

Ref:
617/15

Executive Decision Record

Please leave blank for completion by DS officers

A1 Service Area:

Communities, Open Spaces and Facilities Manager

A2 Title

Claverhouse allotment lease

A3 Decision Taken By

Chief Officer

A4 Chief Officer

Mark Rizk

A5 Leader/Deputy Leader

Colin Whittaker

A6 Date of Decision

19/10/15

A7 Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972?

No

A7.1 If yes, please state relevant paragraph from Schedule 12A LGA 1972.

n/a

A8 Which Scrutiny Committee should this decision be submitted to? (please tick as appropriate)

- Scrutiny (Promoting Local Economic Growth) Committee
- Scrutiny (Value for Money Council Services) Committee
- Scrutiny (Protecting and Strengthening Communities) Committee

B1 What is the Decision?

New 5 year lease for the Allotment association based at Claverhouse commencing October 2015.

B2 What are the reasons for the Decision?

The current lease is set to expire and this five year lease is limited to this time period as the Borough Council will reclaim the land at the end of five years for the future expansion of the Cemetery. The allotment association have agreed to vacate the site within five years to enable the process of change to take place.

B3 What are the contributions to Corporate Priorities?

Value for money Council services

B4 What are the Human Rights considerations?

There are no Human Rights issues arising from this decision

B5 What are the financial implications?

There are no financial issues arising from this decision.

B6 Is the Decision wholly in accordance with the Council's policy framework?

Yes

B6.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?

n/a

AND

B6.2 Has it got the appropriate approvals under those provisions?

n/a

B7 Is the Decision wholly in accordance with the Council's budget?

Yes

B7.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?

n/a

AND

B7.2 Has it got the appropriate approvals under those provisions?

n/a

B8 What are the Equalities implications?

B8.1 The subject of this decision is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required.

B9 What are the Risk Assessment implications?

B9.1 Positive (Opportunities/Benefits):

- Confirms the allotment for five years
- Protects the land earmarked for future cemetery expansion
- Provides a clear end date for the allotment and cemetery expansion

B9.2 Negative (Threats):

- Should burials rates rise unexpectedly or a pandemic outbreak occurs the lease may need to be cut short with 12 months notice provided to the association.

B9.3 The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

B10 What are the Legal Considerations?

B10.1 The main legal issues arising from this decision are as follows:

None

B11 What are the Sustainability implications?

B11.1 The proposal would not result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures).

B12 What are the Health & Safety implications?

B12.1 A Risk Assessment has not been carried out and entered into Harriet for all significant hazards and risks because there are no significant hazards or risks arising from this decision.

B13. Is this a Key Decision?

No

Note A Key Executive Decision is one where:

1. **REVENUE** – Any contract or proposal with an annual payment or saving of more than £100,000
2. **CAPITAL** – Any capital project with a value in excess of £150,000
3. A decision which significantly affects communities living or working in an area comprising two or more wards.

B13.1 If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would seriously prejudice the public interest?

n/a

B13.2 If Yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed that the decision will be exempt from Call-in?

n/a

NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.

Please send the original signed document to Andrea Davies, Legal and Democratic Services.