

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Monday 9th May 2016

Present: Councillor David Sheard (Chair)
Councillor Jean Calvert
Councillor Steve Hall
Councillor Viv Kendrick
Councillor Peter McBride
Councillor Shabir Pandor
Councillor Cathy Scott
Councillor Graham Turner

Apologies: Councillor Erin Hill

273 Membership of the Committee

Apologies for absence were received on behalf of Councillor Hill.

274 Minutes of previous meeting

RESOLVED – That the Minutes of the meetings held on 8 March, 24 March and 5 April 2016 be approved as a correct record.

275 Interests

Councillor Calvert declared an ‘other’ interest in Agenda Items 8 and 10 on the grounds that a letter of support for funding had been submitted on behalf of the Ward Councillors.

276 Admission of the Public

It was noted that Agenda Item 10 would be considered in private session.

277 Deputations/Petitions

Cabinet received a deputation from Mr Ken Shaw in relation to the implementation of bus gates within Huddersfield Town Centre, and the impact upon disabled persons in terms of access to the town centre.

278 Public Question Time

No questions were asked.

279 Member Question Time

No questions were asked.

280 Proposed lease of land and buildings at Trident Business Park, Neptune Way, Leeds Road, Huddersfield HD2 1UA

Cabinet gave consideration to a report which sought approval for the grant of a lease of land and buildings at Trident Business Park to Sellers Global Engineers Ltd.

Cabinet noted that the Council lease in land and buildings at Trident Business Park to a private landlord, comprising part of Aviva Insurance Group. The lease was for a period of 12 years, expiring 31 December 2023 and the details of the existing lease were contained within the exempt appendix to the report.

An underlease had been granted to Sellers Engineers Ltd for a term of 12 years from 1 January 2011, with the underlease passed to Sellers Engineers Ltd with all liabilities and responsibilities, that the Council owned to the Head Landlord under the terms of the Headlease.

In September 2014, Sellers Engineers Ltd went into administration and that it had been intended that the administrator should therefore sell the assets of Sellers Engineers Ltd to Sellers Global Engineers Ltd and transfer the under lease to Sellers Global Engineers Ltd. Consequently, Sellers Engineers Ltd came out of administration before the transfer of the underlease had been completed, with the main reason why the transfer had not been carried out before the ending of the administration being that it was necessary to get approval of the Head Landlord to the transfer of the underlease to Sellers Global Engineers Ltd.

The report advised that immediately prior to the dissolution of Sellers Engineers Ltd, the Council terminated the underlease and then granted an oral tenancy at will to Sellers Global Engineers Ltd to enable the company to continue trading from the premises. All sums payable to the Council under the lease, with Sellers Engineers Ltd and the oral tenancy, with Sellers Global Engineers Ltd, had been paid.

The report advised that the proposed lease would ensure that the Council met its obligations under the Head Lease, at no cost by passing all of its obligations onto Sellers Global Engineers Ltd. Cabinet noted that the company would then reimburse the Council's reasonable legal costs incurred in granting the new lease and in obtaining the concerns of the Head Landlord to the grant of the new lease. In addition, Sellers Global Engineers Ltd, would reimburse the Head Landlord for its reasonable, legal and surveyor costs incurred in the giving of its consent to the grant of the new lease.

RESOLVED -

(1) That authorisation be given to the grant of a new lease to Sellers Global Engineers Limited, as detailed within the appendix of the report.

(2) That authority be delegated to the Assistant Director - Place to negotiate and agree the other terms of the lease, as referred to in paragraph 6.1 of the report, and any other relevant agreements or documents that relate to the grant of the lease.

(3) That authority be delegated to the Assistant Director – Legal, Governance and Monitoring, to enter into and execute the lease referred to in paragraph 6.1 of the

report, and any other relevant agreements or documents that relate to the grant of that lease.

281 Exclusion of the Public

RESOLVED - That acting under Section 100(A)(4) of the Local Government Act, 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, as specifically stated in the undermentioned Minute.

282 Proposed lease of land and buildings at Trident Business Park, Neptune Way, Leeds Road, Huddersfield HD2 1UA

(Exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to information) (variation) Order 2006. The report contained commercially sensitive information about a third party and the public interest in maintaining confidentiality on the information, which, if no public were contravened data protection legislation outweighs the public interest in disclosing the information for the reasons of open governance)

Cabinet gave consideration to the information as set out within the exempt report prior to the determination of Agenda Item 8 (Minute No. 280 refers)