

PORTFOLIO HOLDER FOR ASSETS AND COMMUNITY SAFETY

16 September 2025

REPORT OF CORPORATE DIRECTOR FOR PLANNING AND COMMUNITY

- A. TO AGREE THE PRINCIPLE OF A NEW LEASE OF THE HOLLAND PUBLIC HALL, 139 FRINTON ROAD, HOLLAND-ON-SEA, CLACTON-ON-SEA, ESSEX, CO15 5UR.

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider whether to grant a new lease in respect of Holland Public Hall, 139 Frinton Road, Holland-on-Sea, Clacton-on-Sea, Essex, CO15 5UR, as shown on the plan in Appendix A

EXECUTIVE SUMMARY

The freehold of Holland Public Hall is owned by Tendring District Council (TDC). The hall has been leased to The Holland-on-Sea Community Association (HCA) since 1st June 1991. The contractual expiry date in the current Lease is 31st May 2012, however as the Lease is protected by the provisions of the Landlord and Tenant Act 1954, it has been able to hold over on its existing terms and continue past its contractual expiry.

The HCA has expressed an interest in being granted a new lease and Officers have negotiated heads of terms in this regard. These terms are included in the concurrent confidential report. Some public concerns were reported to Officers in respect of the operation of the hall and Officers have had several meetings with the HCA's committee members to discuss statutory documents and policies that are required to be in place to operate a non-residential premises as a registered Charity. Officers are satisfied that the Committee are making the steps necessary to comply with their statutory duties.

There are some external structural and maintenance works that need to be carried out at the property and as both the current lease and the proposed new lease are internal repair only, these fall to Tendring District Council to carry out as Landlord.

RECOMMENDATION(S)

It is recommended that:

The Portfolio Holder for Assets and Community Safety agrees the principle of granting a new lease in respect of Holland Public Hall, 139 Frinton Road, Holland-on-Sea, Clacton-on-Sea, Essex, CO15 5UR.

REASON(S) FOR THE RECOMMENDATION(S)

The property has been leased to the HCA since 1991 and they would like to continue to lease the Hall from TDC. Under a protected tenancy the Council has only a small number of reasons

not to grant a new lease to the HCA and it is not considered any of those apply. It is understood the hall is well used by a lot of community groups for a lot of activities as well as providing other services and opportunities to the local residents.

ALTERNATIVE OPTIONS CONSIDERED

Not to lease out the property and put it out to tender to find a new tenant - The HCA are keen to have a new lease and already have an established pool of community groups and activities. Unless one of the criteria applies under the Landlord and Tenant Act 1954 to end a protected tenancy, then there is a right for the HCA to renew.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council has current priorities to raise aspirations and create opportunities, have pride in our area and services to residents and maintain financial sustainability and openness. It is considered that granting this lease will contribute to these priorities.

OUTCOME OF CONSULTATION AND ENGAGEMENT (including with the relevant Overview and Scrutiny Committee and other stakeholders where the item concerns proposals relating to the Budget and Policy Framework)

The Local Ward Members have been made aware of this report and its recommendations.

A number of local residents have contacted the Council in respect of this property, some in support of the HCA continuing to operate it and some raising a number of complaints and concerns about the current tenants. All the representations received are included within the concurrent confidential report.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	NO	If Yes, indicate which by which criteria it is a Key Decision	☐ Significant effect on two or more wards ☐ Involves £100,000 expenditure/income ☐ Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	1 November 2023

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.

X	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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FINANCE AND OTHER RESOURCE IMPLICATIONS

The detailed financial implications are considered in the concurrent confidential report.

X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	By granting a new lease, the tenant will continue to be responsible for the operation and partial maintenance of the building, taking some maintenance responsibility away from the Council.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	If the new lease is granted, this will be managed by the Assets Team, who will carry out annual inspections to ensure that the tenant is complying with the lease terms.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	A new lease will provide a revenue income to the Council, which can be used towards supporting other Council priorities.

MILESTONES AND DELIVERY

If it is agreed to proceed, then TDC's Legal team will be instructed to draft the new lease and agree it with the tenant's solicitors. It is anticipated that a new lease could be completed within 3 months.

ASSOCIATED RISKS AND MITIGATION	
It is not considered there is any significant risk to granting this lease. Officers will carry out regular inspections to make sure the terms of the lease are being kept. If the lease is not granted, the building would become vacant, which in turn could potentially make the building more susceptible to antisocial behaviour and vandalism or falling into disrepair over a period of time.	
EQUALITY IMPLICATIONS	
The current tenant provides services and opportunities that are aimed to support and benefit the local community, in some cases those from vulnerable sectors.	
SOCIAL VALUE CONSIDERATIONS	
The granting of the new lease will allow the current tenant to continue to provide spaces for the local community and will facilitate activities that local groups/organisations wish to carry out.	
IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION	
With devolution and LGR pending, it is in the best interest of the Council to complete any leases that are holding over in order to regularise the legal position for a new Unitary Authority taking over as landlord.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050	
With this lease in place, the Council is not responsible for the energy and running costs of the building and they are not included in the Council's direct carbon total.	
OTHER RELEVANT CONSIDERATIONS OR 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	Leasing the property and having it frequently open/used should deter any anti-social behaviour. Having a vacant building would increase the likelihood of anti-social behaviour from taking place.
Health Inequalities	The current tenant provides services and opportunities to the local community and is a facilitator when it comes to local groups/organisations wanting to host activities.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	The HCA are a recipient of the CAROS scheme, which is being considered in the wider context in respect of how it fits with this legislation.

Area or Ward affected	St Bartholomew's
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PART 3 – SUPPORTING INFORMATION

BACKGROUND
Heads of Terms for a new lease have been negotiated using the Council's standard lease template and full details of these are included in the concurrent confidential report. There have been representations made by some residents in respect of the Council granting a new lease to the HCA, some in favour and some against. These representations are included in full in the concurrent confidential report. There are extensive repairs that need to be carried out to the external of the property, which the Council are responsible for. Due to budgetary pressures, these have not been addressed and funding for this is currently being explored.
PREVIOUS RELEVANT DECISIONS
None
BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL
None

APPENDICES
Appendix A – Location Plan

REPORT CONTACT OFFICER(S)	
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