

BRENTWOOD BOROUGH COUNCIL

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


Published 27/02/15

Name: Christopher Potter

Post: **Monitoring Officer and Head of Support Services**

<u>Source of Delegated Authority (incl. ref.)</u>	Council's Constitution – Scheme of Officer Delegation – Appendix A – Ref. CA1/1 (1)
<u>Record of Decision itself Made</u>	Giving statutory notice under the Landlord and Tenant Act 1954 (as amended) etc. that sections 24 to 28 of the Landlord and Tenant Act 1954 are not to apply to a business tenancy in relation to a property owned by the Council. (E-mail dated 26 February 2015 timed 17:16 from Laurie Gibbins refers).
<u>Date of Decision</u>	26 February 2015
<u>Reasons for decision</u>	Need to exclude sections 24 to 28 of the Landlord and Tenant Act 1954 to protect the Council's interests. (Not having the protection of the Act means a business tenant will not have the statutory right to apply for a renewal and therefore the lease will only run as a maximum for the term stated in it).
<u>Any alternative options (if any) considered and rejected</u>	None.
<u>Where express specific delegated authorization exercised, any declaration of interest by a Member</u>	Not applicable.
<u>Date of Record Completed</u>	27 February 2015

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 (FAO Zoey Foakes).

Signature: 

What decisions must be recorded?

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, it does not have to be repeated BUT (4) & (5) are still required to be added to that written record AND the written record must be published on the website and made available for public inspection at the Council's offices (subject to exceptions if confidential/exempt information).