

Record of Officer Decision

Assignment of KFC Lease - Fleet Walk

Decision Taker and Date Decision Taken:

Director of Pride in Place on 02 February 2024 4 in accordance with paragraph 11.2 of the Officer Scheme of Delegation.

Summary of Matter or Issue Requiring Decision:

The current KFC franchisee, EG Group, has sold its entire portfolio amounting to 218 restaurants in UK and Ireland. The acquiring party, Yum! intends to assign the leases into a newly incorporated group company which will hold all trading KFC restaurants. The new company is Clokken Limited which will be guaranteed by Kentucky Fried Chicken (Great Britain) Limited.

Decision Taken:

That the lease for 1A & 1B Fleet Walk Shopping Centre, Torquay be assigned to Clokken Limited.

Summary of Reason(s) for Decision Taken:

The assignee will be guaranteed by Kentucky Fried Chicken (Great Britain) Limited who have good financial status hence the covenant strength of the Assignee going forward is strong and we would expect them to meet their financial obligations concerning the assigned lease.

Summary of Alternatives or Options considered and rejected and Background Papers:

The Council would likely be unsuccessful opposing the assignment and the matter would invariably require litigation. Given the financial status of the Guarantor, opposing the assignment was dismissed as a suitable alternative option.

Details of any conflict of interest and dispensation granted to the Officer taking the decision or by any Member of the Council in delegating responsibility for any specific express delegation:

None.

Implementation:

The decision will be implemented immediately.

A copy of this decision and any supporting documentation considered by the Officer taking this decision may also be available for inspection by the public at the Council's offices or posted upon payment of any copying and postage charges. Any member of the public wishing to take up either of these options is asked to please ring (01803) 207087 or email governance.support@torbay.gov.uk

Signed: _____ Date: _____02 February 2024_____

Director of Pride in Place