

Record of Decisions

Care Trust Properties Leases (Mayoral Decision)

Decision Taker

Mayor at the Council meeting on 23 July 2015

Decision

- (i) that the Torbay and Southern Devon Health and Care NHS Trust be granted a 2-year excluded lease from 1 December 2015 on acceptable terms with the inclusion of a tenant and landlord rolling 6-month break clause for Hollacombe Community Resource Centre (CRC);
- (ii) that the Torbay and Southern Devon Health and Care NHS Trust be granted a 2-year excluded lease from 1 December 2015 on acceptable terms with the inclusion of a tenant and landlord rolling 6-month break clause for St Edmunds Centre;
- (iii) that the Torbay and Southern Devon Health and Care NHS Trust be granted a 2-year excluded lease from 1 December 2015 on acceptable terms with the inclusion of a tenant and landlord rolling 6-month break clause for Bay Tree House;
- (iv) that the Torbay and Southern Devon Health and Care NHS Trust be granted a 2-year excluded lease from 1 December 2015 on acceptable terms with the inclusion of a tenant and landlord rolling 6-month break clause for St Kilda's Residential Care Home;
- (v) to note that the Council has the option of providing a grant to cover all or part of the market rent for the properties set out in (i) to (iv) above which will be dealt with as per the Councils constitution and reviewed annually; and
- (vi) that, in turn, Sandwell Community Caring Trust be granted a two year (less three days) excluded sub-lease from 1 December 2015 on acceptable terms with the inclusion of a tenant rolling 6-month break clause for St Kilda's Residential Care Home. In the event that the Trust exercise a break option the sub-lease is to terminate on a co-terminus basis with the head lease.

Reason for the Decision

To provide the Torbay and Southern Devon Health and Care NHS Trust two years to further develop their services and explore alternative options for service delivery of the services provided through these four properties.

Implementation

This decision will come into force and may be implemented on 5 August 2015 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

The submitted report set out details in respect of four properties leased to the Torbay and Southern Devon Health and Care NHS Trust (the 'Trust') which will expire on 1 December 2015. The leases will terminate automatically, without notice and at the end of the term the Trust must give up possession in each instance.

If there is no documentation in place at expiry of the leases, but the Council consents to the continued occupation, then the basis of occupation would be an implied tenancy at will. It is therefore proposed to extend the four leases for two years to give the Trust time to develop alternative options for the sites.

The Mayor considered the recommendations of the Council made on 23 July and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

Yes – Reference Number: I019787

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

28 July 2015

Signed: _____
Mayor of Torbay

Date: 28 July 2015

