

LOCAL GOVERNMENT ACT 2000

**REGISTER OF URGENT  
DECISIONS OF THE EXECUTIVE**

NORTH DEVON COUNCIL CONSTITUTION  
– Appendix 12



Reference No: 2014/11

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1) SUBJECT: 16 CASTLE STREET – URGENT DECISION TO SURRENDER  
LEASE TO SOUTH WEST FAMILY SUPPORT LIMITED

2) REQUESTED DECISION:

The Head of Property & Technical Services be delegated the authority to negotiate and accept the surrender of the lease currently in place to South West Family Support Limited.

3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS  
URGENT:

South West Family Support Limited (SWFS) have requested a surrender of their lease dated 16 August 2012.

SWFS have found more suitable alternative premises for their needs and wish to surrender the lease as from 31 January 2015.

SWFS should be up to date with their rent, and any money currently owed or becoming liable on 1 January 2015 should be agreed to be paid before the surrender date. The surrender will not be completed until any rent arrears are paid in full.

Upon inspection of 16 Castle Street, it has been identified as a suitable premises for NDC's own accommodation (21:21 Project) and it will not cause detriment to NDC to take back the premises.

The next Executive is 6 January 2015, which is not sufficient time to give a decision to SWFS who need to know now in order that they can accept an offer now of a lease of another property to start on 1 February 2015.

4) FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state if there are sufficient funds within the agreed budget. If there are not sufficient funds, please state how the decision will be financed)

Loss of revenue of £6,000 per annum and payment of business rates The rates payable for the premises for 14/15 are £2,637.60 (rates payable figure for 15/16 is yet to be released). However, using the property to allow exit of the Civic Centre will mitigate this.

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

Refusal to accept the surrender would cause hardship to SWFS, who are a charity.

The property could be taken back and relet, but this would create difficulties for the council compared to its utility to them as accommodation.

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

None.

7) A NOTE OF ANY DISPENSATION IF GRANTED:

Not applicable.

8) THE CONSENT OF THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE WAS OBTAINED ON:

17<sup>th</sup> December 2014.

9) LIST OF BACKGROUND PAPERS (but not including published works or those which disclose exempt or confidential information (as defined in rule 10 of appendix 15 (Access to Information Procedural Rules) and the advice of a political advisor):

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10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Executive Member	Yes	12/12/14
Ward Member(s)	Yes	12/12/14
Chief Executive	Yes	12/12/14
Head of Service – Diana Hill	Yes	12/12/14
Legal	Yes	12/12/14
Finance	Yes	12/12/14

11) APPROVED BY DECISION TAKER

Councillor Greenslade – Leader

12) NOT APPROVED BY DECISION TAKER

13) DATE THAT DECISION WAS TAKEN:

18<sup>th</sup> December 2014.

# GUIDANCE NOTES

NOTE: ALL REFERENCES TO SUB-PARAGRAPHS REFER TO APPENDIX 12 OF THE CONSTITUTION

PROCEDURE FOR DECISIONS WHICH MAY BE CONTRARY TO ADOPTED PLANS AND STRATEGIES (INCLUDING THE BUDGET):

1. The Chief Executive must notify the Leader/Deputy Leader/Other Executive Member.
2. The Leader/Deputy Leader/Other Executive Member must approve the use of the procedure and notify the Chief Executive of his approval together with his reasons.
3. The Chief Executive must notify the Chairman of the Overview and Scrutiny Committee or if unable to act the Chairman of Council or if absent the Vice-Chairman to seek his determination as to whether the conditions detailed in paragraph 1.1 (b) (i), (iii) or (iv) are satisfied.
4. The Chairman of the Overview and Scrutiny Committee or if unable to act the Chairman of Council or if absent the Vice-Chairman, must confirm to the Chief Executive in writing that the proposed decision is urgent and that either of the conditions identified in paragraph 1.1 (b) (iii) or (iv) have been satisfied, the Chief Executive shall advise the Leader, Deputy Leader or other member of the Executive that the decision may be taken by a person or body possessing a relevant power to make such a decision.
5. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).

PROCEDURE FOR DECISIONS WHICH ARE WITHIN THE ADOPTED PLANS AND STRATEGIES (AND CAN NOT BE INCLUDED IN THE FORWARD PLAN):

1. If the Chief Executive considers that the conditions in sub-paragraph 2.1 are satisfied, he must notify the Proper Officer of the need for the decision, the reasons why it was impracticable for it to be included in the Council's Forward Plan, and whether or not the decision is required to be taken within five working days.
2. On receiving the notification, under sub-paragraph 2.3 and where satisfied that no decision is required to be taken for five working days, the Proper Officer shall:
  - (a) notify in writing the Chairman of the Overview and Scrutiny Committee or if there is no such person, each Member of the Overview and Scrutiny Committee, with particulars of the proposed decision, the

reasons for its urgency and the reasons for it being impracticable to include in the Council's Forward Plan;

- (b) make available for public inspection at the Council offices a copy of the written notice given to the Chairman of the Overview and Scrutiny Committee about the decision.

3. Decisions to which sub paragraph 2.4 applies, shall not be made until after five working days have elapsed following publication of the proposed decision under 2.4 (b) of Appendix 12 in the Constitution.

4. Where it appears to the Chief Executive that an urgent decision-

- (a) meets the requirements of sub-paragraph 2.1 of Appendix 12 of the constitution; and
- (b) because of the urgency cannot be deferred for five working days,

he shall seek the agreement and confirmation in writing on both those points from-

- (c) the Proper Officer; and
- (d) the Chairman of the Overview and Scrutiny Committee or in his absence the Chairman of Council or if there is no Chairman the Vice-Chairman of Council;

and the person or body possessing a relevant power to make the decision may proceed to make it only when the necessary agreement and confirmation have been obtained.

5. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).