

2. 8. 2007

**REPORT BY THE CHAIRPERSON OF THE
BURWOOD/PEGASUS COMMUNITY BOARD**

PART A – MATTERS REQUIRING A COUNCIL DECISION

1. ASSIGNMENT OF LEASE - DITTO CAFÉ

General Manager responsible:	General Manager Community Services, DDI 941-8534
Officer responsible:	Community Library Manager
Author:	David Rowland, Property Consultant

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval for an assignment of a Deed of Lease along with a Deed of Licence to Occupy from Vavoom Limited to Teresa Jane Latten at the Parklands Library. The report was considered by the Burwood/Pegasus Community Board at its meeting on 18 July 2007.

EXECUTIVE SUMMARY

2. The Council is obliged to consent to the assignment as provided for in clause 35.1 of the lease and clauses 19 and 20 of the Deed of Licence to Occupy.
3. Effective from 8 August 2005 the Council entered into a Deed of Lease and also a Licence to Occupy part of the new Parklands Library for a term of two years with a right of renewal for a further three years. The lease and licence run concurrently and expire on 7 August 2010.
4. The existing tenant Vavoom Limited have exercised their right of renewal, they have also had the business on the market for sale for a number of months and have concluded a conditional sale contract with one Teresa Jane Latten.
5. Vavoom Limited has made application under both the lease and licence for an assignment of their interests to Teresa Jane Latten.
6. Specific detail has been requested from Teresa Latten. She has many years experience in the food industry in a supervisory role and proposes to trade as a sole trader and fund the purchase from her own funds.
7. In addition to the level of service provided by the present tenant Teresa Latten has made application to vary the Premises Registration so she is able to prepare food on the premises. She advises that she is very mindful of the environment within the library. Health standards as well as cleanliness will be maintained at all times.
8. Based on the information requested and supplied there is no apparent reason why the Council should not consent to the requested assignment.

FINANCIAL IMPLICATIONS

9. Vavoom Limited have fulfilled their contractual obligations under the lease with the Council. Consent to the assignment of the lease and the licence cannot be arbitrarily or unreasonably withheld.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

10. N/A.

Have you considered the legal implications of the issue under consideration?

11. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. N/A.

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Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

13. N/A.

ALIGNMENT WITH STRATEGIES

14. N/A.

Do the recommendations align with the Council's strategies?

15. N/A.

CONSULTATION FULFILMENT

16. N/A.

STAFF RECOMMENDATION

It is recommended:

- (a) That the Council grant approval for the Deed of Lease along with the Deed of Licence to Occupy for the Café at the Parklands Library to be assigned from Vavoom Limited to Teresa Jane Latten.
- (b) That the vendor and the purchaser meet all costs of the assignment of the lease, the licence and the deed of guarantee as agreed between the parties.

BOARD RECOMMENDATION

That the staff recommendation be adopted.