

# Tendring

## District Council



### 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:	2 <sup>nd</sup> September 2015
Decision Maker (Officer):	Martyn Knappett – Corporate Director, Corporate Services
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 (Part3.38). Appendix A of the Council's Property Dealing Procedure (Part 5.61) provides levels of decision making and the Corporate Director (Corporate Services) is authorised to approve lease renewals.
Identify which Portfolio Holder(s)/Committee Chairman consulted?	N/A
Ward Member(s) consulted?	N/A
Is it a Key Decision?	No
Is it subject to call-in?	Yes
Decision Made:	To seek approval for the renewal of the existing lease of the car park to the rear of the Pier Hotel, Harwich to the Pier Hotel. The new lease will be for 21 years from 2016 and at a rent to be determined by external valuation. The lease is a full repairing obligation on the Pier Hotel. The Pier Hotel has been the tenant of the car park since the 1960's and there is no reason why they should not continue.
Reason for Decision (if a report was produced to support the Decision, refer to it):	Please see attached report.
Highlight any associated risks/finance/legal/equality considerations:	No risk is associated with this transaction. The Pier Hotel has leased the land from the Council for many years with no financial or legal problems.

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<p><b>Details of any Alternative Options Considered and rejected (together with reasons):</b></p>	<p>Officers have considered not renewing the lease and letting the lease hold over but if the Pier Hotel chose to do so they could serve a Section 26 Notice under the L&amp;T Act 1954 and this would leave TDC in a more vulnerable position and less able to determine the terms of any new lease. For this reason non-renewal is not recommended and therefore approval is sought for renewal of the lease on the terms described above. A rent increase is also only possible if the lease is formally renewed.</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>If relevant, a note of the dispensation granted by the Monitoring Officer:</p>	<p>None</p>
<p><b>Reason Decision, or supporting Report, is not 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>√ 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"> <li>• Relates to an individual</li> <li>• Likely to reveal the identity of an individual</li> <li>• Relating to financial or business affairs of a person or organisation</li> <li>• Relates to a claim for legal professional privilege in legal proceedings</li> <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> <li>• Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</li> </ul> <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>

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	<p>Reasons: Report contains confidential information which can be redacted and then the report could be published.</p>
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**Officers**

Signed:

 Title: Corporate Director.

Signed:

Title:

**In consultation with:**

Signed:

N/A

**Portfolio Holder For**

Signed:

N/A

**Section 151 Officer (if required)**

Signed:

N/A

**Monitoring Officer (if required)**

**Dated:**