

## **PETITION FROM FREEHOLD RESIDENTS OF FINSLEY WALK, WOODROFFE WALK AND CAXTON STREET**

Report of Director of Investment & Maintenance

### **1. SUMMARY**

A petition was received on 1 November 2018 from 27 residents (20 properties) of Finsley Walk, Woodroffe Walk and Caxton Street. The petition was regarding whether former local authority properties (now freehold) are required to contribute towards the maintenance costs of the car park resurfacing to the communal areas.

### **2. RECOMMENDATION**

That the Operational Board notes the petition and approves the action to be taken.

### **3. REASON(S) FOR RECOMMENDATION**

- 3.1 The Board of Derby Homes has delegated to the Operational Board authority to consider petitions and approve action to be taken.

### **4. MATTER FOR CONSIDERATION**

- 4.1 The residents signing the petition were concerned that Derby Homes were applying maintenance charges to a number of freehold properties.
- 4.2 The petition, with the points raised, is attached as Appendix 1.
- 4.3 Derby Homes responses are attached as Appendix 2.
- 4.4 Appendix 3 shows the management of the areas in question.
- 4.5 Appendix 4 shows the letters sent, outlining the works planned.

#### **Action to be taken**

- 4.6 Derby City Council will issue invoices, including how to make payment. All non-payments will potentially be followed with court action – where the deeds/maps will be used as evidence.
- 4.7 We cannot cancel the works; the works have proceeded as stated. We have identified a risk and if we don't repair the area, any trips/slips, could result in a claim loss for Derby Homes.

## 5. OTHER OPTIONS CONSIDERED

- 5.1 To not issue invoices, resulting in a loss of income for Derby City Council.

## 6. CONSULTATION IMPLICATIONS

- 6.1 We have notified the residents, to inform them of the works.

## 7. FINANCIAL AND BUSINESS PLAN IMPLICATIONS

- 7.1 By not issuing the invoices for the works, it will result in a loss of income for Derby City Council in the region of £110k , subject to final costs. Similar schemes are also planned around the City, with charges being applied to freehold properties.

## 8. LEGAL AND CONFIDENTIALITY IMPLICATIONS

- 8.1 The legal implications are outlined in Appendix 2.
- 8.2 The names and addresses of the signatories of the petition have not been included due to data protection requirements.

## 9. HEALTH & SAFETY & RISK IMPLICATIONS

- 9.1 If we don't repair the areas, any trips/slips, could result in a claim loss for Derby Homes.

The areas listed below have no implications directly arising from this report:

Council  
Personnel  
Environmental  
Equalities Impact Assessment  
Policy Review

If Board members or others would like to discuss this report ahead of the meeting please contact

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Supporting Information: None  
Background Information None

**This report has been approved by the following officers**

<b>Company Solicitor</b> <b>Head of Service</b> (Director of Investment & Maintenance)	Taran Lalria Shaun Bennett	6/11/18 21/11/18
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