

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

<u>Source of Delegated Authority (Incl. ref.)</u>	Policy Finance and Resources Committee 30 th June 2015.
<u>Record of Decision itself Made</u>	<p>Delegated authority be given to the Head of Paid Service to approve and enter into conditional contracts with the party that submitted the highest compliant bid as set out in Appendix A of the report (exempt appendix).</p> <p>The requirement for the developer to provide a community facility of 60 sq m was omitted and that the Head of Paid Service was given delegated authority to negotiate and agree, after consultation with the Chair of the Committee, a capital sum in lieu. The sum to be set aside for community facilities within the Borough, with preference to the Warley Ward.</p> <p>The requirement that the Council entered into an option agreement to purchase up to 5 residential units be withdrawn.</p>
<u>Date of Decision</u>	
<u>Reasons for decision</u>	Exercise of Delegated Authority in accordance with the resolution of the Councils Policy Finance and Resources Committee on 30 th June 2015.
<u>Any alternative options (if any) considered and rejected</u>	<p>Following options have been rejected:</p> <ul style="list-style-type: none"> • Developer build 60 sq m community facility for the Council. • Council buy 5 residential apartments.
<u>Where express specific delegated authorization exercised, any declaration of interest by a Member</u>	N/A
<u>Date of Record Completed</u>	

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. L. Ruck 25/08/1015.

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').