

06/04/2021

To the Chairperson and Members of
The Central Area Committee

Meeting: 13/04/2021

With reference to the proposed lease of Unit 1B, portion of Block 10 Excise Walk, IFSC, Dublin 1 to Ladbroke (Ireland) Limited.

In 2000 the Dublin Docklands Development Authority (DDDA) entered into a Joint Venture Agreement with The Campshire Partnership for a Residential and Retail Development in the IFSC area. The agreement provided, inter alia, that of 190 apartments constructed 36 would be provided to the DDDA as affordable housing units.

DDDA retained freehold title to the development lands and once the development was complete it was party to the residential and commercial leases subsequently granted by the newly formed Management Companies pending transfer of the said freehold to them.

By way of Indenture of Lease dated 29th March 2003 made between the DDDA of the first part, Clarion Quay Management Company Limited of the second part, Elle Mac Limited of the third part and Hugh McAllister, Guarantor, of the fourth part the premises known as Unit 1A, portion of Block 10 Excise Walk, IFSC, Dublin 1 was demised to Elle Mac Limited, t/a Grafton Barbers for a term of 25 years from 24th January 2003 at a yearly rent of €40,000 subject to review every five years.

By way of Indenture of Lease dated 12th February 2008 made between the Dublin Docklands Development Authority of the first part, North Wall Quay/Mayor Street Management Company Limited of the second part, Clarion Quay Management Company Limited of the third part, Pivater t/a Chronicle Bookmakers of the fourth part and Dermot Desmond of the fifth part the premises known as Unit 1B, portion of Block 10 Excise Walk, IFSC, Dublin 1 was demised to Pivater t/a Chronicle Bookmakers for a term of 9 years and 11 months from 12th February 2008 at a yearly rent of €51,018 subject to review at the end of the fifth year.

DDDA was party to these leases solely by virtue of being the Development Agency and holder of the freehold title. The beneficial interest in the properties was and remains held by the Campshire Partnership which constitutes, inter alia, the Clarion Quay Management Company Limited and Pierce Contracting, in liquidation.

Units 1A and 1B, Block 10 Excise Walk are adjoining premises and Beauchamps Solicitors, acting for the Campshire Partnership, have advised that agreement has been reached with the respective tenants for a reconfiguration to suit their respective size requirements, the result of which will be a larger Unit 1B for Ladbroke (Ireland) Limited (formerly Pivater t/a Chronicle Bookmakers) and a consequent reduction in the size of Unit 1A held by Elle Mac Limited t/a Grafton Barbers.

This will require the execution of a Deed of Surrender and Variation in respect of Elle Mac Limited t/a Grafton Barbers lease on 1A and an Agreement for Lease and Lease with Ladbroke (Ireland) Limited in respect of the enlarged Unit 1B.

Due to litigation between constituent members of the Campshire Partnership title to areas of Clarion Quay was not transferred as planned and the fee simple remains held by Dublin City Council, as successor to the DDDA.

In view of this Beauchamps Solicitors have advised that it is necessary for Dublin City Council, as successor in title to the DDDA, to be party to these documents on the same basis as with the originals and has sought that the Seal of the Council be affixed to them. The Law Agent has concurred with this and has advised that compliance with the requirement will not in any way prejudice the Council's position with regard to the ongoing litigation.

While Dublin City Council has no control over the subject premises and will derive no beneficial interest or income from the proposed new lease to Ladbroke (Ireland) Limited, the fact that the Council will be party to the lease requires that the statutory approval of the Elected Members under Section 183 of the Local Government Act 2001 must be obtained.

It is proposed therefore that a lease be made between Dublin City Council of the first part, The Campshire Partnership of the second part, Simon Coyle, Liquidator of the third part, North Wall/Mayor Street Management Limited of the fourth part, Clarion Quay Management CLG of the fifth part and Ladbroke (Ireland) Limited of the sixth part in respect of Unit 1B, portion of Block 10, Excise Walk, IFSC, Dublin 1 as shown outlined in red on Lease Map Drawing L001B for a term of 10 years from a date to be agreed at an annual rent of €34,500 for the first five years and subject to review at the end of the fifth year.

No agreement enforceable at law is created or is intended to be created until exchange of contracts has taken place.

Paul Clegg

Executive Manager