



ASHFIELD DISTRICT COUNCIL: OFFICER DECISION RECORD

1	Title / Subject Matter: To take a surrender and simultaneously regrant a new 5 year lease to the tenants of 8/10 Leamington Buildings on the principal terms outlined below. The lease to be within the security of tenure provisions of the Landlord and Tenant Act 1954.
2	Decision Reference No: ODR/8/10 Leamington/SurrRegrant/12-08-16.
3	Decision Taken: To take a surrender of the tenants existing lease of 8/10 Leamington Buildings and simultaneously regrant a new 5 year lease. 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.
4	Reasons for the Decision: The tenants are currently holding over under the terms of their existing lease and have approached the Council with a request to renew the lease. It is considered that the quickest way of achieving this is by following the procedure outlined above.
5	Alternative Options Considered / Rejected: Not to renew the lease which we have no grounds to do.
6	Implications Corporate Plan: A dynamic, productive, competitive and rewarding local economy.

Human Resources: There are no direct HR implications

Legal

With regard to the surrender of the existing lease the Council now seeks to take a surrender of the lease pursuant to its subsidiary powers under the provisions of s.111 Local Government Act 1972. This Section allows for the Council to, inter alia, acquire property or rights calculated to facilitate or be conducive or incidental to the discharge of any of their functions. In respect of this matter, to acquire, by way of surrender, the right in the lease to the property, in order to facilitate the grant of the new lease.

With regard to the new lease, the Council holds the land on which number 8 and number 10 Leamington Buildings stand for the purposes of housing (the provisions of section 12 Housing Act 1985 allowing for the erection of shops) and has the power under Section 32 Housing Act 1985 to grant leases with the consent of the Secretary

of State. The current general consent is contained within General Consent 2013, paragraph A.3.1.1 under which a local authority may dispose of land for a consideration equal to the market value. The definition of 'dispose' under the General Consent includes a lease of land for any duration.

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:

C. Boreale / SO - CSPT

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)

(for non Executive/Council side function decisions)

Date _____