

OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

Decision Reference No: PLACE24 0973

BOX 1

DIRECTORATE: Place

DATE: 24/01/2024

Contact Name: Joanne Chipp-Smith

Tel. No.: 34476

Subject Matter: New letting – Unit 2 CCQ, Doncaster

BOX 2

DECISION TAKEN

To proceed with a new letting of Unit 2 CCQ Doncaster [REDACTED]

BOX 3

REASON FOR THE DECISION

Unit 2 forms part of the new development at Waterdale, Doncaster to create a Cinema and 5 lettable units for restaurant use. This development was approved at Cabinet on 15 August 2017. The Council's externally appointed agents have been marketing the scheme on behalf of Doncaster Council and this process has secured via negotiation, an agreement for a new lease on the basis of the terms noted below;

Tenant:	[REDACTED]
Term:	[REDACTED]
Use:	[REDACTED]
Rent:	[REDACTED]
Rent review:	[REDACTED]
Repairs:	[REDACTED]
Alterations:	[REDACTED]
Service Charge:	[REDACTED]
Incentives:	[REDACTED]
Guarantor:	[REDACTED]
Seating Licence:	[REDACTED]
Licence for alterations:	[REDACTED]
Legal Costs:	[REDACTED]

This development forms part of the Councils retained investment portfolio and units must be let to provide a return on investment and build costs. The negotiated terms represent the best available outcome from a period of marketing of the premises and others available on this scheme. This is supported via the marketing activities of the Councils specialist letting agents for this development.

BOX 4

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The alternative option would be to reject the proposed letting on the terms agreed – the terms agreed however have been negotiated via our external agent and are considered to be reflective of what potential tenants in the market are prepared to commit to in the current circumstances. A new letting will hopefully generate increased interest in the remaining vacant units (units 1 and 4). No reason has been identified to reject this letting.

BOX 5

LEGAL IMPLICATIONS

Under s.123 of the Local Government Act 1972 the Council has statutory power to dispose (including the grant of a lease) of non-housing/non-HRA land without the Secretary of State's consent for the best consideration reasonably obtainable. As external agents were engaged to market the units then 'best consideration' has reasonably been obtained.

Under the Council's Financial Procedure Rules the Council's Property Officer has authority to dispose of land at market value without Cabinet approval where the price being received is less than £1 Million as is the case here.

It is assumed that the report author has given consideration to the commercial market operator principle to ensure that financial assistance is given on market terms and therefore in compliance with the Subsidy Control Act 2022.

Name: Rachel Pritchard Date: 6.2.2024

Signature of Assistant Director of Legal and Democratic Services (or representative)

BOX 6

FINANCIAL IMPLICATIONS:

The Cabinet report of August 2017 included a figure for tenant's incentives and the net value of the capital contribution (■■■■) will be charged to the existing Cinema Capital budget (Q1356). The Council will be able to reclaim any VAT.

The rental income has been built into the Strategic Asset Management revenue budget. Until the units are let there will be costs to the Council such as NNDR, insurance, utility costs and service charge for the shared parts of the building. Funding for this was added as a budget pressure. The amount of rent received in the current financial year will depend on the date the lease is

completed.

Name: Marion Berrett

Date: 29th January 2024

Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

BOX 7

OTHER RELEVANT IMPLICATIONS

N/A

Name: _____ **Signature:** _____ **Date:** _____

Signature of Assistant Director (or representative)

ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.

BOX 8

EQUALITY IMPLICATIONS: (To be completed by the author).

N/A

BOX 9

RISK IMPLICATIONS: (To be completed by the author)

The risk of not pursuing the new letting is increased void periods and subsequently, costs to the Council in terms of covering service charge fees for void units.

BOX 10

CONSULTATION

An email seeking consent to proceed on the terms above was approved by David Stimpson, copying in Scott Cardwell on 11th January 2024.

Cllr Joe Blackham (Portfolio Holder) has been briefed and is supportive of the letting as proposed.

BOX 11

INFORMATION NOT FOR PUBLICATION

Information in box 2, box 3 lease information and box 6 should be redacted under section 43 of the Freedom of Information Act 2000 because this is deemed commercially sensitive information. Signatures should also be redacted under section 40 of the Freedom of Information Act 2000, as the information is personal and sensitive and exempt from publication.

Name: A J Rowbotham Date: 6th Feb 24__

Signature of FOI Lead Officer for service area where ODR originates

**BOX 12
BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR YES/NO

(If YES please list and submit these with this form)

**BOX 13
AUTHORISATION**

Name: S Cardwell Date: 01/03/24

Director/Assistant Director of _____

Does this decision require authorisation by the Chief Financial Officer or other Officer

YES/NO

If yes please authorise below:

Name: _____ Signature: _____ Date: _____

Director/Assistant Director of _____

Consultation with Relevant Member(s)

Name: _____ Signature: _____ Date: _____

Designation _____

Declaration of Interest YES/NO

If YES please give details below:

PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at Democratic.Services@doncaster.gov.uk who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.