

**CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
RECORD OF OFFICER EXECUTIVE DECISION**

Date of Decision:	7 th February 2022
Decision Makers: (Including Job Title).	<ol style="list-style-type: none"> 1. Cllr Sarah Ferriby, Portfolio Holder 2. Iain MacBeath – Strategic Director, Health and Wellbeing
Status of the decision (e.g. by SD in consultation with Portfolio Holder under Article 14.20 of the Constitution)	Approved by consensus between SD and Portfolio Holder under the advice from, and agreement with, the City Solicitor and Chief Finance Officer.
Specific Delegation from Executive/ Committee (if any)	Delegated decision agreed at Council Executive on 5 October 2021, Item 6 Home Farm Trust, Recommendation 2: “Agree to delegate the establishment of the proposed temporary vehicle, its governance and strategic oversight to the Strategic Director of Health and Wellbeing and the Portfolio Holder for Health & Wellbeing, in consultation with the Director of Finance and City Solicitor, subject to compliance with the Council’s wider Corporate Strategy.”
Other Consultees involved (i.e. Ward Members, City Solicitor, Director of Finance)	Parveen Akhtar, City Solicitor Chris Chapman, Chief Finance Officer

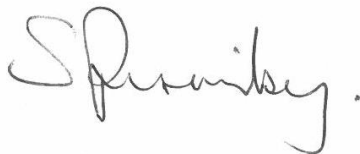
<p>Material considered as part of the decision making process. Include how best value achieved and equality objectives met (as appropriate)</p>	<p>Legal advice from Browne-Jacobson on company corporate ownership and board structure. This advice considers the statutory duties of elected members in relation to the electorate and the statutory duties of Company Directors and officers. The advice is provided to resolve any potential for conflicts of interest.</p> <p>Best value and equality objectives are set out in the previous, and approved, Executive Report of 5th October 2021.</p> <p>Additional commercial, legal and governance material relating to the operation of the services by HFT and their transfer to New Choices has been provided through due diligence activity undertaken by Browne Jacobson, the Council's own project management team and the Estates department since October 2021. This has been considered together with the report of 5th October 2021.</p> <p>In summary, the outcome of the due diligence activity has been to support the decision to terminate the HFT contract and to establish New Choices as the new service provider in substitution for HFT. The grounds for this decision are now based both upon service design considerations and upon concerns relating to both the delivery of and the fees charged for the services provided by HFT. The next stage, being the granular preparation of a business plan for the new service delivery arrangements, will be undertaken prior to the transfer of the service from HFT to New Choices on 31 march 2022.</p>
<p>Decision:</p>	<p>To approve the use of the New Choices (Bradford and District) Ltd, a company limited by guarantee, as the Special Purpose Vehicle company to:</p> <ol style="list-style-type: none"> i. undertake the services formerly provided by HFT as per the decision of 11th November 2021 (if so decided by the decision-maker at a later stage) ii. move on to the next stage of completing the service transfer arrangements with HFT (if so advised following the future decision referred to in i above and after iii-v below) iii. complete the due diligence required for ii above, iv. commission and give due consideration to a suitable business plan to implement the service provision referred to in i above, and v. enable the Board of Directors of New Choices to enter into any preparatory or facilitative commercial, legal or administrative arrangements concerning the company, the Council and any

	third party that may be required or considered appropriate for the above purposes.
Reasons for the Decision	To enable the Council to move on to the next stage of making arrangements for New Choices to undertake the former HFT services subject to the final decision for the service transfer being made by the decision-maker after completion of the due diligence process and preparation of a supportive business plan to demonstrate service viability.
Key Features and Risk Analysis	The Officer Executive Decision follows the advice of the Council's contracted legal and financial advisors, validated by the Council's internal legal advisors and Finance team.
Details of alternative options considered and rejected:	None, this decision permits preparatory work to be completed in order to support the anticipated future decision to transfer the HFT services to New Choices, and as such it is a necessary step towards that final decision.
Conflicts of interest declared by any Executive Member/ other Member or officer consulted by the decision maker which relates to the decision:	Elected members owe statutory duties to their electorate and council and directors of a company owe statutory duties in their role as director. These statutory regimes can often put an elected member in a conflicted position. Legal advice is that to avoid any conflict of interest, the portfolio holder for H&WB will sit on the Strategic Board representing the needs of the electorate. The final decision to transfer the HFT services will be made by the Strategic Director for H & WB at the Strategic Board level after due consideration of any potential or actual conflicts of interest.
Dispensations Granted: (If any)	

I certify that this is a true record of the executive decision in relation to []

Signed by the Decision Maker

Dated: ...11th of February 2022.....



Name **Cllr Sarah Ferriby**.....

Status: Portfolio Holder

Name: **Iain MacBeath**



Job Title: Strategic Director, Health and Wellbeing

Signed by (Consultees)

Dated.....

Name.....

Office.....

Name.....