

9 November 2015

Agenda Item: 10e

REPORT OF SERVICE DIRECTOR TRANSPORT, PROPERTY & ENVIRONMENT

IDENTIFY A PROTOCOL: CARETAKERS PROPERTIES WHEN THEY BECOME VACANT

Purpose of the Report

1. To seek approval to the protocol of the future use of vacant caretaker's properties.

Information and Advice

2. Some County Council schools benefit from a caretaker's property on the school site which is (usually) occupied by the Site Manager/Caretaker employed at the school. However, in some cases, either the Site Manager chooses not to reside in the property or the School decide not to advertise the role with tied accommodation, which leaves the County Council with a vacant property. This can lead to the property:
 - a) Being empty for long periods of time
 - b) Being vandalised
 - c) Becoming a health and safety hazard.
 - d) Becoming a liability in terms of costs, as no rental income is being received but expenditure is being incurred.

The purpose of this report is to clarify the process of dealing with the empty property.

3. The following criteria are recommended:-

STAGE 1 – Decision on Whether Property Is Surplus to Requirements

- 3.1 If the property is within the curtilage of the school site and cannot be separated, then the school will be encouraged to retain the property for its use.
- 3.2 If the property is outside of the main curtilage of the site or can be separated without creating any safeguarding risks, then the Council need to employ good estate management practice as follows:
 - 3.2.1 If the school Site Manager no longer requires the property then the school Governing Body will be required to declare the property surplus to requirements.

STAGE 2 – School Business Case for Alternative Use

- 3.2.2 If the school wish to retain the building for their own purposes, then the school will be asked to submit a business case detailing how the property will be utilised. A date by which the business case needs to be submitted will be confirmed to the school immediately on it becoming vacant, around 6 weeks. During this 6 week period, the Property Department will be fully responsible for all property related matters in connection with the building, i.e., all utility bills/Council Tax, drainage etc. If after 6 weeks, the business case has not been submitted, it will be assumed the school does not wish to pursue the alternative use and a letter will be sent to the school confirming this.
- 3.2.3 If the business case is submitted this will be referred to Children, Families and Cultural Services (CFCS) who will confirm whether the property is required in order to satisfy a statutory obligation. Group Manager Property will also be copied into the business case and will comment on the suitability of the proposed use. Any costs relating to the premises will be the responsibility of the Property Department whilst the business case is being considered.
- 3.2.4 If CFCS and Group Manager Property agree to this proposal then the property will be leased to the school governing body on a full repairing lease for a specified period (usually 10 years). The school will immediately become responsible for the property; any associated costs and will be responsible for seeking planning permission to change the use of the property.
- 3.2.5 If the business case is not supported by the Group Manager Property other options will be explored and Property will continue to be responsible for all costs relating to the building.

STAGE 3 – Property Decision

- 3.2.6 Group Manager Property to make a decision on the future use.
- 4. A flow chart to encompass all the options is attached in Appendix 1.
 - 5. The Property Department will retain the right to make the ultimate decision for the future of the property, having proper regard to this protocol.

Other Options Considered

- 6. Continue with the present ad hoc arrangements which does not represent good estate management practice and which can result in inconsistencies of approach.

Reason/s for Recommendation/s

- 7. To formalise the future protocol of dealing with vacant school caretakers' properties

and minimise any financial burden on the County Council.

Statutory and Policy Implications

8. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) That approval is given to the protocol for the future treatment of vacant caretakers' properties.

Jas Hundal

Service Director – Transport, Property & Environment

For any enquiries about this report please contact: Helen Smith 0115 977 3655

Constitutional Comments (SOM 13.10.2015)

9. The recommendation falls within the remit of the Finance and Property Committee under its terms of reference.

Financial Comments (TR 22.10.2015)

10. The financial implications are set out in the report.

Background Papers and Published Documents

11. Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

12. Ward(s): Other
Member(s): n/a Outside Nottinghamshire

File ref.: /HS/SB/

SP: 2944

Properties affected: 09998 - Various NCC Properties/non-property item