

## CABINET MEMBER DECISION RECORD TEMPLATE

This form should be used to record  
Executive decisions taken by Cabinet  
Members

**Decision Ref. No:**

**Responsible Officer:** Lorraine Mealings  
Head of Strategic Housing

**Subject:** Properties in Princess Road and Prince of Wales Road dilapidations

**Decision taken:** To accept the sum of £83,000 in settlement of an outstanding dilapidations claim arising under 9 leases with Bournemouth Churches Housing Association relating to properties in Princess Road and Prince of Wales Road, Westbourne.

**Reasons for the decision:** To support the Council priorities , *Community Action*, by the direct management of hostel and move – on accommodation that will house some of the towns most vulnerable persons and *An efficient Council*, by the more cost effective utilisation of these assets.

**Call-in and Urgency:** Subject to call - in

**Background:** The Council holds a number of residential properties in connection with the proposed Westbourne Spur Road Dualling Scheme. These properties are 129/131, 133, 135, 137, and 139 Princess Road and 8, 10, 12, and 14 Prince of Wales Road.

Pending the implementation of this road scheme, these 9 properties have been leased to BCHA. All but one of these leases has now expired, although BCHA has remained in occupation pending agreement on their future use.

Following discussions with BCHA, it has been agreed that BCHA will surrender their leases. Housing, Parks and Bereavement services will take over the management of these properties, which will continue to be used as supported housing and for homeless households who will move on to more permanent accommodation with assistance from Intense Housing management and resettlement support from the Council.

Unfortunately, BCHA has not maintained the properties in accordance with its obligations under the various leases and schedules of dilapidations have been issued in respect of each of these leases. Whilst some of these works have now been carried out by BCHA, there are a number of items that have not been addressed. It is therefore proposed that BCHA will pay the Council £83,000 in settlement of this outstanding claim. This proposed settlement reflects both the short anticipated lifespan of these properties and the need to reach a swift settlement to ensure that these properties continue to make a positive

contribution to the Borough's short-term housing stock.

The monies will be invested in the works necessary to bring the properties up to an acceptable standard to enable re-let for the next three years, concentrating on gas safety, electrical safety, asbestos management, fire safety, water safety and personal safety. Works relating to the property being watertight such as roofing and secure windows are also included.

### **Options - and reasons for rejection:**

To seek a higher figure in settlement. Whilst it may be possible to seek a higher figure through Court action, there is no guarantee of success, particularly as these are short-life properties. Furthermore, it would result in both the Council and the Housing Association incurring avoidable legal costs and would inevitably lead to a delay in the Council receiving any settlement monies. The knock-on effect would be to prejudice the on-going availability of this short-term affordable housing.

### **Consultations undertaken:**

Consultation: <http://biz/BIZkits/Toolkits/Consultation/Documents/Consultation Plan.doc>

The following Council officers have been involved in the hand-over process

- Service Director for Housing, parks and Bereavement Services (who has agreed the settlement figure with BCHA)
- Technical Services
- Legal Services
- Strategic Housing
- Housing Landlord Surveying team
- BCHA Directors and the Head of Development and Maintenance

**Finance/Resource Implications:**

Settlement in the sum of £83,000 will provide sufficient monies to allow the Council to undertake the necessary works to enable hand-back of leased properties. Additional repairs will be funded from rent receivable.

These properties will be managed from within the General Fund, not the Housing Revenue Account.

[Redacted Signature Box]

Name:

Signature: (of Chief Finance Officer)

RC  
19.6.14

Date: 30/6/14

**Legal implications:**

The sum of £83,000 will be in full and final settlement of this dilapidations claim and will enable a full hand-back of leases which is being actioned by Legal Services colleagues

[Redacted Signature Box]

Name: TANIA COMBES

Signature: (of Monitoring Officer)

Date: 18 JUNE 2014

**Risk assessment:**

Note:

- Risk assessment guidance for all report writers is available on BIZ – please click on the following link:

<http://biz/BusinessUnits/LG/CG/RM/Risk%20Assessment/Risk%20Assessment%20Page.doc>

- Do not attach the Assessment as an appendix – include as a Background Paper

Name:

Signature: (of Officer completing assessment)

Date:

**Impact Assessments:**

Note:

- Include an Equality and Impact Needs Assessment (EINA) as an appendix. EINA guidance is available at the following link:

<http://biz/BusinessUnits/SS/EqualDivers/EINA%20Forms/EINA%20Template%202014%20Final.docx>

If no EINA has been undertaken please set out clear and valid reasons as to why one has not been done.

