

NED DELEGATED DECISIONS

8 Key decisions

- 8.1 In these Rules a “key decision” means an executive decision, which is likely:-
- (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council’s budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District.
- 8.2 In determining the meaning of “significant” for the purposes of paragraph 8.1 the Council must have regard to any guidance for the time being issued by the Secretary of State in accordance with Section 9Q of the 2000 Act (guidance). The Council has decided that revenue income or expenditure of £100,000 or more, and Capital income or expenditure of £250,000 or more is considered significant.

9 Publicity in connection with key decisions

- 9.1 Where a decision-maker intends to make a key decision, that decision must not be made until a document has been published in accordance with paragraph 9.2, which states:-
- (a) that a key decision is to be made on behalf of the Council;
 - (b) the matter in respect of which the decision is to be made;
 - (c) where the decision maker is an individual, that individual’s name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
 - (d) the date on which, or the period within which, the decision is to be made;
 - (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
 - (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
 - (g) that other documents relevant to those matters may be submitted to the decision-maker; and

- (h) the procedure for requesting details of those documents (if any) as they become available.
- 9.2 At least 28 clear days before a key decision is made, the document referred to in paragraph 9.1 must be made available for inspection by the public:-
 - (a) at the offices of the Council; and
 - (b) on the Council's website.
- 9.3 Where, in relation to any matter:-
 - (a) the public may be excluded under paragraph 4.2 from the meeting at which the matter is to be discussed; or
 - (b) documents relating to the decision need not, because of paragraph 20.3, be disclosed to the public,

the document referred to in paragraph 9.1 must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.

10 General exception

- 10.1 Subject to paragraph 11, where the publication of the intention to make a key decision under paragraph 9 is impracticable, that decision may only be made:-
 - (a) where the proper officer has informed the Chair of the relevant Scrutiny Committee or, if there is no such person, each member of the Scrutiny Committee by notice in writing, of the matter about which the decision is to be made;
 - (b) where the proper officer has made available at the offices of the Council for inspection by the public and published on the Council's website a copy of the notice given pursuant to sub-paragraph (a); and
 - (c) after five clear days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).
- 10.2 Where paragraph 10.1 applies to any matter, paragraph 9 need not be complied with in relation to that matter.
- 10.3 As soon as reasonably practicable after the proper officer has complied with paragraph 10.1 he or she must:-
 - (a) make available at the offices of the Council a notice setting out the reasons why compliance with paragraph 9 is impracticable; and
 - (b) publish that notice on the Council's website.

11 Cases of special urgency

11.1 Where the date by which a key decision must be made makes compliance with paragraph 10 impracticable the decision may only be made where the decision maker has obtained agreement from:-

- (a) the Chair of the relevant Scrutiny Committee; or
- (b) if there is no such person or if the Chair of the relevant Scrutiny Committee is unable to act, the Chair of the Council; or
- (c) where there is no Chair of the relevant Scrutiny Committee or of the Council, the Vice-Chair of the Council,

that the making of the decision is urgent and cannot reasonably be deferred.

11.2 As soon as reasonably practicable after the decision maker has obtained agreement under paragraph 11.1 that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must:-

- (a) make available at the offices of the Council a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred; and
- (b) publish that notice on the Council's website.

12 Recording of executive decisions made at meetings

12.1 As soon as reasonably practicable after any meeting of a decision-making body at which an executive decision was made, the proper officer, or if the proper officer was not present at the meeting, the person presiding, must ensure that a written statement is produced for every executive decision made which includes the information specified in paragraph 12.2.

12.2 The statement referred to in paragraph 12.1 must include:-

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
- (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and

(e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

12.3 For the purposes of paragraph 12.1 “person presiding” means the person actually presiding or the person nominated to preside at that meeting.

12.4 Executive decisions made by decision-making bodies are prescribed decisions for the purposes of Section 9G(3) of the 2000 Act (duty to keep written records of private meetings).

13 Recording of executive decisions made by individuals

13.1 Executive Decision is defined as a decision in connection with the discharge of an Executive function, which will, or is likely to incur expenditure or savings in excess of £50,000 or generate a revenue return/income in excess of £50,000 as a specific consequence of that decision.

13.2 As soon as reasonably practicable after an individual member has made an executive decision, that member must produce or instruct the proper officer to produce a written statement of that executive decision which includes the information specified in paragraph 13.2.

13.3 The statement referred to in paragraph 13.1 must include:-

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the member when making the decision;
- (d) a record of any conflict of interest declared by an Cabinet member who is consulted by the member which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

13.4 Executive decisions made by individual members of the Cabinet are prescribed decisions for the purposes of Section 9G(4) of the 2000 Act (duty to keep a written record of decisions made by individual members of local authority executives).

13.5 As soon as reasonably practicable after an officer has made a decision which is an executive decision, the officer must produce a written statement which must include:-

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;

- (c) details of any alternative options considered and rejected by the officer when making the decision;
- (d) a record of any conflict of interest declared by any Cabinet member who is consulted by the officer which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's Head of Paid Service.

14 Inspection of documents following executive decisions

14.1 Subject to paragraph 20, after a meeting of a decision-making body at which an executive decision has been made, or after an individual member or an officer has made an executive decision the proper officer must ensure that a copy of:-

- (a) any records prepared in accordance with paragraphs 12 and 13; and
- (b) any report considered at the meeting or, as the case may be, considered by the individual member or officer and relevant to a decision recorded in accordance with paragraphs 12 or 13 or, where only part of the report is relevant to such a decision, that part,

must be available for inspection by members of the public, as soon as is reasonably practicable, at the offices of the Council and on the Council's website apart from where they relate to Human Resource matters.

14.2 Where a request on behalf of a newspaper is made for a copy of any of the documents available for public inspection under paragraph 14.1, those documents must be supplied for the benefit of the newspaper by the Council on payment by the newspaper to the Council of postage, copying or other necessary charge for transmission.