

Report of : Head of Property Services
Report to : Chief Asset Management and Regeneration Officer
Date: 14 July 2014
Subject: Nunroyd House Nunroyd Park Yeadon

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Guiseley and Rawdon	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:	10.4 (3)	
Appendix number:	1	

Summary of main issues

1. The tenant of this property stopped paying rent in November 2008, the property had fallen into disrepair and the Council re took possession in April 2010.
2. A costed schedule of dilapidations was prepared. With other costs this figure is presented in the confidential appendix attached to this report
3. The purpose of this report is to establish the nature and extent of the claim which the Council will pursue against the tenant.

Recommendations

4. That the proposals of this report and its' confidential appendix be approved to allow negotiation to proceed for settlement.

1 Purpose of this report

- 1.1 The purpose of this report is to seek approval to a proposal concerning the extent of the claim which the Council is to make against the former tenant of the subject premises.

2 Background information

- 2.1 The property, as shown on the attached plan, incorporates 0.82 hectares (2.03 acres) of land within Nunroyd Park on the edge of Guiseley including a two storey Victorian mansion building as well as car parking and a large landscaped area, was let in 1981 on a 65 year lease for use as a licensed public house or restaurant. The property fell into disuse because the tenant had ceased trading and stopped paying the rent and subsequently the property was vandalised, the Council took the decision to bring the lease to an end and retook possession in 2010

3 Main issues

- 3.1 A significant amount of damage was done to the property as a result of the tenants negligence, under the lease the Council is entitled to recover a large amount of the resultant diminution in value and its costs in making the building wind and weather tight at the end of the lease. The damage was mainly structural so there is no issue of supercession.
- 3.2 Further details are contained in the attached confidential appendix

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward Members have been involved in both the ending of the lease and the grant of the new long term lease.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The issues discussed in this report and the proposals and recommendations made do not impact upon equality and diversity

4.3 Council Policies and City Priorities

- 4.3.1 By taking action towards rectifying the degradation of this property and bringing Nunroyd House back into use the issues discussed in this report have served the Council's policy of creating better neighbourhoods and confident communities while enhancing and serving the amenity value of the adjoining park land.

4.4 Resources and Value for Money

- 4.4.1 The recommendations of this report propose a means to recover costs and losses incurred by the Council and therefore ensure value for money.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Under Part 3 Section 3E Paragraph 2(a) of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of Executive Board in relation to the management of land (including valuation, acquisition, appropriation, disposal and any other dealings with land or any interest in land) and Asset Management.
- 4.5.2 The Chief Asset Management and Regeneration Officer has authority to take the decisions requested in this report under Executive functions 1 and 10 (specific to the Director of City Development) of the Director of City Development's sub delegation scheme.

- 4.5.3 The proposal constitutes a significant operational decision and is therefore not subject to call in.
- 4.5.4 The information contained in the Appendix attached to this report relates to the financial or business affairs of particular persons, or organisations, and of the Council. This information is not publicly available from the statutory registers of information kept in respect of certain companies and charities. It is considered that since this information is to be used as part of one to one negotiations in respect of the leases of these properties in this report, it is not in the public interest to disclose this information at this point in time. Also it is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to other similar transactions of other similar properties. It is therefore considered that this element of the report should be treated as exempt under Rule 10.4.3 of the Access to Information Procedure Rules.

4.6 Risk Management

- 4.6.1 In the event that matters do not proceed or negotiations do not progress there is a risk of the Council losing the opportunity to recover monies now owed to it, these risks have been considered and the proposals made by this report are considered to represent the most prudent solution.

5 Conclusions

- 5.1 See appendix

6 Recommendations

- 6.1 That the proposals of this report and its' confidential appendix be approved to allow negotiation to proceed for settlement.

7 Background documents¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.