

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

**16 JUNE 2017**

### **REPORT OF THE PORTFOLIO HOLDER FOR RESOURCES AND CORPORATE SERVICES**

#### **A.6 TERMS FOR A NEW LEASE OF CLACTON FOOTBALL CLUB, RUSH GREEN ROAD, CLACTON-ON-SEA**

(Report prepared by Jennie Weavers)

#### **PART 1 – KEY INFORMATION**

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

To consider the principle of granting a new Lease of the Rush Green Football Club Site, Rush Green Road, Clacton on Sea, shown edged red on the Location Plan (Appendix A)

##### **EXECUTIVE SUMMARY**

In 2004 an 84 year Lease was granted to Total Project Limited in order to run a Football Club at the Rush Green site. In 2014 the company was dissolved and a new Company set up, FC Clacton Community Society. The Lease was not assigned from Total Project Limited to FC Clacton Community Society prior to the company being dissolved and the Lease therefore came to an end.

In order for FC Clacton Community Society to continue to use this site, it is proposed to grant them a new 25 year Lease in accordance with the Heads of Terms set out in the report in Part B of this Agenda.

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

**That Cabinet approves the principle of granting the Lease of this land to FC Clacton Community Society on the terms set out in Part B of this Agenda.**

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

##### **DELIVERING PRIORITIES**

A new lease to the Clacton Football Club will have the potential to deliver on the following Council priorities:

- Promoting healthier lifestyles and wellbeing
- Support improved community health

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

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

The granting of a new lease will focus the club on regenerating the facility and provide an increase in income to the council whilst retaining the freehold of the asset.

###### **Risk**

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

Lease are met.
<b>LEGAL</b>
<p>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.</p> <p>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.</p> <p>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.</p> <p>Section 123(2A) Local Government Act 1972 indicates that, a local authority may not dispose of Public Open Space (POS) land held by it without advertising its intention to do so in the local press.</p> <p>The site has been enclosed and in use as a football Stadium for some years and therefore it is not considered appropriate to advertise a disposal of open space. Terms for the proposed lease are set out in the report in Part B of this Agenda.</p>
<b>OTHER IMPLICATIONS</b>
<p>Crime and Disorder/Equality and Diversity/Health Inequalities/Consultation/Public Engagement</p> <p><b>Ward Rush Green</b></p>

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

<b>BACKGROUND</b>
<p>In 2004 an 84 year Lease was granted to Total Project Limited in order to run a Football Club at the Rush Green site. In 2014 the company was dissolved and a new Company set up, FC Clacton Community Society. The Lease was not assigned from Total Project Limited to FC Clacton Community Society prior to the company being dissolved and the Lease therefore came to an end.</p>
<b>CURRENT POSITION</b>
<p>FC Clacton Community Society would like to continue to use this site, and in order to do this would like to be granted a new 25 year Lease in accordance with the Heads of Terms set out in the report in Part B of this Agenda.</p>
<b>FURTHER HEADINGS RELEVANT TO THE REPORT</b>
None
<b>BACKGROUND PAPERS</b>
None
<b>APPENDICES</b>
Appendix A – Location Plan