



Record of Officer's Decision

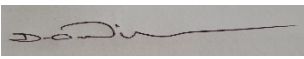
The Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

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| Date of Decision: | 9 December 2020 |
| Decision Maker (Officer): | Damian Williams Corporate Director, Operations and Delivery |
| Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference): | Part 3, Schedule 3 – Responsibility for Executive Functions delegated to Officers paragraph 4.3 (1) – the Corporate Director has delegated authority to discharge executive functions within their respective service areas (Part 3.38). All delegations are subject to consultation where considered appropriate in the circumstances (paragraph 4.3 (4(ii) – Part 3.39). The Corporate Director has delegated authority in respect of the determination of all procedural matters associated with the management of Council tenancies. |
| Identify which Portfolio Holder(s)/Committee Chairman consulted? | |
| Ward Member(s) consulted? | No |
| Is it a Key Decision? | No |
| Is it subject to call-in? | No |
| Decision Made: | To pay any fees as required by the restrictive covenants for 30 and 32 Keats Crescent, Brightlingsea in connection with relevant requests to alter this property. |
| Reason for Decision (if a report was produced to support the Decision, refer to or attach it): | As set out in the supporting report. |

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| <p>Highlight any associated risks/finance/legal/equality considerations:</p> | <p>The fee set out in the restrictive covenants is £100 plus VAT (if applicable) in respect of any applications received within an initial ten year period for permission to erect or construct any buildings or structures on any parts of the property or to make any external alterations or additions to the buildings, structures, driveway or any parking space or to remove any screen, wall or existing fence. There is sufficient budgetary provision to meet this cost.</p> | |
| <p>Details of any Alternative Options Considered and rejected (together with reasons):</p> | <p>For the Council not to pay the fee required by the developer and for this cost to be payable by the tenant. However, secure tenants have a statutory right to undertake alterations, subject to permission being granted, and this right is not subject to the payment of any charges.</p> <p>If the tenant is required to meet this charge they will be financially disadvantaged and treated in a different manner to other secure tenants simply by virtue of having been allocated this property.</p> | |
| <p>Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision)</p> <p>If relevant, a note of the dispensation granted by the Monitoring Officer:</p> | <p>N/A</p> | |
| <p>Reason Decision, or supporting Report, is not published:</p> <p><i>Tick one or more of the specific exemptions,</i></p> <p><u>and</u></p> <p><i>Give more information in the final box with regards to why the exemption applies and outweighs the public interest test (which is in favour of</i></p> | <p>Y</p> | <p>Not applicable.</p> <p>The report supporting the Decision contains confidential information</p> <p>The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:</p> <ul style="list-style-type: none"> • Relates to an individual • Likely to reveal the identity of an individual • Relating to financial or business affairs of a person or organisation • Relates to a claim for legal professional privilege in legal proceedings |

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| <i>disclosure).</i> | | <ul style="list-style-type: none"> Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment |
| | | <ul style="list-style-type: none"> Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime |
| | <p><u>And</u> is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>Reasons: N/A</p> | |

Officers

Signed: 

Title: Corporate Director, Operations and Delivery

In consultation with:

Signed: **Portfolio Holder For Housing**

Signed: **Section 151 Officer (if required)**

Signed: **Monitoring Officer (if required)**

Dated: 9 December 2020