

Decision under Delegated Powers

Deed of Variation and Easement at the Council's land at 24 and 16-22 William Street in Loughborough

Officer Making the Decision

Peter Oliver - Head of Landlord Services

Recommendation

That the Council agrees to a deed of variation and easement at the Council's land at 24 and 16-22 William Street in Loughborough with LWC Homes Ltd. In summary, the key terms in the deed and associated documentation include:

- to permit the Grantee to lay all such new services and utilities as are reasonably required by the Grantee for the benefit of the Grantees Property
- the delivery of materials and equipment over the Council's property to the adjoining development is prohibited.
- Written confirmation from the Grantee around public liabilities for any negative impact on the Council's property, resources, and tenants caused by the works.

Reasons

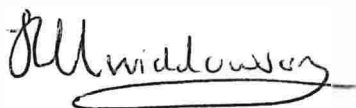
- To reasonably accommodate a request from a local developer to lay services and utilities across the Council's land at William Street.
- To ensure that the Council mitigates any negative impact on its property, resources and tenants resulting from the works.

Authority for Decision

The Head of Landlord Services has delegated authority to:

Manage and maintain the housing stock and associated land and buildings including undertaking stock condition surveys, responsive repairs, planned maintenance, modernisation and improvements and installation of energy efficiency measures.

Decision and Date



27 February 2018

Background

An existing agreement is in place which allows access to the grantee across the Council's land at blocks 24 and 16-22 William Street to access the grantee's adjoining property.

The grantee has requested permission to lay all such new services and utilities as are reasonably required by the grantee for the benefit of the grantees Property. This would involve laying services at the Council's access road serving the Council's tenanted flats on William Street at blocks 24 and 16-22.

In 2017 the grantee undertook works at the grantee's property. Council tenants complained that they were negatively impacted by the grantee's contractors. Plant and materials were placed on the Council's property and were not promptly removed, and tenants complained of noise from the works.

Given the historic problems encountered, the request from the grantee has been given careful consideration. Consultation has been undertaken with local residents and a number of mitigating actions have been suggested by the grantee. These have been documented in a letter from the grantees solicitor, the body text of which is contained at Appendix 1.

To provide the Council with a further degree of comfort the grantee will be asked to confirm the following public liability clauses in writing:

William Street (Loughborough) Ltd (10957857) of 19A The Nook, Anstey, Leicester, LE7 7AZ confirm that they hold all necessary insurances including public liability insurance and that any claims brought against Charnwood Borough Council for loss, damage and/or personal injury caused due to any acts, omissions, oversights, negligence and/or any other reason of any employee, agent or third party instructed by William Street Ltd in relation to matters falling under the Deed of Easement currently being considered or in relation to their assurances dated 21 February 2018.

Further, William Street (Loughborough) Ltd (10957857) will be liable for any costs incurred by the Charnwood Borough Council as a result of any failure to comply with and satisfy the assurances as per their letter dated 21 February 2018, whether intentionally, recklessly or via the acts/omissions of third parties and or their employees, agents or any other persons acting on their behalf. This includes time/costs of Charnwood Borough Council employees dealing with any tenant issues, concerns, complaints associated with the carrying out of the said works under the Deed of Easement being considered and/or resulting from the assurances provided dated 21 February 2018.

Finally, Charnwood Borough Council maintain the right to legal action for any acts, omissions or breaches.

Financial Implications

There are no significant financial implications for the Council and any mitigation is in place around any financial risks. A nominal sum of £1.00 is to be paid by the grantee. It is expected that the legal costs will be met by the Grantee.

Comments from HR

NA

Risk Management

Risk Identified	Likelihood	Impact	Actions Planned
Residents are not appropriately communicated with prior to the works commencing.	Possible	Medium	An officer in the Councils Tenancy and Estate Management Team will be identified as the point of contact for the grantee and for ensuring that the risks detailed here are appropriately managed.
Health and Safety arrangements are	Low	Major	Health and safety documentation will be

not appropriate and harm is caused to the public			reviewed by the Council's Health, Safety and Environment Manager.
Any reinstatement works do not meet the Council's standards and the Council's property is damaged.	Possible	High	An officer in the Repairs and Investment Section will be identified to post inspect the works.

Key Decision: No

Background Papers: See Appendix 1.

Appendix 1 - Letter from Grantee's Solicitor

RE: 16-24 William Street Loughborough LE11 3BZ (Title Number LT332787)

We confirm in relationship to the above proposed development the following:

- 1. I have spoken to the new connections team and they have informed me that the road does not need closing*
- 2. The works will last 3-4 days and it will only take place between the hours of 8.00am-5.00pm no unsociable hours.*
- 3. These are new connections and will have no impact on the neighbouring properties. There will be no down time for any local residents.*
- 4. I only offered a taxi service should there be any unforeseen issues. If for any unknown reason the road needed to be closed and people were unable to access their cars then I would pay for a taxi service to scoffer them whilst the works were being carried out.*
- 5. All service connections are carried out by competent companies. They will provide method statements and adhere to all safety requirements. The normal procedure is to create a clearly marked pathway which is not compromised during the works. There will be a clear route in the event of a fire and access will be made available to guests and carers All excavations will be covered and conned off to prevent any accidents on site.*
- 6. On my current development at William Street I have a very large car park and only a few cars park on it. I have lots of spare spaces which I am happy to share with any one whilst the services are being connected. I am also happy to reserve up to 4 spaces during the connection process.*
- 7. I am happy to leave my own personal number on site for any local residents to call along with the site managers. I do not want to cause any stress to the local residents and will be on hand 24 hours during the works.*
- 8. I can guarantee that all the roads will be reinstated once work is completed. This is standard procedure with new connections and each supplier will give an undertaking confirming this.*

Please let me know if you need any further information

Yours Faithfully
Mark Horsnall

