of Terms are in the concurrent confidential Report.

FURTHER HEADINGS RELEVANT TO THE REPORT

None

BACKGROUND PAPERS FOR THE DECISION
None

APPENDICES
Appendix A: Location Plan