

## **Record of Officer Decision**

### **Lease Deed of Variation Torquay Marina & Car Park, Torquay**

Lease: The lease to be varied is that relating to Torquay Marina and Adjoining Car Park between The Council of the Borough of Torbay and Torquay Yacht Harbours Limited dated 5th October 1987 and all documents supplemental or collateral to that lease.

Deed of Variation: a deed of variation in relation the Lease.

#### **Decision Taker and Date Decision Taken:**

In accordance with paragraph 11.1 of the Officer Scheme of Delegation the Director of Finance on 31 October 2024.

#### **Summary of Matter or Issue Requiring Decision:**

Approval to vary by way of Deed of Variation, in relation to extending the term of years and to vary the user clause provision to accommodate residential use, as set out in the Lease.

#### **Decision Taken:**

That a Deed of Variation be granted to MDL Ltd, on the terms as set out in exempt appendix 1.

#### **Summary of Reason(s) for Decision Taken:**

The Deed of Variation has been agreed between the Council and MDL Ltd on commercially acceptable terms.

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

The Tenant is seeking consent to vary the lease that would, subject to obtaining all necessary statutory consents and approvals, permit the development of housing to be built on the Marina Car Park. Permitting a variation of the lease is wholly at the discretion of the Council.

The Council, in entering into the Deed of Variation, has ensured that Section 123 of the Local Government Act has been satisfied by including an overage (in perpetuity) and a clawback provision within the said deed, which provides best value to the Council.

It is agreed that each party pays their own legal costs as is the standard practice for transactions of this nature.

#### **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:**

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](mailto:governance.support@torbay.gov.uk)

Signed: \_\_\_\_\_ Date: 31 October 2024  
(Director of Finance)