

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:

1) SUBJECT: The Watering Hole Public House, Castle Street, Barnstaple

2) REQUESTED DECISION: Approval to take a surrender of the leasehold interest and write off rental arrears.

3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT: The property is in a poor and deteriorating state on repair, particularly the roof and windows, the tenant is in very poor health and it is therefore not possible for works to be carried out to the building whilst in occupation.

The tenant has a protected tenancy and there is no break clause. By obtaining vacant possession, works will be able to go ahead to make the property safe and prevent it deteriorating further. It is intended that the property is converted in part for Temporary Accommodation.

This matter has been ongoing since September 2018. Discussions with the tenant to surrender the lease and vacate the property have been ongoing since May 2019. On the 10th March 2022, the tenant contacted the Council and agreed to the surrender on the basis this takes place on the 31st March 2022.

4) FINANCIAL IMPLICATIONS:

The rental under the lease is £12,000.00 per annum, there are currently arrears of £8,000.00 left on the account which the tenant is unable to pay.

There is a PAG Bid in place to carry out repairs to the roof and windows for the sum of £90,000.00. The deterioration of the building since the tenant has been unwell means the works necessary are likely to continue to increase the repair costs.

It is intended that the property is converted for Temporary Accommodation. The financial summary below indicates the savings to the revenue account for using NDC property to provide temporary accommodation in their own assets. The upper floor of the subject property has the potential to house more than one person or a family.

Financial Summary	
Annual Saving on current TA spend (£65 per night B&B) by placing into this property	(£23,725.00)
Housing Benefit Annual Income (net of estimated voids)	(5,450.00)
Estimated annual running cost for the property	£2,400.00
Indicative annual borrowing cost for the property (*)	£11,900.00
Net annual saving on Revenue Budget	(£14,875.00)

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

It has not be possible to engage properly with the Tenant due to her ill health, and she is not in a condition to enable us to work on the building whilst she is in occupation and does not have the ability to vacate whilst we undertake the works, without being rehoused either temporarily or permanently.

Furthermore it is not possible to be accurate in terms of how long the works will take and how extensive they will be.

In the past the relationship with the tenant has been strained. Officers have expressed concerns about the tenant's wellbeing and the use of the property which presents a risk to the Council. Obtaining vacant possession eliminates this risk and allows the property to be used effectively for the Housing Teams service requirements.

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

There is no conflict, the tenant is in agreement and will complete a Deed of Surrender.

7) A NOTE OF ANY DISPENSATION IF GRANTED:

A payment of £20,000.00 to enable the tenant to surrender the lease and find alternative accommodation.

8) LIST OF BACKGROUND PAPERS

Officers have records of the email interactions with the Tenant and her advisers.

9) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Leader of Council (or Deputy Leader)	Y	30/3/22

Consultee	Consulted Yes/No	Date
Chair of Committee (with the Authority to take the decision) <i>(or Vice-Chair)</i>		
Lead Member	y	30/3/22
Ward Member(s)	n	
Head of Service (name)	y	
Finance		
Legal		

10) OFFICER REQUESTING URGENT DECISION TO BE TAKEN BY THE CHIEF EXECUTIVE: Helen Bond, Property Manager

11) APPROVED BY CHIEF EXECUTIVE: YES

12) DATE OF DECISION: 30/3/22

13) CHIEF EXECUTIVE'S COMMENTS: Im happy to support this as it resolves a long outstanding issue and prevents further deterioration of council property

14) 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.