EXECUTIVE DECISION MAKING

1. GENERAL CONDITIONS

1.1 The Leader and any Portfolio Holder may make a decision only if all the following conditions are satisfied:

a) The actions prior to reaching a decision set out in this document have been complied with (including those actions that apply if a decision needs to be made urgently).

b) The decision is wholly in accordance with the Council's approved budget and policy framework. For these purposes, a decision shall be regarded as being within the approved budget if it is a decision that does not require approval of Full Council in the financial regulations.

c) If, in the opinion of the Monitoring Officer, the matter significantly affects one other Portfolio, the relevant Portfolio Holder has been consulted and agrees in writing with the decision.

d) In the opinion of the Monitoring Officer, the decision does not significantly affect more than one other Portfolio. If it does, the full Cabinet must take the decision.

e) The decision is not reserved for the Cabinet by legislation or statutory guidance.

f) The Monitoring Officer and the appropriate professional advising officer consider that it is prudent for the Portfolio Holder to decide the matter under his delegated authority.

1.2 So long as the above conditions are complied with, individual Portfolio Holders are hereby authorised to take executive decisions, and to provide political vision and leadership, on each of the service areas contained within their Portfolio as set out in the Leader's Scheme of Delegation.

1.3 A key decision as defined by The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, is as follows:-

(a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority'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 or electoral divisions in the area of the relevant local authority.

1.4 For the purposes of (a) above, "significant" is defined by the Council as being a financial decision which requires a Cabinet decision in accordance with the Council's Financial Regulations.

2. ACTION PRIOR TO REACHING A DECISION - CABINET

2.1 The provisions of Standing Orders for Meetings relating to convening meetings and issue of documentation shall apply to all meetings of the Cabinet.

3. ACTION PRIOR TO REACHING A DECISION – PORTFOLIO HOLDERS

3.1 In all cases, prior to taking any decision on any matter, the Portfolio Holder shall be responsible for:-

(a) ensuring that the decision to be made is within their delegated powers;

(b) obtaining, in writing (which may be transmitted electronically) a summary of the issues from the Service Manager responsible for the matter under consideration;

(c) obtaining confirmation that any course of action proposed is within the Council's legal powers and complies with the Council's strategies, policies and budgets;

(d) determining whether the proposed action has any effect on the responsibilities of other Portfolio Holders;

(e) ensuring that where the matter affects a specific part of the District Council's area, the views of the relevant Ward Members, and where appropriate, the local Parish or Town Council's views have been obtained and taken into account in reaching a decision; and

(f) if the decision is a key decision:

i) ensuring that details of the subject of the decision are contained in the relevant forward plan for consideration at that time, and if they are not that the relevant provisions for urgent decisions of this Constitution are followed;

ii) ensuring that any report or other written information that they intend to take into consideration when they make the decision was available for public inspection as soon as reasonably practicable after they received it, and has been so available for at least five clear working days before the decision is made; and

iii) ensuring that any report or other written information that they intend to take into consideration when they make the decision has been forwarded to the Chairman of the relevant Overview and Scrutiny Panel.

3.2 Where any matter considered by a Portfolio Holder is outside their delegated powers, the matter shall stand referred to the Leader for consideration whether to determine it themself or whether to refer it to the Cabinet. No action that commits the Council shall be taken on that matter until after the issue has been determined by the Leader or Cabinet.

3.3 Where any matter considered by a Portfolio Holder is outside the legal powers of the Council or contrary to the Council's strategies, policies or budgets, no action that commits the Council shall be taken on that matter until after the issue has been determined by the Cabinet.
EXCEPT that where a decision which does not comply with the Council's strategies or policies, or would not be wholly in accordance with the budget, or is a key decision which a forward plan does not specify is for decision at that time, is required urgently, that matter may be determined in accordance with the urgency provisions of this Constitution.

3.4 Where a decision would have an effect on the responsibilities of another Portfolio Holder or has implications which might affect the corporate strategies of the Council, the Portfolio Holder shall consult with any other Portfolio Holder and the Leader prior to reaching any decision.

