

Clerk - Mountsorrel Parish Council

From: Cathy Doughty <C.Doughty@moss-solicitors.co.uk> on behalf of David Cooper <D.Cooper@moss-solicitors.co.uk>
Sent: 10 September 2020 09:43
To: Clerk - Mountsorrel Parish Council
Subject: 89805: Memorial Centre Lease query

Good Morning Lorraine

I can find no specific provision in the Lease by which Landlord permission is required to hang items on the internal walls. That's a short answer to Cllr. Benner's query. The two clauses she has identified (4.4.5 and 4.6.1) do not amount to such a requirement except for the equipment identified at 4.6.1.

I've looked a little further, particularly at clause 4.5.1. "The Tenant must not commit any waste, make any addition to the Premises, or make any alteration to the Premises". "Waste" is a legal term which can have quite a wide meaning but you can translate it roughly as "damage". If items are to be hung on the internal walls they will have to hang from something. Is Cllr. Benner wondering whether it is permissible to put picture hooks or nails or screws into internal walls to hang items from? I can see an argument that that might be waste.

If the point is really important I will happily investigate it. As long ago as 1265, in the Statute of Marlborough, tenants were prohibited from committing waste. Since then there has been a very long line of case law considering what acts amount to waste. Off the cuff I would think that the sort of trivial damage which is caused by a picture hook or a nail or a screw and which can be repaired very easily (and which under the terms of the Lease has to be repaired at the end of the Lease) would not amount to waste. I would regard waste as more serious damage. But it could be that there is a reported case saying that even the minor damage caused by a single picture hook is waste.

I wonder whether Cllr. Benner has thought for herself whether permission is required, or whether someone from the Landlord has said that things cannot be hung from the internal walls if that will require a picture hook or a nail or a screw.

Kind regards

David Cooper

Moss Solicitors LLP

Leicestershire Law Society Small Law Firm Of The Year 2018.

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