

REPORT TO: Housing Committee – 20 January 2003

REPORT ON: Housing (Scotland) Act 1987, Section 108
Repairs Notice – 123-131 Nethergate, Dundee.

REPORT BY: Director of Housing

REPORT NO.: 21-2003

1. PURPOSE OF REPORT

- 1.1. The purpose of this report is to seek agreement for the withdrawal of the Repairs Notice at 123, 125, 125A and 125B Nethergate, which was agreed by Committee on 16 October 2000, and subsequently served on 1 February 2001, and to seek approval for the service of a new Repairs Notice on the property at 123-131 Nethergate, Dundee, to carry out the necessary repairs.

2. RECOMMENDATIONS

- 2.1. It is recommended that the Committee agree to the withdrawal of the Repairs Notice at 123, 125, 125A and 125B Nethergate, which was served on 1 February 2001.
- 2.2. It is further recommended that the Committee approve the service of a new Repairs Notice on the property at 123-131 Nethergate, in terms of Section 108 Housing (Scotland) Act 1987, with a time limit of, as nearly as may be, 6 months for compliance with the terms of the Notice.
- 2.3. Should owners fail to comply with the terms of the Notice, the Council should instruct the work to be carried out in default and the Director of Housing, in consultation with the relevant departments, should appoint suitable consultant(s) to execute the works required.
- 2.4. Should default action be implemented, the appropriate Officers be instructed to authorise and arrange payments to the appointed consultant(s) and contractor.

3. FINANCIAL IMPLICATIONS

- 3.1. There is an allowance in the Non-Housing Revenue Capital Allocation for Repairs Notices. Repairs Grants of 50% of approved costs to a maximum of £7,800 (£3,900) are available to owners of flatted dwellings and owners of commercial premises. The difference between the amount of grant awarded and the total cost of work will be recoverable from the owners.

4. LOCAL AGENDA IMPLICATIONS

- 4.1. The recommendation in the Report will meet the Local Agenda 21 objectives by ensuring that diversity and local distinctiveness are valued and protected. The service of this Repairs Notice will ensure that local residents are assisted to bring their homes up to a good standard of repair and, thereby, enhancing the visual image of the City.

5. **EQUAL OPPORTUNITIES IMPLICATIONS**

- 5.1. The service of the Repairs Notice will further enhance the City Council's objectives to improve the living environment of its citizens.

6. **MAIN TEXT**

- 6.1. The property at 123-131 Nethergate, Dundee, is situated in a prime location in the City Centre, in close proximity to the prestigious Dundee Contemporary Arts Centre, and comprises two flats and eight commercial premises.

The property is a Category 'B' listed building situated in the South Tay Conservation Area. This Conservation Area is regarded as outstanding by the Historic Buildings Council for Scotland.

As agreed by Committee on 16 October 2000, a Repairs Notice was served on 123, 125, 125A and 125B Nethergate, on 1 February 2001. The owners have appointed a consultant to bring forward a contract to carry out the terms of the Notice and preliminary investigations are underway.

It has come to light that the properties at 125-131 Nethergate, together with 123, 125, 125A and 125B Nethergate, form one complete building. The properties at 125-131 Nethergate were inadvertently omitted from the previous notice.

The whole building is in a state of severe disrepair and mutual works are now required to secure the life expectancy of the property. In order to secure this, the notice served on 1 February 2001, should be withdrawn and a new notice served on all properties.

The service of a Repairs Notice will allow default procedures to be implemented, if necessary, to ensure the work is undertaken.

A Repairs Notice will enable commercial premises to apply for Repairs Grant assistance (50% of £7,800).

7. **BACKGROUND PAPERS**

- 7.1. Report by Architectural Services.
- 7.2. Minutes of the Housing Committee of 16 October 2000.

ELAINE ZWIRLEIN
DIRECTOR OF HOUSING

10 DECEMBER 2002

REPAIRS NOTICES – ADDITIONAL INFORMATION

ADDRESS OF REPAIRS NOTICE:	<u>123-131 Nethergate, Dundee.</u>
STATUS:	<u>City Centre Priority Area</u>
NO. OF FLATS:	<u>2</u>
NO. OF COMMERCIAL PREMISES:	<u>8</u>
OWNERSHIP:	
LANDLORD/DEVELOPER:	<u>3</u>
OWNER/OCCUPIER:	<u>7 (6 Commercial Premises)</u>
LEVEL OF GRANT AVAILABLE:	<u>50% of £7,800 (£3,900)</u>
POSSIBLE NO. OF UNITS DEFAULT:	<u>LANDLORD: Nil</u>
	<u>OWNER OCCUPIER: 1</u>
	<u>COMMERCIAL: 3</u>
LIKELY FINANCIAL RISK TO COUNCIL:	<u>£31,200</u>
METHOD OF RECOVERY:	<u>Owners/occupiers will be invoiced for their share of</u>
	<u>costs. They are under a legal obligation to pay. If</u>
	<u>they fail to do so, recovery will be sought through</u>
	<u>Court Action or by Charging Order, as seems</u>
	<u>appropriate on each case.</u>
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FURTHER INFORMATION:

This property is contained within the City Centre Priority Area for refurbishment, as part of the Council's City Centre Initiative.

The property is a Category 'B' Listed Building situated in the South Tay Street Conservation Area which is regarded as outstanding by the Historic Building Council for Scotland. It is also situated in a prime location in close proximity to the prestigious Dundee Contemporary Arts Centre.

The building requires immediate attention to protect its structural integrity, thereby, enhancing its position in the streetscape of this conservation area.