

PART II – INDIVIDUAL CABINET MEMBER’S DECISION

LEADERS PORTFOLIO 3 JULY 2009

REPORT OF THE HEAD OF LEGAL AND SUPPORT SERVICES – 09/447 on THE FUTURIST ARCADE AND KIOSKS

DECISION

That the Leader approve the following:

1. Entry into a contract with Yorkshire Forward to provide grant funding of £412k to provide funds for the purchase of Unit 1 at the Futurist Theatre and Stamp duty in relation thereto
2. Payment of £520k to the Tenant to provide consideration for:
 - (a) The surrender of the 999 Lease and sublease of Unit 1 at the Futurist Theatre (the Arcade).
 - (b) The surrender of the Headlease of Units 2 and 3 at the Futurist Theatre and the covenants related thereto.
 - (c) The grant of new leases for units 2 and 3 for a term of 125 years to the Tenant with a covenant for external repair that provides that the state of repair be no better than current condition of the premises.
 - (d) Reinvestment costs, including professional fees and stamp duty.
 - (e) The discontinuation of proceedings in which the Council was joined as a defendant in relation to disrepair, loss of rent and costs.

REASONS FOR URGENT DECISION

To facilitate the process of land assembly at the Futurist and to resolve the current litigation in which the Council has been joined as a party.

Reasons for Acceptance of Urgency:

The Chair of Corporate Strategy Overview and Scrutiny Committee accepts that if authority to enter these agreements is delayed this would seriously prejudice the interests of the Council as:

- (a) The mediation agreement could not be implemented.
- (b) The opportunity for resolution of the litigation would be lost.
- (c) The opportunity to obtain surrender of the lease of Unit 1 at the Futurist would be lost.
- (d) The opportunity to resolve the lease covenants in relation to Units 2 and 3 at the Futurist would be lost.

ANY RELEVANT INTERESTS DECLARED BY CABINET MEMBER AND ANY DISPENSATIONS GRANTED

None

DATE OF DECISION: 3 July 2009

**AGREEMENT OF CHAIRMAN OF CORPORATE STRATEGY
OVERVIEW AND SCRUTINY COMMITTEE** 3 July 2009

DEADLINE FOR CALL-IN N/A

IMPLEMENTATION DATE 3 July 2009

Signed



Leader of the Council

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Date of signature
3 July 2009

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Signed



**Chairman of Corporate Strategy
Overview & Scrutiny Committee**

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Date of signature
6 July 2009

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