

### 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

<b>Date of Decision:</b>	29/4/21
<b>Decision Maker (Officer):</b>	Ian Taylor, Head of Public Realm
<b>Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):</b>	<p>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).</p> <p>The Corporate Director (Operations and Delivery) has delegated operational matters relating to the day to day operation of the Council's Parking Enforcement and Car Parking Service including the maximisation of commercial opportunities and the provision of the enforcement of parking, AND the determination of applications and the setting of fees and charges for the holding of events on Council-owned land and the use of property, to the Head of Public Realm.</p>
<b>Identify which Portfolio Holder(s)/Committee Chairman consulted?</b>	<p>Cllr Newton, Portfolio Holder for Business and Economic Growth Cllr Talbot, Portfolio Holder for Environment.</p>
<b>Ward Member(s) consulted?</b>	Yes – Cllr I Henderson
<b>Is it a Key Decision?</b>	No
<b>Is it subject to call-in?</b>	No
<b>Decision Made:</b>	To grant use of Wellington Road car park, Harwich, and to permit parking on Harwich Green, for exclusive use of Jackson River Films on May 4-5 (car park) and 4-6 (Green) 2021.

<p><b>Reason for Decision (if a report was produced to support the Decision, refer to or attach it):</b></p>	<p>Tendring District Council, as part its Memorandum of Understanding with Creative England, supports production filming within the district as being of wider benefit to the local economy; this aligns with the adopted Creative and Cultural Strategy.</p> <p>The request will also provide a guaranteed income for two council assets (a car park and open space) for the days of use, where ordinarily they may be unused.</p>
<p><b>Highlight any associated risks/finance/legal/equality considerations:</b></p>	<p>Finance: Potential for loss of income is mitigated by appropriate fee being charged to the company.</p> <p>Legal: Risk of damage to council property is mitigated by requiring public liability insurance from the company.</p> <p>Equality: The temporary loss of car parking could adversely impact motorists with accessibility issues. However, there are alternative car parking bays within less than one-quarter mile and other on-street provision nearby.</p> <p>Other risks: Risk assessment is required from the company as part of the application.</p>
<p><b>Details of any Alternative Options Considered and rejected (together with reasons):</b></p>	<p>Declining the request – rejected as the application meets the criteria of the council’s Memorandum of Understanding with Creative England, guarantees income for use of council assets, and promotes work activity within the district in line with the council’s Creative and Cultural Strategy.</p> <p>The company had requested use of Wellington Road car park on 6 May, but due to its proximity to a polling station on that day this was refused to ensure access for voters/polling station staff.</p>
<p><b>Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision)</b></p> <p><b>If relevant, a note of the dispensation granted by the Monitoring Officer:</b></p>	<p>N/A</p>
<p><b>Reason Decision, or supporting Report, is not</b></p>	<p>X Not applicable – Decision [and report] to be published</p>

<p><b>published:</b></p> <p><i>Tick one or more of the specific exemptions,</i></p> <p><b><u>and</u></b></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 disclosure).</i></p>	<p style="color: red;"><b>If Report is not to be published – tick one of the following boxes:</b></p> <table border="1" style="width: 100%;"> <tr> <td style="width: 30px;"></td> <td>The report supporting the Decision contains confidential information</td> </tr> <tr> <td></td> <td>The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:</td> </tr> <tr> <td></td> <td> <ul style="list-style-type: none"> <li>• Relates to an individual</li> </ul> </td> </tr> <tr> <td></td> <td> <ul style="list-style-type: none"> <li>• Likely to reveal the identity of an individual</li> </ul> </td> </tr> <tr> <td></td> <td> <ul style="list-style-type: none"> <li>• Relating to financial or business affairs of a person or organisation</li> </ul> </td> </tr> <tr> <td></td> <td> <ul style="list-style-type: none"> <li>• Relates to a claim for legal professional privilege in legal proceedings</li> </ul> </td> </tr> <tr> <td></td> <td> <ul style="list-style-type: none"> <li>• 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</li> </ul> </td> </tr> <tr> <td></td> <td> <ul style="list-style-type: none"> <li>• Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</li> </ul> </td> </tr> </table> <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:</p>		The report supporting the Decision contains confidential information		The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:		<ul style="list-style-type: none"> <li>• Relates to an individual</li> </ul>		<ul style="list-style-type: none"> <li>• Likely to reveal the identity of an individual</li> </ul>		<ul style="list-style-type: none"> <li>• Relating to financial or business affairs of a person or organisation</li> </ul>		<ul style="list-style-type: none"> <li>• Relates to a claim for legal professional privilege in legal proceedings</li> </ul>		<ul style="list-style-type: none"> <li>• 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</li> </ul>		<ul style="list-style-type: none"> <li>• Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</li> </ul>
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**Officers**

Signed: Ian Taylor

Title: Head of Public Realm

Signed: Will Lodge

Title: Communications Manager

**In consultation with:**

Signed: Mary Newton

**Portfolio Holder for Business & Economic Growth**

Signed: Michael Talbot

**Portfolio Holder for Environment**

Signed: Damian Williams

**Corporate Director (Operations and Delivery)**

**Dated: 29/4/21**