

Acquisition of Lease*

For Cabinet on Thursday 20 April 2023

Summary

Lead Members: Cllr Chris Hall, Cabinet Member for Finance and Performance and Cllr Justine Rutland, Cabinet Member for Tunbridge Wells Town and Local Areas

Lead Director: Lee Colyer, Director of Finance, Policy and Development

Head of Service: David Candlin, Head of Economic Development and Property

Report Author: Lee Colyer, Director of Finance, Policy and Development

Classification: Non-exempt

Wards Affected: All

Approval Timetable	Date
Management Board	3 April 2023
Portfolio Holder	3 April 2023
Finance and Governance CAB	11 April 2023
Cabinet	20 April 2023
Council	26 April 2023

Recommendations

Officer recommendations as supported by the Cabinet Members:

1. That Full Council agree the recommendations set out within the Exempt Report.

1. Introduction and Background

1.1 This report seeks approval for the Council to acquire the Lease of a property.

2. Consideration

2.1 Details are contained within the exempt report.

Option 1: Not Acquire the Lease

2.2 The Council could do nothing and allow the sale of the lease to another party.

Option 2: TWBC to acquire the Lease

2.3 Alternatively, the Council could seek to acquire the Lease.

3. Preferred Option

3.1 The preferred option is that the Council takes this opportunity to acquire the Lease, to protect the Council's interest and to give the Council greater control and influence over the future direction of the town centre.

4. Consultation on Options

4.1 The Finance and Governance Cabinet Advisory Board will be consulted.

Recommendation from Cabinet Advisory Board

4.2 The Finance and Governance Cabinet Advisory Board were consulted on 11 April 2023 and agreed that the recommendations set out in the report be supported.

5. Implementation

5.1 The decision can be implemented after approval by Full Council.

6. Appendices and Background Documents

Appendices

- None.

Background Papers:

- None.

7. Cross Cutting Issues

A. Legal (including the Human Rights Act)

Section 120 of the Local Government Act 1972 gives local authorities the power to acquire property for any of their functions, or for the benefit, improvement or development of their area.

The Council also has a general power of competence under section 1 of the Localism Act 2011 to do anything that an individual can do provided that it is not prohibited by other legislation.

Acting on the recommendation is within the Council's powers as set out in the above statutory provisions.

Claudette Valmond, Head of Legal Partnership

B. Finance and Other Resources

The financial resources are set out within the exempt report.

Lee Colyer, Director of Finance, Policy and Development

C. Staffing

The staffing resources are set out within the exempt report.

Lee Colyer, Director of Finance, Policy and Development

D. Risk Management

Risk Management is set out within the exempt report.

Lee Colyer, Director of Finance, Policy and Development

E. Environment and Sustainability

Environmental and Sustainability matters are set out within the exempt report.

Lee Colyer, Director of Finance, Policy and Development

F. Community Safety

Community Safety matters are set out within the exempt report.

Lee Colyer, Director of Finance, Policy and Development

G. Equalities

Equalities matters are set out within the exempt report.

Lee Colyer, Director of Finance, Policy and Development

H. Data Protection

Data Protection matters are set out within the exempt report.

Lee Colyer, Director of Finance, Policy and Development

I. Health and Safety

Health and Safety matters are set out within the exempt report.

Lee Colyer, Director of Finance, Policy and Development

J. Health and Wellbeing

Health and Wellbeing matters are set out within the exempt report.

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