

**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.

<b>Portfolio</b>	Lead Cabinet member for Housing
<b>Subject Matter</b>	Amendment of Head Lease for existing transfer of land at Paddock Row Elsworth
<b>Ward(s) Affected</b>	Caxton & Papworth
<b>Date Taken</b>	Friday, 13 March 2020
<b>Contact Officer</b>	Heather Wood, Interim Assistant Director of Housing (Statutory and Strategic Services) 01954 713044 (heather.wood@scambs.gov.uk)
<b>Date Published</b>	Friday, 13 March 2020
<b>Call-In Expiry</b>	Friday, 20 March 2020
<b>Key Decision?</b>	No
<b>In Forward Plan?</b>	No
<b>Urgent?</b>	No

<b>Purpose / Background</b>
<p><b>Background</b></p> <p>The council undertook a survey of the council housing stock in 2004 to determine how much investment was required for properties to meet the decent homes 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, on 28<sup>th</sup> October 2004 full council approved redevelopment as the most cost-effective solution for those Airey sites with redevelopment potential. The Airey properties at Paddock Row Elsworth were agreed as having redevelopment potential. As, the council was 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 Cambridgeshire District Council was transferred to Wherry Housing Association (now Clarion) on a 125-year lease. Following redevelopment Wherry Housing Association should then have granted subleases on a shared ownership basis for a term of 125 years (less 10 days)</p> <p><b>Purpose</b></p> <p>South Cambs District Council transferred the land at Paddock Row Elsworth to Wherry Housing Association/ Circle Anglia (now Clarion) on a 125-year lease from 22<sup>nd</sup> December 2006 expiring on 21<sup>st</sup> 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. 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<sup>st</sup> April 2132. This will ensure that Clarion's interest in the properties at Paddock Row Elsworth, will exceed that of the shared ownership leases.</p>

The purposes of this decision are to allow the Council to approve Clarion's request to grant an overriding lease for land that was transferred, as part of the Airey properties redevelopment programme at Paddock Row Elsworth.

**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.*  
 Councillors Mark Howell and Nick Wright, district councillors for Elsworth were consulted. Both confirmed that they have no objection to proceeding with this mater.

**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 that 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 to grant an overriding lease relating to the properties at Paddock Row Elsworth, for term expiring on 21 <sup>st</sup> April 2132.	In granting an overriding lease to increase the term by 4 months will ensure that Clarion's interest in the properties at Paddock Row Elsworth exceed that of the shared ownership leases. This will ensure that the shared owners are protected by the terms of their lease and avoid difficulties when trying to sell their property on.

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

**Further Information**  
 Airey redevelopment programme – Cabinet paper 2006