

Brixham Town Council

Report No:	20-2020		
Report Type:	Public		
Title:	Time and Tide Bell		
To:	Full Council	Date:	25.06.20
Contact Officer:	Town Clerk	Tracy Hallett	
Contact Details:	info@brixhamtowncouncil.gov.uk	01803 859678	

Purpose of Report

To update Members following the resolution at the Full Council meeting held in April 2020.

Resolution: to adopt the Time and Tide Bell subject to a satisfactory response to the insurance cover and to seek a local organisation who may wish to look after the bell on behalf of the Council

Update

The Town Clerk emailed Members on 18th May to confirm the following:

- There will be no additional cost for insuring the liability of the bell
- Time and Tide group would like to continue to look after the bell for at least the next 12 months

Permission to install the Bell

The Bell is due to be installed at Breakwater Beach. Torbay Council have advised that they require an agreement between them and the Town Council prior to permission being granted for the installation.

Draft Agreement (Without prejudice and subject to contract)

Heads of terms-Site for Time and Tide Bell Breakwater Beach Brixham

Premises: Site for locating a bell the location edged red on the attached plan

Term: 15 years from date of lease subject to a Landlord right to break at Years 5 and 10

1954 Act: Lease to be excluded from the provisions of the Landlord and Tenant Act 1954 if considered relevant.

Rent £25 per annum exclusive of VAT payable quarterly in advance (subject to review)

Repairs: Tenant-all. Tenant to keep the bell and its supporting structure in repair

Insurance Tenant to insure

Public liability: Tenant to obtain cover for £5million

Alienation: Not to underlet part or whole.
Not to assign part

Assignment of whole to Brixham Town Council only shall be permitted

User: As a site for the siting of a bell and its supporting structure

Rent Review: Upward only at the end of the fifth and tenth years in line with RPI

Alterations Not to alter without consent such consent not to be unreasonably withheld

Statutory

Requirements: To comply with all statutory requirements and with all regulations. The Council as landlord does not warrant that the site is suitable for the intended use and will thus expect the tenant to satisfy himself in these respects and carry out all works which may be necessary in relation to the intended use.

Services Not relevant

Business Rates The tenant shall be responsible for all business rates.

Rights Granted: access to the site for the siting and erection or removal of the bell and its structure and associated maintenance

Rights reserved To pass services under over or through and to maintain them (if relevant)

Vacant possession Bell should be removed at the tenants cost at the expiry or sooner termination if the lease

General: The sound levels of the bell will be monitored and adjustments ie reductions will be made accordingly if the council shall reasonably direct

Other terms Such as may reasonably be deemed relevant by the councils legal section

Site Location



Recommendation

To approve the agreement with Torbay Council.