

HAVANT BOROUGH COUNCIL

RECORD OF URGENT DECISION TAKEN BY CABINET MEMBER

Decision By: Councillor L Bowerman

Replacement and repair of Beach Huts damaged by Storm Eunice

Key Decision: No

1. DECISION CATEGORY:

Urgent Decision taken pursuant to Part Three, Section B Access to Information Standing Orders, No 63. Special Urgency

2. REASONS FOR URGENCY AND WHY NOT PRACTICABLE TO WAIT:

The necessity of re-instating Beach Hut provision ahead of the summer season.

3. DETAILS AND OUTCOME OF CONSULTATION WITH THE CHAIR/DEPUTY CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE:

Discussion with and agreement by Cllr Elizabeth Lloyd, Chair of Overview and Scrutiny

4. THE DECISION:

To note the use of urgency powers by a Cabinet Member to agree to expenditure, outside of the budgetary framework, of approximately £27,547.28 to replace 8 council-owned Beach Huts irreparably damaged by Storm Eunice in February 2022 and to carry out repairs to 3 others.

5. REASONS FOR DECISION:

The reason for this decision is the urgent need to replace 8 Beach Huts that have been damaged beyond repair by Storm Eunice before the summer season starts and to repair 3 others. It would not be economic to make a claim on the council's insurance policy.

6. DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED:

Not replacing or repairing the Huts would remove a valued facility that also produces income for the council.

7. LEGAL IMPLICATIONS:

Legal Officer: Edward Board
Role: Commercial Property Solicitor
Date: 15 March 2022

Repairing Obligations

Havant Borough Council (the Council) are not under any obligation to repair or replace the huts under the licences the Legal Officer has been provided with.

Termination

The Council can terminate the licence by notice (see clause 4.1(c)) and such termination will trigger a repayment to the licensee for the fee paid for the unexpired term. The licence is silent on if this is a pro rata basis, but the construction of the licence appears to support that interpretation.

8. FINANCIAL IMPLICATIONS:

This is one off capital spend which will be charged against the Council's unallocated Capital Receipts Reserve

9. ADVICE OF THE CHIEF EXECUTIVE or CHIEF FINANCE OFFICER (pursuant to SO 63.2)

This is valid capital spend which will improve the experience of residents and visitors to Hayling Island ahead of the 2022 summer season. I support the urgent decision to mobilise the work which will be reported back to, and ratified by, Council in May 2022.

10. DATE OF NEXT FULL COUNCIL TO WHICH THE DECISION WILL BE REPORTED:

Date: 13 April 2022

Signed by Councillor Bowerman

PORTFOLIO HOLDER FOR Capita and Commercial Contracts

Date: 22 March 2022