

**BRENTWOOD BOROUGH COUNCIL**

**Record of Delegated Decision by Officer (The Openness of Local Government Bodies Regulations 2014)**

**Name:** Phil Ruck

**Post:** Head of Paid Service

<b><u>Source of Delegated Authority (incl. ref.)</u></b>	Policy, Finance AND Resource committee 22 March 2016 – MINUTE REF 418.
<b><u>Record of Decision itself Made</u></b>	That the Head of Paid Service together with the Section 151 Officer in consultation with the sub-committee comprising of the Chair and Vice-chair of the Policy, finance and Resource Committee and a representative of the Liberal Democrat and Labour Groups be granted delegated authority to negotiate and subject to satisfactory conclusion of those negotiations grant the Hutton Community Centre Charitable Incorporated Organisation (HCC CIO) up to a 15 year lease. Negotiations will include the provision by HCC CIO of adequate terms of occupancy. That Members note the lease will be at less than commercial value but recognises the social value that will be provided by HCC CIO.
<b><u>Date of Decision</u></b>	22 March 2016
<b><u>Reasons for decision</u></b>	To grant a lease of up to 15 years for Hutton Community Centre to Hutton Community Centre Charitable Incorporated Organisation (HCC CIO). Members agreed at the 5 June 2013 Community Services Committee to a phased approach to the reopening of Hutton Community Centre. Those phases were: Phase 1 – Building repaired/rebuilt (if a cheaper and better option) open and being run by the Council; Phase 2 – Development of a community based organisation to run the Centre; Phase 3- Lease of the Centre to an independent organisation.
<b><u>Any alternative options (if any) considered and rejected</u></b>	In December 2015, a report before Members considered the response to Expressions of interest received from organisations interested in taking a lease on the Hutton Community Centre. An assessment of the two bidders was undertaken by officers to determine the best options for the Council ensuring that Hutton Community Centre continued to deliver broad community use, expanding what was currently being delivered and that this would be sustainable in the long term. At the PFR meeting (December 2015) it was clear to all that the best outcome would be for negotiations to take place between the two groups as a combined operation would provide the best result

	<p>for the residents of Brentwood. Indeed initial discussions between the two bidders had indicated that both parties were keen to co-operate together. At the December 2015 PFR meeting it was resolved unanimously "That delegated authority be granted to the Head of Paid Service and Section 151 Officer to negotiate the terms of lease on Hutton Community Centre in consultation with a sub-committee comprising of the Chair and Vice-chair of the Policy, Finance and Resources Committee and a representative of the Liberal Democrat and Labour Groups" After several attempts and despite best efforts no agreement could be reached between the two groups and thus the decision is to be referred back to the PFR committee.</p>
<p><u>Where express specific delegated authorization exercised, any declaration of interest by a Member</u></p>	<p>None</p>
<p><u>Date of Record Completed</u></p>	<p>29 June 2016</p>

In pursuance of delegated authority under EM2/1, I confirm that I consulted with Cllr Louise McKinlay being the Leader of the Council and the Chair of the Policy, Finance and Resources Committee and also Cllr Mark Reed, the Mayor of Brentwood Borough Council, both of whom sanctioned the exercise of these powers.

I confirm that arrangements have been made by me for this information to be published on the website as required by law and to be made available for public inspection at the Town Hall. Please send this record when completed to Democratic Services.

Signature:  Date: 29 / 06 / 2016.

P.V. Ruxx.

Head of Paid Service

Confirmation of consultation and sanction of the exercise of these powers

Signature:



Dated: 29/06/2016.

Section 151 Officer

C Leslie

Signature:



Dated:

29/06/16

Cllr Louise Mc Kinley, Leader of Brentwood Borough Council and Chair of Policy, Finance and Resources

What decisions must be recorded?

'Confidential Information' cannot be disclosed and 'exempt Information' is not required to be disclosed.

These terms have technical meanings rather than the common meaning (see post).

Subject to the above, certain decisions under delegated power are required to be recorded in writing by the officer exercising delegated power.

- Those decisions made 'under a specific express authorisation'
- Those decisions made 'under a general authorisation to officers to take such decisions and, the effect of the decision is to –
  - (i) grant a permission or licence;
  - (ii) affect the rights of an individual; or
  - (iii) award a contract or incur expenditure which, in either case, materially affects the Borough Council's financial position'

**When must the written record be produced and what is it required to contain?**

As soon as 'reasonably practicable' after the decision has been made.

The written record must contain:-

- (1) the decision date,
- (2) the decision reasons,
- (3) the record of the decision itself,
- (4) any alternative options (if any) considered and rejected, and
- (5) any declaration of conflict of interest by a member of the Council (where specific express authorisation being exercised).

If (1), (2) & (3) above is already being done under a statutory requirement, it does not have to be repeated but the written record must still be published on the website and made available for public inspection at the Council's offices (subject to exceptions if confidential/exempt information).

'Confidential information' under the Regulations means information provided to the local government body on terms (however expressed) which forbid the disclosure of the information to the public; or information the disclosure of which to the public is prohibited by or under any enactment or by order of a court, and in either case, a reference to the obligation of confidence is to be construed accordingly. See the Council's Constitution at rule 9.2 in Part 4.2 ('Access to Information Rules').

'Exempt information' under the Regulations has the meaning given by section 100(1) of the Local Government Act 1972 (exempt information and power to vary Schedule 12A). See the Council's Constitution at rules 10.4 and 10.5 in Part 4.2 ('Access to Information Rules').