

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: Transferring the freehold interest in an area of Land at Seven Brethren Bank, Barnstaple for the Provision of an Electricity Sub Station for the New Leisure Centre
  
  - 2) REQUESTED DECISION: Agreement to transfer an area of land, approximately 2 m by 2m, adjacent an existing Western Power Distribution Substation, adjacent Tarka Tennis Car Park, Seven Brethren.
  
  - 3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT: Council Officers have delegated powers to transfer land for the purpose to an official statutory undertaker. The party acting in this instance are Last Mile Electricity Limited, they are not a formal statutory undertaker, but in this instance, they are adopting the Electrical Network. A freehold transfer or long lease requires a formal report to Strategy and Resources Committee for the transfer of the land.  
  
The transferee is pressing for the legal completion of the transfer by the end of April at the latest to prevent a delay to the project, therefore the urgent nature of the works would be delayed further if the matter had to be presented to the next appropriate Committee on the 4<sup>th</sup> May 2021.
  
  - 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). This provision forms part of the contract for the construction of the new leisure centre and any associated costs will form part of that contractual arrangements and associated budgets. The transferee has not provided an undertaking for the Councils Costs. However, as this transfer is fundamental to the operation of the new leisure centre we do not intend to pursue costs in this instance.

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED: The alternative to a freehold transfer is a long leasehold interest, but the applicant has requested a freehold transfer not a lease. The adjoining substation site has been transferred to WPD by way of the freehold.

We could still transfer the site to WPD as a statutory undertaker and they could transact with Last Mile Electricity, the issue with this is interacting with third party and their willingness to be involved, which again is likely to cause further delay.

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED: No Conflicts in this instance.

7) A NOTE OF ANY DISPENSATION IF GRANTED: No dispensation in this instance.

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):

- o Special Executive Report 26 February 2019 (attached for info)

10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Leader of Council ( <i>or Deputy Leader</i> ) Councillor David Warden	Yes	15 <sup>th</sup> April 2021
Chair of Committee (with the Authority to take the decision) ( <i>or Vice-Chair</i> )		
Lead Member Councillor Ian Roome	Yes	15 <sup>th</sup> April 2021
Ward Member(s) Councillor Robbie Mack Councillor Graham Lofthouse Councillor David Knight	Yes	15 <sup>th</sup> April 2021

Head of Service (name) Jon Triggs, Head of Resources	Yes	16 <sup>th</sup> April 2021
Finance Tony Rumble, Accountancy Manager	Yes	15 <sup>th</sup> April 2021
Legal Tanya McGovern, Solicitor	Yes	14 <sup>th</sup> April 2021

11) OFFICER REQUESTING URGENT DECISION TO BE TAKEN BY THE CHIEF EXECUTIVE: Mrs Helen M Bond MRICS Property Manager

12) APPROVED BY CHIEF EXECUTIVE: YES or NO

13) DATE OF DECISION:

16/4/21

14) CHIEF EXECUTIVE'S COMMENTS:

Approved. The transfer is essential for the project.

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.