



Decision by officer following Specific Delegation from Council/Committee

1	Committee delegating decision	Policy and Resources
2	Date of meeting	21/9/15
3	What decision was delegated: <i>(from decision notice/minutes)</i>	Where legal advice confirms that a premium cannot be charged by the Council to remove a consent from a property sold under the Right to Buy legislation - delegate decision making to (any one of) the Chief Executive, Executive Director, S151 Officer or Head of Resources and Organisational Development
4	Minute number	151
5	Any declarations of interest made by Councillors at the Committee in relation to this decision.	None
6	Date delegated decision made:	21/3/17
7	Officer making the decision:	Sharn Matthews, Executive Director
8	What decision was made under the delegation?	To instruct LGSS to issue a deed confirming that the restrictive covenant, regarding development within the curtilage of 15 Highfield Rd, Thrapston, can be lifted on payment of costs.
9	Reason(s) for the decision taken:	<p>It is considered reasonable to lift the restrictive covenant as it is considered that the covenant will be have put in place primarily for two reasons, one of which is no longer valid and the other of which can be dealt with by other means.</p> <p>The protection of the council's financial interests in further development of the site, which was not taken into account at stock transfer or subsequent Right to Buy sale, via a premium is no longer considered appropriate after the the Braintree DC case i.e. that the Council cannot require payment of a premium for any release or non enforcement of a restrictive covenant, but simply recover its admin/reasonable legal costs in processing an application for same.</p> <p>The consideration of the overall amenity of the area and nearby residents of any development can be adequately assessed as part of the consideration of any planning application.</p>

10	Were any other options considered and why were they rejected?	Not to issue the letter - rejected as this could jeopardise the sale of the property which was considered to be unreasonable action on the part of the council.
11	Documents that were considered when making this decision: <i>(The documents must be kept for 4 years from the date of decision)</i>	<ul style="list-style-type: none"> • Original Policy and Resources Report relating to delegated powers • Confirmation from LGSS that a premium could not be charged and that an undertaking was in place to claim legal costs • Viewing of location on Google Maps
12	Any reasons why part or all of this report should be redacted before publication	None

Notes for completion:

1. Boxes in grey will be completed by Democratic Services and emailed to the relevant officer for report completion.
2. When the decision has been made, the relevant officer should complete the report within 14 days and send it to Democratic services for publication on the council's website in line with the Openness of Local Government Regulations 2014.