

## ED2. EXECUTIVE DECISIONS BY A CABINET MEMBER OR AN OFFICER

<b>A. Report Title: Thames Freeport Grant Funding Agreement Extension</b>	
<b>B. Report Author(s):</b> Stephen Taylor, Head of Freeport	<b>Tel: Tel:</b> 07879 115 006 <b>E-mail:</b> staylor@thurrock.gov.uk
<b>C. Decision Maker:</b> Alex Powell	
<b>D. Position held:</b> Assistant Chief Executive	
<b>E. Key decision:</b> No	<b>F. Chapter 6, Part 1, 4.12</b> <b>General Delegation to Chief Executive and Chief Officers / Directors</b>
<b>G. Is the decision urgent? Yes</b>	
<b>H. If yes, state why.</b>  Urgent non-key decision as: <ul style="list-style-type: none"><li>• Thames Freeport Limited (TFL) is responsible for delivery of the Freeport. It is wholly funded by public funds relating to retained business rates reliefs in the Freeport area and which are paid to the Council as Accountable Body for the Freeport by Section 31 grant from MHCLG</li><li>• The Freeport requires the funds to be able to meet its financial commitments by the end of January.</li><li>• Without a decision to extend the Grant Funding Agreement by Deed of Variation to 31 January 2025 Thames Freeport Ltd will not be able to continue to operate with serious implications for the delivery of the Freeport initiative including the commitments made in the Memorandum of Understanding with MHCLG, compromising the Council's interests and necessitating an urgent non-key decision to provide further support</li></ul>	

### URGENCY

Democratic Services will arrange for the completion of the following:  <b>J. I confirm that in my opinion a decision on this matter is urgent and cannot reasonably be delayed:</b>  <b>Signed:</b> _____ <b>Date:</b> / /
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<b>I. DECISION (strike out whichever does not apply) :</b> 1. I agree the recommendations in the attached report for the reasons given in the report; <b>OR</b>
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2. ~~\*My decision is:~~

~~\* Continue overleaf or on an additional sheet if necessary.~~

**Signed:** *Alex Powell*

**Date:** 24.01.25

*To be completed by Democratic Services*

<b>Date decision received by Dem. Services: Click This Box Once - Enter The Date On Which The Decision Was Received</b>	<b>Date decision published: Click This Box Once - Enter The Date The Decision Is To Be Published</b>
<b>Implementation date: Click This Box Once - Enter The Date Upon Which The Decision Is To Be Implemented</b>	
<b>Relevant O &amp; S Committee: Click This Box Once - Type The Relevant O&amp;S Committee The Decision Would Come Under</b>	

# **A GUIDE TO THE PROCEDURE FOR MAKING AND RECORDING DECISIONS BY A CABINET MEMBER OR AN OFFICER**

## **INTRODUCTION**

The essential principle is that a decision by a Cabinet Member or an Officer takes the place of a conventional decision taken by the Cabinet. It must therefore be based upon an **Officer report** following the usual requirements for both content and consultation with the relevant Head of Service and Director, together with implications having been completed by the Diversity, Finance and Legal teams. The report should contain a clear recommendation in the form of a resolution.

The report template must be used.

## **A and B. TITLE AND AUTHORS OF THE REPORT**

These should be the same as in the accompanying report and the Officer's contact details included.

## **C. NAME OF DECISION TAKER**

Please include the full name of the person making the decision

## **D. POSITION AND RESPONSIBILITY HELD**

This will be the title of the portfolio held by a Cabinet Member or the job title of an officer.

## **E. KEY DECISION**

The definition of a key decision is contained in Chapter 1, Part 2, Article 1 of the Council's Constitution. If a Key decision is to be taken, this should be done in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

At least 28 clear days notice is required of the intention to take a Key Decision, and a corresponding period of notice is required if the decision is to be taken in a private meeting.

Different procedures apply if compliance with the above Regulations is impracticable, for example, in the case of an urgent or very urgent decision needing to be taken.

If in doubt, please consult Legal & Democratic Services.

## **F. DELEGATION REFERENCE**

If the decision is being made by a Cabinet Member, the delegation will appear under the name/title of the Cabinet Member in Chapter 3, Part 4 of the Constitution.

If the decision is to be made by an Officer, quote the relevant number in the Officer Delegation Scheme in Chapter 6 of the Constitution, together with any delegation recorded in the scheme of delegations prepared and held locally by Directors

If the form is being completed by an officer that has been given delegated authority by the Cabinet to implement a decision, such as the final award of a contract, you should the Minute number, decision number and date of the Cabinet meeting where this authority was given.

## **G and H. URGENCY**

You should indicate whether the decision to be made is Urgent. For a definition of Urgency, please see Chapter 8, Rules 14 and 15 of the Constitution.

If the decision is not to be taken under the Urgency or Special Urgency provisions, you should simply enter "No" in box G. This means that the normal call in rules will apply and the decision, once made, cannot be implemented for 5 working days.

If "Yes" is indicated the reason for the urgency must be stated in box H. Democratic Services will contact the Chairman of the relevant Overview and Scrutiny Committee or the Mayor to agree that the matter is urgent and that, therefore, the usual call-in provisions will not apply.

## **I. DECISION**

This box is for completion only by the person making the decision. If the recommendations in the accompanying report are correctly drafted, the decision will in the great majority of cases accord with the recommendation made in the report.

## **J. OVERVIEW AND SCRUTINY CHAIRMAN**

Democratic Services will consult the Chairman of the Overview and Scrutiny Committee or Vice-Chairman (or if they are unavailable the Mayor) to agree that a matter is urgent and cannot await call-in and scrutiny.

## **ACTION REQUIRED**

An Officer seeking a decision from a Cabinet Member or an Officer with the Delegated powers to make a Key Decision shall send a copy of the report together with this ED2 form to Democratic Services.

Democratic Services will check that it complies with procedures and then send two copies to the decision-maker (one for the decision-maker's retention) together with a return envelope and circulate the report in accordance with Administration Rules

141 and 12. The decision-maker will be asked not to make the decision until five clear days have passed (to allow time for representations) unless the special urgency procedures apply.

On receiving a signed decision from the decision-maker, Democratic Services will publish it. The implementation date (subject to call-in) will then be a further 5 working days later. The Officer seeking the decision will be notified as soon as the decision is cleared for implementation.

**Please note that taking a delegated decision should always be done in consultation with Legal & Democratic Services – no delegated decision should be taken without their advice.**

**(Form ED2 can be found in J:\Thurrock\Corporate Templates)**