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| West Yorkshire Combined Authority (WYCA) Written record of an Officer decision^a | |
| Relevant Director^b | WYCA Managing Director |
| Subject^c | Leeds District Heat Network |
| Details of the decision^d | |
| Approval for WYCA to enter into the Funding Agreement with Leeds City Council for the Leeds District Heat Network for expenditure of up to £4m towards the total project costs for the Leeds District Heat Network of £21.276m. | |
| Reasons for the decision | |
| On 5 th October 2017 WYCA conditionally approved the following recommendations, with final approval of these recommendations being subject to WYCA's Managing Director approval of the detailed grant conditions. | |
| Other Options (if any) considered and rejected^e | |
| Option 1 | |
| Option 2 | |
| Option 3 | |
| Consultation^f | |
| N/A | |
| Background papers^g | |
| N/A | |
| Confidential information^h not available to the public | |
| This written record contains confidential information (in a separate appendix) ⁱ | N |
| Background papers contain confidential information | N If yes, relevant background papers: RfD Leeds District Heat Network Legal Risk Report – Appendix 1 |

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| Exempt information^j not available to the public | | |
| This written record contains exempt information (in a separate appendix) ^k | N | |
| Background papers contain exempt information | N | |
| Decision-making Officer^l: | | |
| Name: Ben Still | Post title: Managing Director | Signature: |
| Date of decision^m | 19 th January 2018 | |
| Contact Officerⁿ | Name: Vicky Dumbrell Telephone number: 07870 996 806 E-mail: Vicky.dumbrell@westyorks-ca.gov.uk | |
| Authority for decision^o | | |
| WYCA or WYCA committee gave a specific express authorisation to relevant Director ^p Or | Y | 5 th October 2017 WYCA conditionally approved the following recommendations, with final approval of these recommendations being subject to WYCA's Managing Director approval of the detailed grant conditions on a clawback mechanism: (a) That the Leeds District Heat Network project proceeds through Decision Point 5 and work commences on Activity 6 (Delivery). (b) That approval to WYCA's contribution of £4m (which will be funded from the Local Growth Fund) is given. (c) That WYCA enter into a Funding Agreement with Leeds City Council for expenditure of up to £4m from the Local Growth Fund. (d) That the Funding Agreement makes provision for up to £4m to be clawed back if the Leeds District Heat Network makes an operating profit over the 25 year asset lifetime. (e) That future approvals are made in accordance with the Approval Pathway and Approval Route outlined in the submitted report through a delegation to WYCA's Managing Director following a recommendation by WYCA's Programme Appraisal Team. This will be subject to the scheme remaining within the tolerances outlined in the submitted report. |
| Officer Delegation Scheme | Y | Managing Director |

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| authorises relevant Director ^a | | |
| Relevant Director sub-delegated authority to decision-making Officer ^r | N | If yes, identify relevant provision ^s |

^a Guidance to WYCA Officers

Please **forward this form to the Head of Legal and Democratic Services** when completed, as soon as possible.

The Openness of Local Government Bodies Regulations (SI 2014/2094) requires you to make a **written record** of every decision you make which could have been taken by the WYCA or one of its committees or sub-committee, but has been delegated to an officer:

- a. under a **specific express authorisation**; or
- b. 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 WYCA's financial position** (for this purpose, the WYCA require you to record any contract or expenditure over **£500,000**).

However, you may also record and publish any other decision if you consider this to be in the **public interest**.

The written record and any background papers must be made available for **public inspection** as soon as reasonably practicable, subject to exceptions in relation to **confidential** and **exempt** information - see below.

It is a **criminal offence** to

- a. intentionally obstruct any person exercising a right to inspect written records and background papers; or
- b. refuse any request to provide written records or background papers

without reasonable excuse.

^b Insert the **post title** of the Director taking the decision or who has authorised another officer to take the decision on their behalf. In this context, the term Director should be construed as a reference to any officer to whom the relevant functions are directly delegated, whatever that officer's post title. It therefore includes the Head of Paid Service, and the Head of Legal and Democratic Services.

