

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

<b>Reference Number:</b>	<b>3575</b>
<b>Author:</b>	<b>Rizvan Shafiq</b>
<b>Department:</b>	<b>Development and Growth</b>
<b>Contact:</b>	<b>Rizvan Shafiq</b> <b>(Job Title: Senior Estates Surveyor, Email: rizvan.shafiq@nottinghamcity.gov.uk, Phone: 8763087)</b>
<b>Subject:</b>	<b>Settlement of Dilapidations Claim at Hartley Court, Norton Street, Radford, Nottingham</b>
<b>Total Value:</b>	<b>£121,807.43 (Type: Revenue)</b>
<b>Decision Being Taken:</b>	<b>To agree the dilapidation claim between Nottingham City Council and Castle Cavendish Foundation whose registered address is Dorking Road, Nottingham NG7 5PN.</b>
<b>Reasons for the Decision(s)</b>	<p><b>Nottingham City Council granted Castle Cavendish Foundation (CAF) a 50 year lease on the 1 November 2007 of Hartley Court an industrial estate comprising 11 self contained industrial units.</b></p> <p><b>CAF have exercised a break option within the lease, terminating it on the 1 November 2017, although the property was formally surrendered back to the Council on the 31 January 2018. Following the surrender the Council served CAF with a dilapidation schedule in respect of the repairs which was prepared by the Council's Building Services department.</b></p> <p><b>The respective building surveyors have agreed a settlement claim totaling £121,807.43 comprising £119,057.43 for the claim and £2,750 being the Council's costs. This will bring the matter to a full and final conclusion.</b></p>
<b>Other Options Considered:</b>	<b>To continue negotiating a claim - this option was rejected as the settlement figure agreed represents a fair reflection of the costs relating to the outstanding repairs.</b>
<b>Background Papers:</b>	<b>None</b>

<b>Published Works:</b>	None
<b>Affected Wards:</b>	Radford
<b>Colleague / Councillor Interests:</b>	None
<b>Consultations:</b>	Those not consulted are not directly affected by the decision.
<b>Crime and Disorder Implications:</b>	None
<b>Equality:</b>	EIA not required. Reasons: This is not a new or changing policy, service or function.
<b>Relates to Council Property Assets:</b>	Yes
<b>Decision Type:</b>	Portfolio Holder
<b>Subject to Call In:</b>	Yes
<b>Call In Expiry date:</b>	22/07/2019
<b>Advice Sought:</b>	Legal, Finance, Property, Other: David Solomon(David.Solomon@nottinghamcity.gov.uk)
<b>Legal Advice:</b>	From the information provided in the report and following discussion with the author of the report, the proposed transaction does not appear to raise any significant legal issues of concern. The proposed transaction will be subject to normal property legal due diligence and should be recorded with appropriate legal documentation to be agreed between the parties. Advice provided by Mick Suggett (Team leader: Conveyancing) on 04/07/2019.
<b>Finance Advice:</b>	Property trading account will receive a dilapidation settlement claim which can be used to reduce Property trading account debt or support future investment purchases or improve the standard of other traded properties to generate more income. Advice provided by Mandy Bryce (Finance Analyst) on 25/06/2019.
<b>Property Advice:</b>	A financial settlement has been agreed in lieu of the tenant undertaking work to the units. This money will be reused within the property trading account to repair property so to secure rental income. Advice provided by Pippa Hall (Portfolio and Investment Manager) on 25/06/2019.

**Other Advice:**

To confirm that dilapidations settlement claim for units 1 - 11 Hartley Court, as reached with the surveyor acting on behalf of Castle Cavendish Foundation, is considered to be a fair and accurate value. Advice provided by David Solomon (Design Services) 04/07/19  
Advice provided by David Kevin Solomon (Project Officer) on 04/07/2019.

**Signatures**

David Mellen (Leader/ PH Regeneration, Safety and Communications)  
SIGNED and Dated: 12/07/2019  
Chris Henning (Corporate Director for Development and Growth)  
SIGNED and Dated: 11/07/2019