



## ASHFIELD DISTRICT COUNCIL: OFFICER DECISION RECORD

<b>1</b>	<b>Title / Subject Matter:</b> Grant of new one year lease of Unit 8 Jackdale Workshops, Pye Hill Road Jackdale following service of a Section 25 Notice. Authority to make a protective court application and pursue renewal proceedings if required is also sought.
<b>2</b>	<b>Decision Reference No:</b> ODR/8 Jackdale/LR/03-08-18.
<b>3</b>	<p><b>Decision Taken:</b> To grant a new one year lease within the security of tenure provisions of the Landlord and Tenant Act 1954 on the Council's standard terms to the tenant of Unit 8 Jackdale Workshops.</p> <p>Estates Manager to instruct the Assistant Chief Executive Governance to draw up the necessary documentation and agree with the Estates Manager including any variations to the above terms.</p>
<b>4</b>	<b>Reasons for the Decision:</b> The tenant currently occupies the unit as a periodic tenant and it is wished to place the occupation on to a more formal basis. A one year lease has been agreed as the tenant is nearing retirement age and does not wish to commit to a longer lease term.
<b>5</b>	<b>Alternative Options Considered / Rejected:</b> Not to formalise the occupation which it is not wished to do.
<b>6</b>	<p><b>Implications</b></p> <p><b>Corporate Plan:</b> A dynamic, productive, competitive and rewarding local economy.</p>

**Human Resources:** There are no direct HR implications

### Legal

This Lease is created pursuant to Landlord and Tenant Act 1954 [“the 1954 Act” and will create a new tenancy as defined in s.1 of the Landlord and Tenant (Covenants) Act 1995.

This unit is to be offered on a one-year lease and will have the benefit of the 1954 Act protection which means that once the fixed term of the lease has ended, the tenant(s) of the Unit will have:

- the right to remain in occupation at the end of the contractual term; and
- the right to apply to court for the grant of a new lease on similar terms.

Part 2 of Landlord & Tenant Act 1954 permits a Local Authority to issue Court proceedings if a Lessee has not responded to the service of a s.25 notice.

**The Shared Legal Service will provide advice and assistance to Estates to ensure the transactions are formalised by way of the correct legal documentation.**

**Financial:** No significant financial implications

**Environmental/Sustainability:** The recommendations in the report have no direct implications for the council's environment or sustainability.

**Diversity/Equality:** There are no direct equality implications

**Community Safety:** With reference to Section 17: Crime and Disorder Act 1998 (as amended) there are no crime and disorder implications contained within the report.

**Name / Title of the officer taking the Decision:**

l. f. h. e. / SO GS17 /

**Date** 22.8.16

**Name / Title of the relevant Lead Cabinet Member consulted (if appropriate)**

\_\_\_\_\_

**Date** \_\_\_\_\_

**(This decision is not subject to call-in and is circulated for information only).**

**If a Cabinet Member has a conflict of interest relating to this decision, then this should be declared and a request for dispensation will be considered.**

**Name / Title of the relevant Committee Chairman consulted (if appropriate)**

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**(for non Executive/Council aide function decisions)**

**Date** \_\_\_\_\_