

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

Date of Decision:	20 September 2022
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?	Housing Portfolio Holder
Ward Member(s) consulted?	No
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	To sell the Council's 25% interest in 4 Ferndale Road, Harwich – a Do It Yourself Shared Ownership property – to the estate of the late lessee.
Reason for Decision (if a report was produced to support the Decision, refer to or attach it):	As set out in the supporting report.

<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>As set out in the supporting report.</p>																		
<p>Details of any Alternative Options Considered and rejected (together with reasons):</p>	<p>For the Council not to sell its interest in this property to the estate of the late lessee.</p> <p>Whilst DIYSO properties are able to be sold on the open market on a shared ownership basis, the lease sets out a number of qualification criteria which potential purchasers would have to meet. These, coupled with the length that the lease has left to run, are likely to make this a non-viable option.</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 disclosure).</i></p>	<table border="1"> <tr> <td data-bbox="576 1122 635 1167"></td> <td data-bbox="635 1122 1382 1167"> <p>Not applicable.</p> </td> </tr> <tr> <td data-bbox="576 1167 635 1272"> <p>Y</p> </td> <td data-bbox="635 1167 1382 1272"> <p>The report supporting the Decision contains confidential information</p> </td> </tr> <tr> <td data-bbox="576 1272 635 1377"></td> <td data-bbox="635 1272 1382 1377"> <p>The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:</p> </td> </tr> <tr> <td data-bbox="576 1377 635 1422"></td> <td data-bbox="635 1377 1382 1422"> <ul style="list-style-type: none"> • Relates to an individual </td> </tr> <tr> <td data-bbox="576 1422 635 1467"></td> <td data-bbox="635 1422 1382 1467"> <ul style="list-style-type: none"> • Likely to reveal the identity of an individual </td> </tr> <tr> <td data-bbox="576 1467 635 1572"></td> <td data-bbox="635 1467 1382 1572"> <ul style="list-style-type: none"> • Relating to financial or business affairs of a person or organisation </td> </tr> <tr> <td data-bbox="576 1572 635 1680"></td> <td data-bbox="635 1572 1382 1680"> <ul style="list-style-type: none"> • Relates to a claim for legal professional privilege in legal proceedings </td> </tr> <tr> <td data-bbox="576 1680 635 1915"></td> <td data-bbox="635 1680 1382 1915"> <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 </td> </tr> <tr> <td data-bbox="576 1915 635 2024"></td> <td data-bbox="635 1915 1382 2024"> <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 </td> </tr> </table>		<p>Not applicable.</p>	<p>Y</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 		<ul style="list-style-type: none"> • Likely to reveal the identity of an individual 		<ul style="list-style-type: none"> • Relating to financial or business affairs of a person or organisation 		<ul style="list-style-type: none"> • Relates to a claim for legal professional privilege in legal proceedings 		<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
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	<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: The report relates to an individual and contains financial information.</p>
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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: 20 September 2022