4. ACTION PRIOR TO REACHING A KEY DECISION – OFFICERS

4.1 In all cases, prior to taking a key decision on any matter, the Officer shall be responsible for:-

(a) ensuring that the decision to be made is within their delegated powers;

(b) obtaining confirmation that any course of action proposed is within the Council's legal powers and complies with the Council's strategies, policies and budgets;

(c) ensuring that details of the subject of the decision are contained in the relevant forward plan for consideration at that time, and if they are not that the relevant urgency provisions of this Constitution are followed;

(d) ensuring that any report that they intend to take into consideration when they make the decision was available for public inspection as soon as reasonably practicable after they received it, and has been so available for at least five clear working days before the decision is made;

(e) ensuring that any report that they intend to take into consideration when they make the decision has been forwarded to the Chairman of the relevant Overview and Scrutiny Panel; and

(f) ensuring that where the matter affects a specific part of the District Council's area, the views of the relevant Ward Members, and where appropriate, the local Parish or Town Council's views have been obtained and taken into account in reaching a decision.

5. ACTION AT POINT OF DECISION MAKING – PORTFOLIO HOLDERS

5.1 In reaching a decision on any matter referred to them the Portfolio Holder shall:-

(a) take into consideration the views expressed by the Service Manager responsible for the matter under consideration;

(b) where appropriate, take account of the views of other Portfolio Holders, the Leader, the Ward Members and the local Parish or Town Council;

(c) endorse the written documentation prepared by the appropriate Service Manager with their decision and where that decision is contrary to the Officer's recommendation or views submitted by the Ward Member or local Town or Parish Council, the reasons for reaching the different conclusion; and

(d) endorse all written documentation giving options considered with the reasons why particular options were rejected.

6. ACTION AFTER DECISION - CABINET

6.1 As soon as reasonably practicable after a meeting, the Chief Executive or Monitoring Officer shall ensure that a written statement that includes the information set out below is produced in respect of every decision made at that meeting:

(a) a record of the decision;

(b) a record of the reasons for the decision;

(c) details of any alternative options considered and rejected by the Cabinet at the meeting;

(d) a record of any conflict of interest in relation to the matter decided which is declared by any member of the Cabinet; and

(e) in respect of any declared conflict of interest, a note of any dispensation granted.

6.2 The Chief Executive or Monitoring Officer shall also:-

(a) maintain copies, which may be held electronically, of all the reports and supporting papers taken into account by the Cabinet in making a decision;

(b) make the notice prepared under 6.1, the reports and supporting papers (including a list of background papers) available for inspection at the Council's main office by any Member of the Council during normal office hours; and

(c) make the notice, reports and supporting papers (including a list of background papers), except for those which contain confidential or exempt information as defined by the Local Government Act 1972 (as amended), available for public inspection at the Council's main office during normal office hours, and on the Council's website. No charge shall be made for inspection of such papers.

7. ACTION AFTER DECISION – PORTFOLIO HOLDERS

7.1 On reaching a decision the Portfolio Holder shall:-

(a) give instructions to the appropriate Service Manager to take the necessary action to implement the decision;

(b) personally, or arrange for the proper officer to, notify Members of the decision taken;

(c) ensure that the decision is not implemented until such time as the period for, and the conditions of, the procedures for calling in executive decisions have been complied with;

and;

(d) supply a copy of all papers (which may be transmitted electronically) considered by them to the Chief Executive – together with a copy of the decision with reasons.

7.2 Upon notification of a decision, the Head of Service will:-

(a) subject to compliance with the procedure for calling in executive decisions in, ensure implementation within any specified time scales and, if none given, within a reasonable period;

(b) ensure that a copy of the decision and appropriate supporting papers are placed on the relevant file;

(c) where instructed by the Portfolio Holder to arrange for a report on the decision taken to be circulated to all Members of the Council.

(d) immediately notify Parish & Town Councils, together with any other persons or organisations, consulted about the proposals, of the decision taken.

7.3 As soon as reasonably practicable after a decision is taken the Chief Executive or Monitoring Officer shall ensure that a written statement that includes the information set out below is produced in respect of that decision:-

(a) a record of the decision

(b) a record of the reasons for the decision;

(c) details of any alternative options considered and rejected at the time by the Portfolio Holder when he made the decision;

(d) a record of any conflict of interest in relation to the matter decided which was declared by any Cabinet member who the Portfolio Holder making the decision consulted; and

(e) in respect of any declared conflict of interest, a note of any dispensation granted.