^c Insert **brief title**. Usually this will have the same as the title of any relevant report that was considered by a Director before making the decision (a "request for decision" report).

^d Set out the **substance** of your decision (for example "To award a contract to X to provide (services) for the sum of (£) and for a period of X"). The wording should reflect any recommendations in any request for decision report, amended as necessary to reflect the actual decision.

^e If you considered other **options**, set these out together with the reasons why each option was not favoured. Instead, you could attach any request for decision report to this written record, and refer to the relevant paragraphs. However, if you do this, you should ensure that confidential and exempt information in the request for decision report are clearly identified, and contained within a separate appendix, since any attached report will be published as part of the written record. See further footnote h and i below.

^f Set out details of who was **consulted**, (which may include individual Members, Committees, Officers or external advisers), the date of any consultation, and any information about the outcome. Again, you may choose simply to refer to any request for decision report attached to the written record – see footnote e above.

^g List all **background documents** here. These are documents other than published works that

- a. **relate to the subject matter** of the decision or part of the decision, and
- b. in the opinion of the Head of Legal and Democratic Services,
 - i. disclose any facts or matters on which the decision or an important part of the decision is based; and
 - ii. were **relied on** to a material extent in making the decision.

The Decision-making Officer must **retain any background papers** and make them available for public inspection for **4 years** from the date of the decision. Background papers may include any relevant report that was considered by the Director before the decision was taken.

^h The Regulations about written records **do not** authorise or require you to disclose confidential information in breach of the obligation of confidence.

"Confidential information" means:

- a. information provided to WYCA by a government department on terms (however expressed) which forbid the disclosure of the information to the public; or
- b. information the disclosure of which to the public is prohibited by or under any enactment or by order of a court.

ⁱ Any information which is required to be included in the written record but which is **confidential** should be attached to the written record as a **separate appendix**. The appendix should be **headed** "NOT FOR PUBLICATION – CONFIDENTIAL INFORMATION" and should identify why the information is confidential, by reference to a. or b. above. This appendix will not be published.

^j You may choose not to disclose to the public or make available for public inspection any document or part of a document, if, in the opinion of the Head of Legal and Democratic Services, that document or part of a document contains or is likely to contain **exempt** information. “Exempt information” means information specified in Schedule 12A Local Government Act 1972. This will be information coming within **specified descriptions**, and if in all the circumstances of the case, the public interest in maintaining the exemption outweighs the **public interest**. You can find the specified descriptions of exempt information in the Access to Information Annex to the Procedure Rules.

^k Any information which is required to be included in the written record, but which is **exempt** should be attached to the written record as a **separate appendix**. The appendix should be **headed** “NOT FOR PUBLICATION – EXEMPT INFORMATION” and should state the **description** of the exempt information and confirm that in all the circumstances of the case the **public interest** in maintaining the exemption outweighs the public interest in disclosing the information. This appendix will not be published if the Head of Legal and Democratic Services considers that it contains exempt information.

^l Insert the name of the Officer making the decision. This will either be the **relevant Director** if they made the decision, or **another officer** if the relevant Director has sub-delegated authority under their sub-delegation scheme or otherwise in writing.

^m The Head of Legal and Democratic Services will ensure that this written record, together with any background papers, is made available for inspection **as soon as reasonably practicable** –

- a. at all reasonable hours, at the offices of the WYCA;
- b. on the WYCA’s website; and

by such other means that WYCA considers appropriate.

ⁿ Insert the name and details of an **contact officer** who may be contacted by Members or the public about the decision. This may be the decision-making Officer or another officer on their behalf.

^o Explain how the decision-making Officer was **authorised** by the WYCA to make the decision. This may be by a specific authorisation, or under the Officer Delegation Scheme to a relevant Director. A relevant Director may also sub-delegate authority to another Officer.

^p That is, if the WYCA or a WYCA Committee has, at a formally convened meeting, specifically and expressly authorised an officer to make this decision.

^q The **Officer Delegation Scheme** is approved by the WYCA. You can find it on the WYCA website.

^r Each relevant Director will have a **sub-delegation scheme**.

^s The relevant provision should be identified by reference to the relevant Director’s sub-delegation scheme.