

COMMUNITY SAFETY AND HOUSING PORTFOLIO DECISION SCHEDULE



Friday 8th July 2011

at 9.00 am

in Committee Room A, Civic Centre, Hartlepool

The Mayor, Stuart Drummond responsible for Community Safety and Housing will consider the following items.

1. KEY DECISIONS

No items

2. OTHER ITEMS REQUIRING DECISION

- 2.1 Emergency Works to Odeon Cinema – *Assistant Director (Regeneration and Planning) and Assistant Director (Transportation and Engineering)*

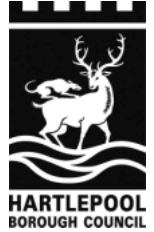
3. ITEMS FOR INFORMATION

No items

COMMUNITY SAFETY AND HOUSING PORTFOLIO

Report to Portfolio Holder

8 July 2011



Report of: Assistant Director (Regeneration and Planning)
and Assistant Director (Transportation and Engineering)

Subject: EMERGENCY WORKS TO ODEON CINEMA

SUMMARY

1. PURPOSE OF REPORT

To seek Portfolio Holder endorsement to carry out safety works to The Odeon Cinema, Raby Road, under Section 77 of The Building Act 1984.

2. SUMMARY OF CONTENTS

The report includes details of the works to be undertaken, the timescales, costs and methods available to recover costs recovery if required.

3. RELEVANCE TO PORTFOLIO MEMBER

The Portfolio Holder is responsible for conservation and listed building policies.

4. TYPE OF DECISION

Non Key Decision

5. DECISION MAKING ROUTE

Community Safety and Housing Portfolio meeting 8th July 2011

6. DECISION REQUIRED

Portfolio Holder is requested to:

- i) endorse the execution of emergency repair works in order to obviate the dangerous condition of the property and ensure the safety of the public highway; and
- ii) authorise officers to seek payment for the cost of the works from the owners and if required, use the powers of financial recovery available to the Council to ensure payment.

Report of: Assistant Director (Regeneration and Planning)
and Assistant Director (Transportation and Engineering)

Subject: EMERGENCY WORKS TO ODEON CINEMA

1. PURPOSE OF REPORT

- 1.1 To seek Portfolio Holder endorsement to carry out safety works to The Odeon Cinema, Raby Road, under Section 77 of The Building Act 1984.

2. BACKGROUND

- 2.1 A fundamental requirement of any property owner is to ensure their building is safe and not posing a threat or danger to others. In cases where owners are not discharging these requirements, The Building Act 1984 provides the legal framework for local authorities to ensure that building owners carry out necessary repairs. The Act also provides powers that enable the local authority to implement work on buildings if the building owner either refuses to carry out the requested works or the owners cannot be traced.
- 2.2 The Odeon Cinema, Raby Road is a Grade II listed building which has been unused for a number of years and has been subject to inadequate maintenance and repair regimes over this period.
- 2.3 Reports were received by the Council that pieces of masonry had fallen from the building onto the surrounding pavements and highway. Immediate action therefore was taken by the Council to protect these public spaces by providing barriers to restrict access to the affected highway.
- 2.4 In addition to this immediate response, the Council requested that the owners take action to repair the property and address the failing areas of the external walls. A schedule of works was prepared and sent to the owners highlighting from the Council's perspective the works required to ensure the safety of the public highway.
- 2.5 Despite repeated requests to carry out the works, only limited, short term measures have been implemented by the owners.

- 2.6 In response to this and utilising Section 77 of the Building Act the Council applied to the Magistrates' Court in order that the Court could formally request that the owners carry out the work. The Court ordered that each of the defendants execute such work as may be necessary as to obviate the danger and that the work must be complete within 4 weeks. If works are not complete, the court also instructed that the Council could carry out the works and seek payment of the costs from the current owners. This deadline expired on the 6th May 2011. To date the owners have not carried out the works. The property is currently secure but significant measures are required to ensure the property remains safe.

3. RISK AND FINANCIAL CONSIDERATIONS

- 3.1 The Council's Engineering Consultancy service has prepared a schedule of works required to make the property safe and to protect the public highways surrounding the property. The estimated value of these works is £25,234.
- 3.2 Given the age of the property and its poor physical condition there is a risk that carrying out works of this nature may lead to the identification of unforeseen works, resulting in increased costs. If this is the case then the owners will be informed and any additional costs will need to be met initially by the Council, and these costs will be passed on to the building owner and pursued in the ways identified below.
- 3.3 The Council, as part of its statutory role to ensure the safety of the public highway, has a responsibility to take steps to address any danger or safety concerns resulting from dilapidated private buildings. This responsibility is paramount but where the Council has expended its own resources the Council will where possible seek to recover these costs from the owner(s).
- 3.4 Using the powers under Section 77 of The Building Act 1984, the Council have already sought legal authority to carry out the identified works. Following completion of the works the Council will then invoice the current owners for payment and apply to the Land Registry to register a miscellaneous charge against the property. If payment is not made then the Council will pursue payment and take vigorous action through the usual routes to ensure payment. The miscellaneous charge will potentially enable the recovery of the Council's costs if the property is sold in the future, should the owners refuse to make payment or cannot make payment due to financial reasons. The success of recovering costs through this route will depend on what other monies are owed on the property or any other charges that may already exist.

- 3.5 Even with the miscellaneous charge there remains a risk that funds cannot be recovered, for example if there are other loans or charges already secured against the property. Similarly if the property can't be sold or sufficient value realised through a sale, to cover the value of the charge then there is a risk that monies cannot be recovered. In these circumstances then the Council will need to meet the full cost of the safety works in order to ensure the safety of the public highway. If this situation arises a further report will be submitted and full Council approval will need to be sought to either fund the costs from the Outturn Strategy, if resources are available, or from General Fund Balances if no other funding is available.

4. RECOMMENDATIONS

- 4.1 Portfolio Holder is requested to:
- i) endorse the execution of emergency repair works in order to obviate the dangerous condition of the property and ensure the safety of the public highway; and
 - ii) authorise officers to seek payment for the cost of the works from the owners and if required use the powers of financial recovery available to the Council to ensure payment.

5. CONTACT OFFICER

Andrew Golightly
Senior Regeneration Officer
Regeneration and Neighbourhoods
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT
01429 284099
andrew.golightly@hartlepool.gov.uk