

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
RECORD OF EXECUTIVE / CHIEF OFFICER DECISION**

This form should be used to record key and other decisions made by individual Portfolio Holders and key decisions made by Chief Officers. The contact officer will ensure that the signed and completed form is given to Democratic Services as soon as reasonably practicable after the decision has been taken.

Unless permission has been obtained from the Chairman of Council and the Chairman of the Scrutiny and Overview Committee that this decision be treated as a matter of urgency under Rule 12.19 of the Scrutiny and Overview Committee Procedure Rules, this decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless called in under Rule 7 of the Budget and Policy Framework Procedure Rules or Rule 12 of the Scrutiny and Overview Committee Procedure Rules.

Portfolio	Lead Cabinet member for Housing
Subject Matter	Amendment of Head lease of existing transfer of land at Holme Way, Churchfield Way, Sunderland's Avenue and Dale Way Sawston
Ward(s) Affected	Sawston
Date Taken	22 August 2018
Contact Officer	Uzma Ali, Housing Development Officer 01954 712995 (uzma.ali@scambs.gov.uk)
Date Published	22 August 2018
Call-In Expiry	30 August 2018
Key Decision?	No
In Forward Plan?	No
Urgent?	No

Purpose / Background
<p>Background</p> <p>The council undertook a survey of its council housing stock in 2004 to determine how much investment was required for properties to meet the decent home standard and it was found that the structural condition of the Airey (Pre fabricated) properties meant that they would not meet the Decent Homes standard, without considerable investment. Therefore, redevelopment was agreed as the most cost effective solution for those Airey sites with redevelopment potential. The Airey properties, at Churchfield Avenue, Sunderland's Avenue, Holme and Dale Way Sawston were agreed as having this redevelopment potential. As the Council were not developing council homes at that time a consultative tender process was undertaken and, Wherry Housing Association, which is now known as Clarion, were selected as the council's preferred partner to undertake the redevelopment program in South Cambs. As part of this process the land owned by South Cambs was transferred to Wherry (now Clarion) on a 125 year lease. Following redevelopment Wherry should then have granted subleases on a shared ownership basis for a term of 125 years (less 10 days).</p> <p>Purpose</p> <p>South Cambs District Council transferred the land at Holme Close to Wherry Housing Association/Circle Anglia (now Clarion) on a 125 year lease from 22 December 2006 expiring on 21 December 2131. Unfortunately, Clarion found that the sub leases that were issued by them, for the shared ownership properties, were not compatible with the Head Lease, as these were inadvertently issued for a longer term than that of the Head lease. Therefore, Clarion have formally submitted a request for a new lease to be granted to them (overriding lease), which will sit above the Head Lease and be for a term expiring on 21 April 2132. This will ensure that Clarion's interest in the properties at Churchfield Avenue, Sunderland's Avenue, Holme Way and</p>

Dale Way Sawston, exceed that of the shared ownership leases.
 The purpose of this decision is to allow us to approve Clarions request to grant an overriding lease for land that was transferred, as part of the airey properties redevelopment program at Churchfield Avenue, Sunderland's Avenue, Holme Way and Dale Way Sawston, and allow us to instruct our legal team to do this.

Declaration(s) of Interest
Record below any relevant interest declared by any executive Member consulted or by an officer present in relation to the decision.
 None

Dispensation(s)
In respect of any conflict(s) of interest declared above, record below any dispensation(s) granted by the Council's Standards Committee.
 None

Consultation
Record below all parties consulted in relation to the decision.
 Cllr Clare Delderfield & Cllr Milnes – District Councillors for Sawston – Both have confirmed that they have no objection to proceeding with this matter.

Other Options Considered and Reasons for Rejection
 Option 1 – To refuse Clarion's request to grant an overriding lease means that those subleases which have been granted for a term longer than the Head Lease are treated as an assignment of Clarion's interest by operation of law. This means there is no Landlord and Tenant relationship between Clarion and the Sub Tenants and the Council is technically the direct Landlord of the Sub Tenants.

Final decision	Reason(s)
To approve Clarion's request for SCDC to grant a new lease to them (overriding lease), which will sit above the Head Lease and be for a term expiring on 21 April 2132.	This is an operational request to extend the lease by 4 months to ensure the length of lease is compatible with the sublease granted to shared owners.

Signed	Name (CAPITALS)	Signature	Date
Portfolio Holder	Signed copy available upon request from Democratic Services (democratic.services@scamb.gov.uk)		
Chief Officer			

Further Information
 None.