



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:	30 October 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 powers to agree to the transfer of public open space at Land North of Cockaynes Lane, Alresford Essex from Taylor Wimpey Limited ("Developer") to Alresford Parish Council and the transfer of the £49,274.27 as Open Space Maintenance Contribution and £52,016.27 as Open Space Play Equipment Contribution ("Contributions") currently held by the Tendring District Council.
Identify which Portfolio Holder(s)/Committee Chairman consulted?	Cllr M Barry Portfolio Holder for Leisure and Public Realm & Cllr Peter Kotz, Portfolio Holder for Assets.
Ward Member(s) consulted?	Cllr Gary Scott
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	To complete the transfer of public open space at Land North of Cockaynes Lane, Alresford Essex from Taylor Wimpey Limited to Alresford Parish Council and the transfer of the £49,274.27 as Open Space Maintenance

	Contribution and £52,016.27 as Open Space Play Equipment Contribution. In accordance with the Report for Portfolio Holder for Finance and Corporate Governance, Portfolio Holder for Leisure and Public Realm and Portfolio Holder for Assets dated 5 September 2024. Concurrence decision agreed by Cllr M Barry in an email dated 24 September 2024 Concurrence decision agreed by Cllr P Kotz in an email dated 24 September 2024.
Reason for Decision (if a report was produced to support the Decision, refer to or attach it):	The S106 Agreement dated 20 September 2020 requires the Council to transfer the public open space to Alresford Parish Council. The Council has sought consent from the Developer and Essex County Council for the public open space transfer to be directly transferred from the Developer to Alresford Parish Council and for the Council to transfer the Contributions to Alresford Parish Council on the date the transfer completes. Please refer to attached Portfolio Holder Report dated 5 September 2024.
Highlight any associated risks/finance/legal/equality considerations:	None
Details of any Alternative Options Considered and rejected (together with reasons):	Not Accepting the transfer land – not proposed. Continuing with the transfer via the Council as the agreements and retaining the Contributions. Completing the transfer direct to the PC – proposed It is likely that management of the Open Space Land and/or accounting of the Contribution would be disproportionately burdensome on the Council's financial/planning/Leisure and Public Realm Departments. Therefore, a direct transfer of the Open Space Land and Contributions to the Parish Council was proposed by the Council and this proposal is accepted by the Developer and the Parish Council.
Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision)	N/A

If relevant, a note of the dispensation granted by the Monitoring Officer:	
Reason Decision, or supporting Report, is not published: <i>Tick one or more of the specific exemptions,</i> <u>and</u> <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>	Not applicable – Decision to be published
	If Report is not to be published – tick one of the following boxes:
	☒ 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:
	• 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
	• 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
• Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	
<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 Reasons	

Officers

Signed: 

Title: Damian Williams, Corporate Director (Operations and Delivery)

Date: 4/11/24

