

Decision by Portfolio Holder



Report reference: LDR-001-2019/20

Date of report: 13th January 2020

**Epping Forest
District Council**

Portfolio: Leader

Author: Jim Nolan (Ext) 4083

Democratic Services: J Leither

Subject: Delegation of Business Support Services Portfolio Holder functions to the Portfolio Holder for Contract and Technical Services

Decision: To delegate the decision making authority vested in the Business Support Portfolio Holder to the Portfolio Holder for Contract and Technical Services in the case of the purchase of 90 Brooker Road, Waltham Abbey.

ADVISORY NOTICE:

***A Portfolio Holder may not take a decision on a matter on which he/she has declared a Pecuniary interest.
A Portfolio Holder with a non-pecuniary interest must declare that interest when exercising delegated powers.***

I have read and approve/~~do not approve~~ (delete as appropriate) the above decision:

Comments/further action required: None

Signed: Cllr C Whitbread

Date: 22nd January 2020

Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:

None

Dispensation granted by Standards Committee:
Yes/No or n/a

N/A

Office use only:

Call-in period begins: N/A

Expiry of Call-in period: N/A

***After completion, one copy of this pro forma should be returned to
Democratic Services IMMEDIATELY***

Reason for decision:

To undertake the functions of the Council during the temporary unavailability of the Portfolio Holder for Business Support Services.

Options considered and rejected:

Not to proceed with the purchase of the asset.

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Portfolio Holder:**

Background Report:

- 1) The opportunity has arisen to purchase 90 Brooker Road, Waltham Abbey in accordance with the Councils Asset Management Strategy. As is often the case this decision needs to be made quickly to secure the most advantageous terms for the Council.
- 2) Recently authority was sought and granted by Council to delegate the decision to make acquisitions of suitable investment properties, to the Portfolio holder for Commercial and Regulatory Services and Portfolio Holder for Business Support in consultation with Leader of the Council.
- 3) Unfortunately, the Portfolio Holder for Business Support Services is temporarily unavailable. Due to the urgency of the matter the Leader has taken the decision (in this instance) to delegate the function to the Portfolio Holder for Contract and Technical Services.
- 4) Article 7 (The Executive) of the Constitution provides at Paragraph 19 (Conflicts of Interest/Absence of Decision taker), that the Leader may take a decision, direct another Portfolio Holder to do so, refer the matter for Cabinet decision or delegate the decision to another officer where the decision taker is unavoidably absent. The Constitution therefore provides for the Leader to nominate another member of the Cabinet to substitute for the Business Support Portfolio Holder during their current period of absence.

Resource Implications: No direct implications.

Legal and Governance Implications: In accordance with the constitution the Leader has the authority to undertake this delegation, and this decision is not subject to call-in.

Safer, Cleaner and Greener Implications: None.

Consultation Undertaken: Consultation has been undertaken with Democratic Services and the Monitoring Officer.

Background Papers: None.

Impact Assessments: None.

Risk Management: The risk of an incorrect decision being made has been mitigated by seeking authoritative advice.

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is attached to the report.

Key Decision Reference (Y/N): N

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Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
 - Factsheet 1: Equality Profile of the Epping Forest District
 - Factsheet 2: Sources of information about equality protected characteristics
 - Factsheet 3: Glossary of equality related terms
 - Factsheet 4: Common misunderstandings about the Equality Duty
 - Factsheet 5: Frequently asked questions
 - Factsheet 6: Reporting equality analysis to a committee or other decision making body

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Section 1: Identifying details

Your function, service area and team: Commercial and Regulatory Services Director

If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team: N/A

Title of policy or decision: The delegation of decision making power from one Portfolio Holder to another

Officer completing the EqlA: J Nolan Tel: 01992 564083 Email: jnolan@eppingforestdc.gov.uk

Date of completing the assessment: 13th January 2020

Section 2: Policy to be analysed

2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? Yes
2.2	Describe the main aims, objectives and purpose of the policy (or decision): To allow the proper functioning of the council What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? Proper delegation of decision making.
2.3	Does or will the policy or decision affect: <ul style="list-style-type: none">• service users• employees• the wider community or groups of people, particularly where there are areas of known inequalities? Not directly Will the policy or decision influence how organisations operate? Only in that the decision making ability is temporarily vested in a different Portfolio Holder.
2.4	Will the policy or decision involve substantial changes in resources? No
2.5	Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes? It supports the corporate outcome identified in the Cabinet minutes of September 2019.

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Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	What does the information tell you about those groups identified? N/A
3.2	Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision? N/A
3.3	If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary: N/A

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Neutral	N/A
Disability	Neutral	N/A
Gender	Neutral	N/A
Gender reassignment	Neutral	N/A
Marriage/civil partnership	Neutral	N/A
Pregnancy/maternity	Neutral	N/A
Race	Neutral	N/A
Religion/belief	Neutral	N/A
Sexual orientation	Neutral	N/A

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Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	If 'YES', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service: J Nolan

Date: 13/01/20

Signature of person completing the EqIA: J Nolan

Date: 13/01/20

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqIA you undertake to the director responsible for the service area. Retain a copy of this EqIA for your records. If this EqIA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.