

Record of Decisions

Lease Surrender & Renewal - Shoalstone Seawater Pool, Brixham

Decision Taker

Cabinet on 27 September 2022.

Decision

That the Chief Executive, in consultation with the Director of Finance and Cabinet Member for Economic Regeneration, Tourism and Housing, be authorised to agree terms and enter into a new lease of 125 years, that will replace the existing agreement and provide the tenant, Brixham Town Council with security of tenure to allow a sub-lease to be granted to Shoalstone Seawater Pool CIO that will facilitate access to funding to undertake immediate repairs and improvement to the facilities.

Reason for the Decision

By permitting the current tenant a long leasehold interest in the facility, opportunities to seek major grant funding to undertake immediate repairs will become accessible. In addition, it will allow the tenant to invest in the wider facility in the longer term and be able to grant a legal agreement with Shoalstone Seawater Pool CIO (Community Interest Organisation) to manage and operate the facility.

Implementation

This decision will come into force and may be implemented on 10 October 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Brixham Town Council occupy the premises (Shoalstone Seawater Pool, Brixham) under a 40-year lease granted in April 2015. This tenancy incorporates the seawater pool, car park, former putting green, shelter and the WC block.

In 2020, it became increasingly apparent that the pool and surrounds were gradually deteriorating and without access to substantial funding, the necessary investment needed in the pool would not happen, which would result in the facility not lasting beyond the length of the lease granted.

The current 2014 lease agreement places the repairing and maintenance responsibility of the asset on the tenant, although this is limited by reference to a schedule of condition. The repair and maintenance of the sea wall is retained by the Council. However, other than an obligation to inspect any damage to the sea wall reported by the Tenant, the Council is under no obligation to carry out any repairs. The lease permits the Council to bring the lease to an end at any time, if it considers it is not cost effective to comply with its obligations to maintain the sea wall.

Shoalstone Seawater Pool CIO aims, and objectives are clear in that they wish to repair the damage to ensure longevity in the life of the pool. They are fully aware that any grant funding

they can raise will not be enough and there will be a need for them to crowdfund. They are also aware none of this can be done until they are in possession of a much longer lease beyond the 32 years remaining under the existing lease.

The proposal therefore is to surrender the 2014 lease and, in its place, obtain a new 125-year lease from the Council.

At the meeting Councillor Long proposed and Councillor Morey seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

30 September 2022

Signed: _____ Date: _____
Deputy Leader of Torbay Council on behalf of the Cabinet