- Include Environmental Impact Assessments and attach as appendix if appropriate

**Information for/not for publication:**

- This paper relates to a commercial sensitive negotiations between BBC and BCHA so would therefore not be in the public domain

**Background papers:**

None

| Any conflict of interest declared by a Cabinet Member who is consulted by the Member taking the decision<br>Yes/No* | Name of Cabinet Member | Nature of interest | Details of any dispensation granted by the Monitoring Officer |
|---|------------------------|--------------------|---|
|   |                        |                    |   |

\* Delete as appropriate

**Decision taken by:**

Councillor LAWTON (Print name)

Cabinet Portfolio Housing

**Signed:**



**Date of decision:** 4.7.14

**Date of publication of record of decision:** (to be inserted by Democratic Services)  
11-07-2014

**Date decision effective** – that is 5 working days after the date of publication of the record of decision unless the decision is called-in for consideration by the relevant Overview and Scrutiny Panel:  
18-07-2014

-insert date-



# G2 Initial Risk Assessment

PROJECT NAME:

PROJECT NUMBER: *To be obtained from PMO*

PROJECT RISK LEVEL:

\*

**Table 1 - Suggested criteria on which to score the type of project (please tick appropriate category)**

| CRITERIA               | 0-6 months   | 7-12 months   | Above 1 year  | Score             |
|------------------------|--|---|---|-------------------|
| 1) Duration of Project | <input checked="" type="radio"/>   | <input type="radio"/>   | <input type="radio"/>   | 2                 |
| 2) Effort              | <input type="radio"/>  | 5-10 people (FTE) <input checked="" type="radio"/>  | 11+ people (FTE) <input type="radio"/>  | 5                 |
| 3) Business Impact     | Business Unit/Service <input checked="" type="radio"/>   | More than 1 BU <input type="radio"/>  | Council/External <input type="radio"/>  | 3                 |
| 4) Priority            | Desirable <input checked="" type="radio"/>   | Highly Desirable <input type="radio"/>  | Essential <input type="radio"/>   | 1                 |
| 5) Cost                | Up to £250k <input checked="" type="radio"/>   | £251k-£500k <input type="radio"/>   | Over £501k or if project is to be funded through prudential borrowing <input type="radio"/>   | 2                 |
| 6) Risk Impact         | Low Impact - Minor service disruption/inconvenience, minor injury, small financial loss, isolated service user complaint. <input checked="" type="radio"/> | Medium Impact - Service disruption, More serious injury or financial loss, adverse media coverage, numerous service user complaints <input type="radio"/> | High Impact - Significant or total service disruption, major disabling injury or fatality, high or catastrophic financial loss, adverse national media coverage, ministerial intervention in service running. <input type="radio"/> | 1                 |
|                        |  |   |   | <b>Risk Score</b> |
|                        |  |   |   | <b>14</b>         |

A numerical rating is applied to each cell (see Table 1) For example a 'Priority' of 'Highly Desirable' is worth 3 points and a 'Cost' of '£501-£1m' is worth 5 points. Totalling the points scored for each 'criteria' gives a project score. This score is then mapped against a project-risk status in Table 1 below:

| Table 1 - Risk Status | Points Total  |
|-----------------------|---------------|
| Low                   | Between 10-18 |
| Medium                | Between 19-35 |
| High                  | 36+           |



# Equality Impact Needs Assessment

The Diversity Promise - Making it Happen!



|  |   |
|--|---|
| Title of Policy/Service/Project        | Dilapidation Settlement for hand back of leased properties Princess Road , Prince of Wales Road |
| Service Unit                           | Strategic Housing   |
| Lead Responsible Officer and Job Title | Lorraine Mealings Head of Strategic Housing   |
| Members of the Assessment Team:        | Mike Darby , Lorraine Mealings  |
| Date assessment completed:             | 17.4.14   |

## About the Policy/Service/Project:

What type of policy/service/project is this? (delete as appropriate)

We will provide service with fairness , dignity, and respect and ensure access is based on need

What are the aims/objectives of the policy/service/project? (please include here all expected outcomes)

- To agree a schedule of works totalling £83,000 to address outstanding dilapidation works relating to 9 properties leased BCHA at Princess and Prince of Wales road
- To conclude BCHA's lease maintenance obligations for these properties
- The settlement will then fund works to bring the properties up to a safe and acceptable standard to enable re-let for the next three years to clients accessing assistance from the Strategic Housing Options Team
- The agreed schedule's objective includes all health and safety issues relating to Gas, Electrical, Fire, Water, Asbestos and personal safety

|  |  |
|--|--|
|  | <p>Are there any associated services, policies or procedures? <b>Yes/No</b></p> <p>If 'Yes', please list below:</p> <p>Housing Strategy 2013-2020 (incorporating the Homelessness Strategy)</p> <p>List the main people, or groups of people, that this policy/service/project is designed to benefit and any other stakeholders involved?</p> <p>Housing Parks and Bereavement Services<br/> Supporting People Hub<br/> Social Services<br/> Probation Service<br/> Homeless Client Groups who the Council has a statutory homeless duty to house<br/> Move on Client Groups</p> <p>Will this policy/service/impact on any other organisation, statutory, voluntary or community and their clients/service users?</p> <p>Positive impact for supporting agencies dealing with Homeless Clients groups</p> |
|--|--|

**Consultation, Monitoring and Research**

Where there is still insufficient information to properly assess the policy, appropriate and proportionate measures will be needed to fill the data gaps. Examples include one-off studies or surveys, or holding informal consultation exercises to supplement the available statistical and qualitative data.

