

RECORD OF INDIVIDUAL EXECUTIVE DECISION MADE BY AN OFFICER

Decision Maker	Decision Type	Date
Neil Consterdine – Director of Communities	Administrative Decision	02/04/2026

ABEN Accommodation Provision: Lease Amendments and Renewal Decision

Exempt/Confidential Report	3 Information relating to the financial or business affairs of any particular person (including the authority holding that information) -	
Key Decision ¹		No

Decision (s) ² To seek approval to amend the existing lease agreement for the A Bed Every Night (ABEN) accommodation portfolio to ensure continued compliance with GMCA grant conditions (to provide 33 bedspaces) and to support the effective operation, management, and maintenance of leased properties over the remaining 2.5-year funding period.

*A) Approve the amendments to the existing ABEN lease agreement in line with the proposed wording in **Appendix A**, ensuring continued compliance, clarity of responsibilities, and effective service operation.*

B) Approve the granting of:

- **a 5-year lease for 82–84 Milnrow Road**

Reasons for the decision(s)³

The Council has received notification of proposed funding for the ABEN programme for the next 2.5 years. The service currently operates across three leased sites, and the lease for 82–84 Milnrow Road is now due for renewal.

- **82–84 Milnrow Road** – 8-bed unit, £47,040 per annum (£235,200 over 5 years)

¹ If the decision is Key Please use Key Decision Template.

² Brief details of the decision should be inserted. This note must set out the substance of the decision, options considered and the reason for deciding on the chosen option, although care must be taken not to disclose any confidential or exempt information. Please include proposed timescales for commencement and / or completion of implementation as appropriate.

³ Reasons for the decision must be given.



The Lease was previously secured for 5-year terms, enabling reduced annual rental costs. The lease includes a **4-week termination clause**, mitigating financial risk to the Council should ABEN funding cease earlier than anticipated.

Rent is partially recovered through Housing Benefit, and GMCA grant funding contributes to uplifted lease costs, staffing, repairs, and service delivery.

During the course of existing operations, several areas of responsibility between the landlord, managing agent (Depaul UK), and Council have required clarification. Following negotiations with the letting agent acting on behalf of the landlord, the following amendments to the leases are proposed.

Summary of Proposed Lease Amendments Repairs, Compliance & Responsibilities

The amendments seek to:

- Clarify responsibility where damage is caused by occupants placed by the Council.
- Confirm Council responsibility for routine compliance checks (e.g. fire alarm testing, emergency lighting checks, legionella monitoring).
- Strengthen provisions requiring the landlord to meet statutory obligations and maintain compliance with HSE water hygiene regulations.
- Confirm the Council's responsibility for repair where occupant-caused damage occurs, and the landlord's responsibility for defects arising from wear, tear, age, or structural/system failures.
- Ensure defects identified through compliance checks are reported promptly to the landlord.

Rationale for Decision

The amendments:

- Provide operational clarity for all parties, reducing delays in repairs and compliance activities.
- Strengthen roles and responsibilities to protect service users and ensure property safety.
- Support compliance with GMCA grant conditions.
- Reduce risk to the Council by clarifying cost responsibilities and ensuring landlords continue to meet statutory requirements.
- Reinforce effective partnership working with Depaul UK, landlords, and managing agents.
- Ensure leases remain suitable and legally robust for the duration of ABEN funding.

These clarifications will not increase financial risk to the Council and are considered necessary to maintain safe, compliant service delivery

Options/Alternatives considered ⁴

Option 1 – Approve Recommended Actions (Recommended)

A) Approve the amendments to the existing ABEN lease agreement in line with the proposed wording in **Appendix A**, ensuring continued compliance, clarity of responsibilities, and effective service operation.

B) Approve the granting of:

- a **5-year lease for 82–84 Milnrow Road**,

both of which support service continuity and provide flexibility in line with the 2.5-year GMCA funding period.

These leases retain the existing 4-week termination clause, meaning no additional risk to the local authority.

Option 2 – End Current Lease and Seek Alternative Provision (Not Recommended)

*Terminate the existing leases and attempt to source new accommodation. This option is **not recommended** because:*

- *Suitable alternative accommodation is **unlikely to be found at a lower cost** than the favourable rent already negotiated with current landlords.*
- *The process would result in **significant operational disruption**, including decanting residents and establishing new placements.*
- *There would be an increased risk of **service interruption, loss of ABEN bed capacity**, and a potential impact on **GMCA grant funding**.*
- *There is a high likelihood of **cost escalation**, delays in reopening the service, and challenges in maintaining statutory compliance during transition.*

Option 3 – Do Nothing (Not Recommended)

*Continue operating under the existing lease arrangements without amendment. This option is **not recommended**, as it would:*

- *Leave unresolved issues around responsibilities for repairs, compliance checks, and defect reporting.*
- *Continue to expose the service to **operational delays, ambiguity, and compliance risks**.*

⁴ Options must be given.



- *Not provide the clarity required to support effective partnership working with the landlord and managing agent*

Conflict of Interest declared⁵ None

N. Consterline

(Signature of Director)

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(In consultation with relevant Cabinet Member if required)

Decision made pursuant to:

- a) General delegation under the Council's officer scheme of delegation. Non-contract decisions up to £250k.**

⁵ If none, please state none. No Member having a disclosable pecuniary interest or officer having an interest in any matter (whether pecuniary or otherwise required to be declared) should take a decision in relation to that matter. Other interests of a non-disqualifying nature should be recorded here. Any dispensation in place in relation to the matter should also be recorded here. This may include other elected Members, officers, stakeholders and the local community.