

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:	21 May 2024
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 (Damian Williams) has delegated authority in consultation with the Assistant Director (Governance) to authorise the purchase of the freehold property of 9 College Court Colchester Road Lawford Manningtree CO11 1UG from Shirley Rawlinson and Roy Rawlinson and to enter into a contract and transfer deed to complete the purchase of the property.
Identify which Portfolio Holder(s)/Committee Chairman consulted?	Portfolio Holder for Housing and Planning.
Ward Member(s) consulted?	No
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	Executive Decision dated 27 March 2024 in accordance with the Report of the Corporate Director (Operations and Delivery) (Part A and Part B) dated 20 March 2024 and that the contract and transfer deed be

	completed to proceed with the purchase of the property, as the terms have now been agreed.				
Reason for Decision (if a report was produced to support the Decision, refer to or attach it):	The property is within an area where the Council already own nine properties so this acquisition will add an additional property to our housing stock.				
Highlight any associated risks/finance/legal/equality considerations:	<p>The purchase of properties carries a financial cost but this also results in additional properties being added to the Housing Revenue Account that can generate a return via the future rental income received.</p> <p>Officers have not identified any significant risk associated with the proposals other than the risk associated with the Right to Buy – a financial risk that is inherent to almost all Council owned housing.</p> <p>However, section 131 of the Housing Act 1985 (as amended) limits the Right to Buy discount to ensure that the purchase price does not fall below what has been spent on building, buying, repairing or maintaining it over a certain period of time – known as relevant expenditure. For properties built or acquired before 1 April 2012, this period is 10 years but this period increases to 15 years for those built or acquired after 1 April 2012.</p>				
Details of any Alternative Options Considered and rejected (together with reasons):	Not to purchase the property has been considered. Given the demand for this type of property as a rental within the Council's own housing stock this option has been discounted.				
Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision) If relevant, a note of the dispensation granted by the Monitoring Officer:	N/A				
Reason Decision, or supporting Report, is not published:	<table border="1"> <tr> <td><input type="checkbox"/></td> <td>Not applicable – Decision [and report] to be published</td> </tr> <tr> <td><input type="checkbox"/></td> <td>If Report is not to be published – tick one of the following boxes:</td> </tr> </table>	<input type="checkbox"/>	Not applicable – Decision [and report] to be published	<input type="checkbox"/>	If Report is not to be published – tick one of the following boxes:
<input type="checkbox"/>	Not applicable – Decision [and report] to be published				
<input type="checkbox"/>	If Report is not to be published – tick one of the following boxes:				

<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>	x	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"> • 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
		<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: [insert]</p>

Officers

Signed: 

Title: Corporate Director (Operations and Delivery)

In consultation with:

Signed: Lisa Hastings (signed electronically)

Assistant Director of (Governance)

Dated: 21st May 2024