If there is insufficient time before the implementation of the policy to inform the EINA, specific action points will be need to be clearly set out in the action plan. Steps must include monitoring arrangements which measure the actual impact and a date for a policy review.

**Consultation:**



What involvement/consultation has been done in relation to this (or a similar) policy/service/project and what are the results?

During the period of negotiation and consultation the following Council Officers have been involved :

Service Director Housing, Parks and Bereavement Services ( agreement to settlement figure)

Technical Services advised regarding Council procedure for property negotiation and lease issues

Legal Services advised regarding current tenants tenancy rights and surrender documentation for the leases

Housing Landlord Surveyors completed property inspections and costings of Dilapidations

Housing Landlord Building Maintenance to complete all agreed works

BCHA Directors and Housing maintenance and management consulted throughout whole process

Information letters sent and verbal consultation with residents at properties being surrendered regarding the process

If you have not carried out any consultation, or if you need to carry out further consultation, who will you be consulting with and by what methods?

**Monitoring and Research:**

What data, research and other evidence or information is available which is relevant to this EINA?

Dilapidation reports,  
Lease Surrender documentation  
Details of properties involved

|   |
|---|
| <p>Is there any service user/employee monitoring data available and relevant to this policy/service/project? What does it show in relation to equality groups?</p> <p>Homeless applications and referrals to the properties - there is a continued need to house homeless clients for whom the Council has a statutory duty. The profile of this client group cuts across all equality groups.</p> <p>Supporting People Hub applications /referrals for Supported Housing at the properties</p> <p>If there is a lack of information, what further information do you need to carry out the assessment and how are you going to gather this?</p> <p>None needed</p> |
|---|

### Assessing the Impact

|                   | Actual or potential benefit  | Actual or potential negative outcome |
|-------------------|--|--------------------------------------|
| <b>Age</b>        | <p>In agreeing the dilapidation costs, the Council has been able to work with BCHA to:</p> <p>Re provide a more appropriately located homelessness service / accommodation for young persons 16 - 18 yrs</p> <p>Reconfigure move on accommodation for young persons 18- 24 yrs</p> |                                      |
| <b>Disability</b> | No Positive or negatives identified  |                                      |
| <b>Gender</b>     | No positive or negatives identified  |                                      |

|  | Actual or potential benefit  | Actual or potential negative outcome   |
|--|--|--|
| Gender reassignment  | No positive or negatives identified  |  |
| Pregnancy and Maternity  | No positive or negatives identified  |  |
| Marriage and Civil Partnership                                 | No positive or negatives identified  |  |
| Race   | No positives or negatives identified   |  |
| Religion or Belief   | No positive or negatives identified  |  |
| Sexual Orientation   | No positive or negatives identified  |  |
| Any other factor/ groups e.g. socio-economic status/carers etc | Positive impact for Clients who will now be encouraged to move through this accommodation into the private sector with assistance from the Council | Dilapidation Works to be completed by Housing Landlord Services in some properties whilst tenants are still resident. ( potential neg )<br>Resident tenants unsure of future with change of landlord from BCHA to the Council ( Potential neg) |
| Human Rights   | No positive or negatives identified  |  |

**Stop - Any policy which shows actual or potential unlawful discrimination must be stopped, removed or changed.**

If impacts have been identified include in the action plan what will be done to reduce these impacts, this could include a range of options from making adjustments to the policy to stopping and removing the policy altogether. If no change is to be made, explain your decision: **See Action plan below**

### Action Plan

Include:

- What has/will be done to reduce the negative impacts on groups as identified above.
- The arrangements for monitoring the actual impact of the policy/service/project

| Issue identified   | Action required to reduce impact  | Timescale                    | Responsible officer                             | Which Business Plan does this action link to e.g. Service Equality Action Plan/Team Plan |
|--|---|------------------------------|---|--|
| Tenants residing in properties where dilapidations works are to be completed | Ongoing consultation with residents<br>Health and Safety regulations adhered to by Building maintenance workers | Ongoing<br>May27 - July 2014 | Seamus Doran<br>Max Underhill                   | Project plan for Handover of Properties @ Princess and Prince of Wales road              |
| Resident unsure of future with change of landlord from BCHA to the Council   | Consultation and handover procedure between Housing Management officers at BCHA and the Council                 | Ongoing April - July 2014    | Seamus Doran ( Council )<br>Darryl Rees ( BCHA) | Project plan for Handover of Properties @ Princess and Prince of Wales road              |