

COUNCIL

25 NOVEMBER 2014

REPORT OF THE CORPORATE DIRECTOR, LIFE OPPORTUNITIES

A.1: PETITION - PARKESTON HOUSE

(Report prepared by Paul Price)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider a petition of 278 signatures received by the Council relating to the safety and security of Parkeston House.

EXECUTIVE SUMMARY

- The Council has actively worked with the Developer of Parkston house in an attempt to ensure that the site is safe and secure.
- Regrettably, the developer failed to heed advice provided by the Council's officers or take appropriate remedial action, resulting in the Health and Safety Executive's intervention.
- The developer's private building control arrangements were withdrawn by the companies involved on at least two occasions, resulting in Tendring District Council taking on aspects of the role in default.
- Action has been taken under the Council's powers for dealing with dangerous structures but related legal events have run in parallel resulting in the Developer receiving a custodial sentence.
- Following the Council obtaining a warrant to enter the premises, a full survey by independent surveyors has been commissioned, the results of which are expected shortly and the Council's options will be determined based upon the results of that inspection.
- Following the inspection, the Council is arranging for the windows and access to the building to be made safe and secure.
- Receipt of the petition was announced at the Council meeting on 9 September 2014.
- The petition includes 278 signatures.
- The Council's Constitution and procedures provide for the Council to consider petitions of more than 250 signatures and for Cabinet to determine property matters.

RECOMMENDATION(S)

That Council considers the petition and whether it wishes to make a recommendation to Cabinet for consideration.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

FINANCE, OTHER RESOURCES AND RISK

Finance and Other Resources

The Council has already expended significant levels of resources and officer time in dealing with the developer and making the site safe and secure. A further £20,000 will need to be spent to properly secure the building to ensure that unauthorised access is prevented and to ensure that the building is not a danger to the public. The cost of these works will be recovered from the Developer in due course.

Risk

Tendring District Council has a legal duty to ensure that the property does not present a danger to the public. However, it does not have a duty to undertake any other works to the building and given the developer’s current situation, it is apparent that he is currently frustrated from undertaking any further work until his position changes. When he is released from custody, Tendring District Council will attempt to establish his future intentions and determine any potential further action based on these intentions.

LEGAL

The Council adopted its Petition Policy on 11 February 2014. It should consider the petition and make recommendations to Cabinet for its consideration.

In accordance with the procedure, officers have investigated the request made in the petition. Council may now consider the petition and whether to make any recommendation to Cabinet. The petition requests the Council to make the building safe and secure and given the proposal to affix security screens to the ground floor and board the upper floors, it is apparent that the Council will comply with this request.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

A petition has been received and should be considered under the new procedure.

Area or Ward Affected

Ramsey and Parkston

PART 3 – SUPPORTING INFORMATION

BACKGROUND

CURRENT POSITION

On 2 October 2014, the Council obtained a warrant from the Court to allow a full site inspection, by independent surveyors, of the premises to determine what building regulation contraventions exist and to determine whether the condition of the building continues to constitute a dangerous structure.

At the date of the preparation of this report, the Council is awaiting the findings of the independent surveyors appointed, to detail the building-related issues within Parkeston House. Once that report is received by the Council, it is Tendring District Council's intention to secure the building so that it is safe and does not pose a danger to the public. Until that report is concluded, it is not possible to undertake the boarding up of the windows as the surveyors may need to revisit the site and their investigations would be impeded if there was no daylight into the premises. It is proposed that metal screens will be affixed to the ground floor windows and plywood screens to other elevations. The metal screens for the ground floor windows have a six-week measuring and manufacture period as they are purpose designed for specific windows and so it is unlikely that they will have been installed prior to the Council meeting.

Following securing of the openings into the building, the herass fencing around the building will be removed allowing full use of amenity space around the building and reducing the potential for antisocial behaviour.

INVESTIGATION

The petition clearly demonstrates that a large number of people are concerned to ensure that Parkeston House remains in a safe and secure condition pending the recommencement of development work. Given the ongoing situation with the developer,

the Council has been left with no alternative other than to undertake the works in default as it is clear that the developer will not be undertaking the works. The Council has attempted to advise local residents of the ongoing situation but given the confidential nature of the issues, it has not always been possible to be as frank and open as it would have wished.

However, it is hoped that with the action which has now been put in place, the signatories to the petition will have seen that the Council is prepared to take legal action and will take action which is appropriate and within its ambit.

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| BACKGROUND PAPERS FOR THE DECISION |
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| APPENDICES |
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