

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

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| <u>Source of Delegated Authority (incl. ref.)</u> | Council's Constitution – Scheme of Delegation – Appendix A – EM2/1 – Urgent exercise of Council's powers by an Officer |
| <u>Record of Decision itself Made</u> | <p>Authority is granted to dispose of Old House for best consideration.</p> <p>Authority is granted to market the sale of Old House through Savills including by way of auction, with a reserve price of £700,000</p> <p>Authority is granted for the disposal to include a condition to require development to be completed within a set time period, such period being determined by the Finance Director.</p> |
| <u>Date of Decision</u> | |
| <u>Reasons for decision</u> | Following the decision by the Policy, Finance and Resources Committee on 30 June 2015 to grant delegated authority to dispose of Old House, the outcome objective of obtaining best consideration necessitates the marketing of Old House without any further delay assisted by the obtaining of a planning brief and for the disposal options to include sale by auction, with a decision as to the amount which should be the reserve price. The condition of Old House makes it imperative that no unnecessary delays occur. |
| <u>Any alternative options (if any) considered and rejected</u> | To delay further and report back to the Policy, Finance and Resources Committee instead but this was rejected due to the need to get things done if the Council is to meet its objective of best consideration by disposing Old House through auction or otherwise in a timely and prudent manner. |
| <u>Where express specific delegated authorization exercised, any declaration of interest by a Member</u> | None |
| <u>Date of Record Completed</u> | |

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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: 

Head of Paid Service P. V. Ruck 25/08/2015.

Confirmation of consultation and sanction of the exercise of these powers

Signature: 

Dated: 24/08/15

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

Signature: 

Dated: 25/8/15.

Cllr Mark Reed, Mayor of Brentwood Borough Council

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').