7.4 The Chief Executive or Monitoring Officer shall also:-

(a) maintain a register or registers, which may be held in electronic form, of decisions taken by Portfolio Holders under delegated powers;

(b) maintain copies, which may be held electronically, of all the reports and supporting papers provided by the Portfolio Holder;

(c) make the notice under 7.3, the register, reports and supporting papers (including a list of background papers) available for inspection at the Council's main office by any Member of the Council during normal office hours;

and;

(d) make the notice, register, reports and supporting papers (including a list of background papers), except for those which contain confidential or exempt information as defined by the Local Government Act 1972 (as amended), available for public inspection at the Councils main office during normal office hours, and on the Council's website. No charge shall be made for inspection of such papers.

8. ACTION AFTER KEY DECISION – OFFICERS

8.1 As soon as reasonably practicable after an officer has made an Executive decision, or a non-executive decision where the following action is required by the Openness of Local Government Bodies Regulations, they shall produce a written statement that includes the information set out below:-

(a) a record of the decision;

(b) a record of the reasons for the decision;

(c) details of any alternative options considered and rejected by them at the time they made the decision;

(d) a record of any conflict of interest in relation to the matter decided which was declared by any member.

8.2 The Chief Executive or Monitoring Officer shall:-

(a) maintain a register or registers, which may be held in electronic form, of the above decisions taken by officers under delegated powers;

(b) maintain copies, which may be held electronically, of all the reports and supporting papers taken into account by an officer in making a key decision;

(c) make the notice under 8.1, the register, reports and supporting papers (including a list of background papers) available for inspection at the Council's main office by any Member of the Council during normal office hours; and

(d) make the notice, register, reports and supporting papers (including a list of background papers), except for those which contain confidential or exempt information as defined by the Local Government Act 1972 (as amended), available for public inspection at the Council's main office during normal office hours, and on the Council's website. No charge shall be made for inspection of such papers.

9. KEY DECISIONS – OVERVIEW AND SCRUTINY PANELS

9.1 If a decision is taken that was not treated as a key decision, but the relevant Overview and Scrutiny Panel considers that it should have been treated as a key decision, the Panel may require the Leader, or the person responsible for the decision, within a reasonable period specified by the Panel, to submit a report to the Council setting out:-

(a) the decision and reasons for it;

(b) the body or individual who took the decision; and

(c) why it was not considered a key decision.

This is in addition to any other rights of Overview and Scrutiny Panels in relation to executive decisions contained elsewhere in this Constitution.

10. URGENT DECISIONS

10.1 Where in the opinion of the Leader, or Head of Service and Monitoring Officer, a decision is required urgently on any matter, whether by the Cabinet or delegated to a Portfolio Holder, the requirements :-

(a) relating to the information, and (in the case of Portfolio Holder decisions) decision being in writing or electronic form;

(b) relating to consultations with Ward Members and where appropriate the local Parish or Town Council;

shall apply only if there is sufficient time to follow these procedures without prejudicing the decision or the Council; provided that as soon as practicable after the matter has been determined, a written record of the issues and the action taken shall be made and circulated in accordance with the remaining provisions of this procedure; and

(c) the provisions for Call-In in this constitution, so far as they relate to the date on which the decision may be implemented, shall not apply, and the decision may be implemented immediately.

10.2 Where a Portfolio Holder makes a decision urgently and is unable to endorse any written documentation at the time of making the decision as required in paragraph 5.1 above, he shall instead endorse, as soon as reasonably practicable, the written statement prepared under paragraph 7.3 above.

10.3 Where a decision which is not within policy or budget, or is a key decision which a forward plan does not specify is for decision at that time, is required, the provisions of the procedure at Chapter 7 of this Constitution shall apply.

11. VARIATION OF PROCEDURE

11.1 This procedure may be varied at any time by the Leader by giving written notice to the Chief Executive, provided any variations comply with legislative requirements.