

Report to the Council

Committee: Cabinet

Date: 19 January 2010

Subject: Call-In and Urgency and Expenditure Outside of Budgetary Framework – 20/30 and 40/49 Cartersfield Road, Waltham Abbey

Portfolio Holder: Councillor Mrs Mary Sartin **Item:** 6(b)
(Environment Portfolio)

Recommending:

- (1) To note that the Chairman of the Council agreed that the decision of the Environment Portfolio Holder to authorise urgent works to secure buildings to prevent unauthorised entry and prevent them from becoming a danger to public health in accordance with the provisions of section 29 of the Local Government (Miscellaneous Provisions) Act 1982 should be treated as a matter of urgency and should not be subject to call-in;**
- (2) To note that the Chairman of the Overview and Scrutiny Committee agreed that the expenditure was a matter of urgency and required prior to the matter being considered by full Council; and**
- (3) To receive details of the level of expenditure incurred and on any proposals for the mitigation of the expenditure by the deferment of other expenditure**

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1. (Chief Executive) The Council is the freeholder of the Cartersfield Road Industrial Estate in Waltham Abbey. 20/30 & 40/49 Cartersfield Road consist of a large warehouse and smaller buildings let on a long ground lease to Cartersfield Road Properties Ltd who in turn have sublet the premises to OEP Furniture Group.
 2. OEP Furniture Group have gone into administration and the premises have been unoccupied for some considerable time. Receivers have been appointed and the Council is in the process of taking action for non payment of rent.
 3. The premises were insecure and full of combustible material, consisting of paper, cardboard and wood. There were also some gas cylinders in and around the site. There are significant quantities of asbestos in the buildings. The inside of the buidings have been vandalised and several small fires have occurred within the premises. Unauthorised entry is taking place on a regular basis by youths/teenagers.

4. The Council was informed by Essex County Fire and Rescue Service that they were seriously concerned over the potential for a serious fire which due to the proximity of the site to the M25 motorway could necessitate the closure of the motorway.
5. The Council as freeholder has no legal obligation to do anything but does have a duty to consider the wider implications for its other tenants on the industrial estate and the local community.
6. Attempts to persuade the receivers and all parties with an interest in the lease to carry out urgent works to secure the premises did not meet with any success.
7. The legal process provided for within the terms of the lease for the Council to serve notice that it intends to enter onto the land, compile a schedule of works to be carried out and allow time for those works to be carried out would have taken up to three months with no guarantee of success.
8. In view of the need for an urgent remedy the Environment Portfolio Holder authorised the use of powers under section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (Protection of Buildings) for the Council to undertake works immediately to secure the building against unauthorised entry or to prevent it from becoming a danger to public health.
9. The Chairman of the Council agreed, in accordance with Rule 21 of the Overview and Scrutiny Procedure Rules, that the decision of the Portfolio Holder was reasonable in the circumstances, should be treated as a matter of urgency and should not be subject to call-in as any delay likely to be caused by the call-in process would have seriously prejudiced the Council's and the public interests.
10. There was no budget provision to cover the cost of the works and the Chairman of the Overview and Scrutiny Committee agreed, in accordance with paragraph 2.63 of Appendix B to the Financial Regulations, that the expenditure was a matter of urgency and required prior to the matter being considered by full Council.
11. An oral report will be made on the level of expenditure incurred and, if possible, on any proposals for the mitigation of the expenditure by the deferment of other expenditure.
12. In accordance with Section 100B (4) of the Local Government Act 1972 and Council Procedure Rule 3.2 the Chairman has deemed this item as urgent business as there is a requirement under paragraph 2.64 of Appendix B to the Financial Regulations to report to the next available council meeting on expenditure incurred outside of the budgetary framework.