

LOCAL GOVERNMENT ACT 2000

REGISTER OF URGENT
DECISIONS TAKEN BY THE
CHIEF EXECUTIVE

NORTH DEVON COUNCIL CONSTITUTION
– Part 3 Annexe 2: Officer Delegations –
Chief Executive



Reference No:

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- 1) **SUBJECT:** Provision of Managing Agents required for the running of a strategic asset being purchased in North Devon.
- 2) **REQUESTED DECISION:** To set aside the requirement to run tenders or seek quotes in the Contract Procedure Rules to allow the continued provision of Asset, Property and Facilities Management with associated Letting, Landlord and Tenant and Legal support services to ensure continued running of the strategic asset.

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

Full Council approved at special meeting on 14th June 2021;

RESOLVED that:

- (a) the purchase of the Strategic Asset as outlined in the report be approved;
- (b) the Capital Programme be varied as outlined in section 5.3 of the report to be funded through external borrowing from Public Works Loan Board;
- (c) an increase in the authorised borrowing limit for 2021/22 onwards to £37.5m be approved;
- (d) Delegated authority be given to Chief Executive after consultation with Group Leaders and Lead Member to appoint managing agents.

North Devon Council have Full Council approval to acquire a strategic asset in North Devon. The acquisition process has been set to a strict timescale. The current freeholders will be terminating all service and Managing Agent contracts upon completion of the sale.

To ensure continuity in the running of the asset, Asset, Property and Facilities Management Agents need to be put in place prior to exchange of contracts for the acquisition. Property management undertakes the financial and day-to-day running of the asset, including the staffing provisions and is funded from a service charge provision paid for by the tenants and with any vacant units paid for by the

landlord. The Asset Management function oversees the strategic management of the asset including service charge analysis, lettings, budget management, landlord and tenant instructions, major works. This will be overseen and co-ordinated by NDC Officers.

It is not possible or viable to procure these contracts under the Contract Procedure Rules to ensure the asset continues to run and be actively managed in the timeframe required.

It is intended that this arrangement will remain in place for the initial 12 months of ownership, starting with immediate effect to enable the appointed party to upload the legal and financial documents associated with the Asset.

A full open procurement process will be undertaken to formally appoint a Managing Agent through the Contract Procedure Rules, to coincide with the first anniversary of the acquisition of the asset.

- 4) FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state whether there are sufficient funds within the agreed budget. If there are insufficient funds please state how the decision will be financed).

The property management contract will be funded financially under the service charge provisions currently in place for the asset which is paid for by the tenants, any void units are covered by the Landlords.

The Asset Management contract will be paid for by North Devon Council as Landlords. A financial provision has been made for this contract, and the revenue budget implications were detailed in the financial summary section 5 of the report to full council on the 14th June 2021 which was approved by Members.

- 5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED: There are no alternative options.

- 6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED: There are no conflicts to Officers knowledge.

- 7) A NOTE OF ANY DISPENSATION IF GRANTED: N/A

- 8) LIST OF BACKGROUND PAPERS (but not including published works or those which disclose exempt or confidential information (as defined in paragraph 10.4 and 10.5 of the Access to Information Procedural Rules Part 4 of the Constitution):

Report to Full Council on the 14th June 2021.

10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Leader of Council (or Deputy Leader) Councillor D Worden	Yes Approval	20 th August 2021
Chair of Committee (with the Authority to take the decision) (or Vice-Chair) Councillor J Hunt		
Lead Member Councillor M Prouse Councillor I Roome		
Ward Member(s) Councillor R Mack		
Head of Service (name) Jon Triggs	Yes, Comments Incorporated	20 th August 2021
Finance Tony Rumble		
Legal Simon Fuller		

11) OFFICER REQUESTING URGENT DECISION TO BE TAKEN BY THE CHIEF EXECUTIVE: Helen Bond, Property Manager 20th August 2021

12) APPROVED BY CHIEF EXECUTIVE: YES ~~or NO~~

13) DATE OF DECISION: 20/8/21



14) CHIEF EXECUTIVE'S COMMENTS: Agree that decision needs to be taken prior to next SR.

15) DATE TO BE PRESENTED TO STRATEGY AND RESOURCES COMMITTEE:

GUIDANCE NOTES

NOTE:

PROCEDURE FOR URGENT DECISIONS:

1. Completed form to be passed to the Chief Executive following consultation with the interested parties.
2. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).
3. The Chief Executive will make his decision.

PROCEDURE FOR URGENT DECISION MAKING AS PER THE CONSTITUTION

Officer Delegations: the Chief Executive:

Urgent Decision Making

- 3.48 To take a decision on any matter falling within the remit of any Committee in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee SUBJECT TO:
- 3.48.1 the prior consultation, where practicable, with the Leader or Deputy Leader and the Chair or Vice Chair of the relevant Committee, and
 - 3.48.2 the proviso that this power will not extend to the determination of any application submitted pursuant to the Planning Acts or under the Licensing Act 2003 or the Gambling Act 2005, and
 - 3.48.3 the decision being reported to the next meeting of the relevant Committee and the next meeting of Strategy and Resources Committee.