

DECISION NOTICE



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Notice and report e-
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Team and Report
Author , on
18.04.2016

NOTICE OF DECISION MADE BY PORTFOLIO HOLDER DECISION: Lawton 7.15

(To be made available at the main offices of the Council and sent to all members of the Council within 3 working days of the decision.)

The Council's Constitution (Standing Order 28 – Recording of Executive Decisions; Part 3 Section D4 – Delegations to Cabinet members; and Part 4 D Access to Information Procedure Rules) requires that when any decision is made by an individual Portfolio Holder a record of the decision, including a statement of the reasons for it and any alternative options considered and rejected, must be prepared and published normally **within 3 working days**.

In accordance with this requirement notice is hereby given that Councillor C J Lawton, being the Portfolio Holder for Housing, made the decision detailed below on Friday 15 April 2016. This decision is not a key decision.

This notice is published on Monday 18 April 2016.

In accordance with the terms of the Constitution (Part 3 Section D – Overview and Scrutiny (including Call-In Procedures)), the decision detailed below will come into force, and may then be implemented, on Tuesday 26 April 2016 (i.e. following the expiry of 5 working days following the date of publication of this notice) unless during that period a notice, where either a Ward Representative (in relation to a matter in their ward) or two members of the Performance Monitoring Panel or any three members formally request in writing (requests for Call-In must be given on a form designed for that purpose, and must be signed by each subscriber to the call-in) to the Senior Legal Officer (or such other officer as is nominated by the Senior Legal Officer) before the end of the five clear Working Day period specified in the above paragraph in relation to a particular decision by the Leader, a Cabinet Member or Cabinet, a Sub-Committee of Cabinet or an officer, then that decision shall be referred to the Performance Monitoring Panel. Such request must contain a justifiable reason for the reference and one or more of the signatories to the reference must forward to the Senior Legal Officer at least five clear Working Days before the date of the Committee which is to consider the matter a brief explanation or statement as to the concerns of the signatories in the matter, and what alternative decision(s) that member/those members consider should be taken. (The call-in period expires at 5pm on the 5th working day following publication of this notice, or 4.30pm if the 5th working day is a Friday.)

Matter to which decision relates

Restrictive covenants at 16 Washway Road, Holbeach – To consider a request for the covenants to be released or varied. (report of the Executive Director – Place is enclosed).

DECISION:

1. That the Council agree to vary the restrictive covenants in place at 16 Washway Road, Holbeach, to enable the owner to establish a business as detailed within this report, for the sum of £6,500. The final terms to be agreed by the Housing Landlord Manager in consultation with the Portfolio Holder for Housing;
2. That the applicant be responsible for reimbursing the Council's legal and valuation fees whether or not the matter proceeds to completion.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

1. Do Nothing (not recommended). This option would mean that the restrictive covenant would remain in place and would prevent the applicant from being able to establish a new business. This may be open to legal challenge and present a potential reputational risk. This option was not recommended.
2. To agree to vary the restrictive covenants at 16 Washway Road, Holbeach, to enable the owner to establish a new business, for no financial consideration (not recommended). The advice from Legal Services Lincolnshire confirms that the Council is able to charge a consideration for the applicant's request. For this reason this option was not recommended.

REASONS FOR THE DECISION

1. To enable the applicant to establish a business from their home (subject to any other permissions required).
2. The Council will receive a financial consideration for the varying/removal of the covenants, in the sum of £6,500, which will benefit the Housing Revenue Account (HRA).

Conflicts of interest declared by an executive member, relating to the decision, and any dispensations granted

None.

REPORT

- 1 Lawton 7.15 - Restrictive covenants at 16 Washway Road, Holbeach - (Pages
To consider a request for the covenants to be released or varied. (report 1 - 6)
of the Executive Director – Place is enclosed).