

# Protocol For Decision Making By An Individual Member

1. Under the Local Government Act 2000, the Cabinet may delegate any of its functions to an individual Member of the Cabinet.
2. Whenever the Cabinet decides to do this, whether as a standing arrangement or whether on an ad hoc basis as needed, the individual Member shall make decisions only in accordance with this protocol.
3. An individual Member exercising their decision-making power shall not make any decision which the Cabinet would not be able to make either under legislation or under the Council's Constitution. Broadly, this means no policy decision should be made or a decision which is not within budget, or a decision on a function which is reserved to the Council or its Committees, e.g. in relation to licensing or planning.
4. The individual Member must be careful not to be involved in making a decision in which he or she has an interest.
5. No decision shall be made except upon consideration by the Member of a written report in accordance with this protocol.
6. The written report shall set out:
  - the issue to be decided;
  - any publicity or consultation requirements (either before or after the decision is made) in respect of the decision, either under legislation or under Council policy or any which is considered appropriate;
  - the facts upon which any decision must be based;
  - any legislative requirements, including:
    - human rights issues, or
    - equal access issues
  - staffing and financial implications;
  - the outcome of any consultations undertaken;
  - any implications for any other areas of the Council's activities;
  - any relevant national or regional guidance;
  - any Council policy relating to the issue, including sustainability issues;
  - the Cabinet Portfolio within which the issue falls;
  - any wards which are particularly affected by the issue;
  - the options that are available;
  - any professional recommendation that the Officer wishes to make.
7. The following Members/Officers shall be sent the report five clear working days before the Member makes the decision:
  - the relevant Cabinet Member whose portfolio includes the matter under consideration;

- the local Councillors in areas affected by the proposed decision;
  - the Chief Executive;
  - the Monitoring Officer;
  - the S.151 Officer;
8. Any of the above persons may make their written comments to the Member who is due to make the decision before the five days has expired, with a copy to the Officer who wrote the report.
  9. The above procedure shall not apply where the decision being taken is urgent, i.e. where any delay would seriously prejudice the Council's or the public interest. The Chair of the relevant Overview and Scrutiny Panel or the Head of the Paid Service must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. The record of the decision shall state the reasons(s) for urgency.
  10. In respect of contracts:
    - 10.1 The individual Member must ensure that the Council's Contract Procedure Rules and Financial Procedure Rules have been complied with. He or she must not make a decision in respect of the selection of contractors, acceptance of tenders or otherwise entering into a contract unless he or she has written notification from the Head of Legal and Democratic Services or the Corporate Director and Monitoring Officer that the above Procedure Rules have been complied with.
    - 10.2 The individual Member must not sign any contract or in any way bind the Council, him or herself. The contract documentation must be prepared by or approved by the Head of Legal and Democratic Services and signed or sealed in accordance with the Council's Standing Orders.
  11. An individual member must notify the Monitoring Officer of any decision he or she has made. This notification must be in writing confirming:
    - what options have been considered;
    - the decision made;
    - the reasons for the decision.
  12. The Monitoring Officer will arrange for the recording of the decision, options considered and the reasons.
  13. The record of the decision will then be circulated to all Members.
  14. No decision shall take effect until it has been recorded by the Monitoring Officer. The Monitoring Officer shall ensure that an Officer is designated as responsible for keeping up to date the full record of decisions by individual Members.

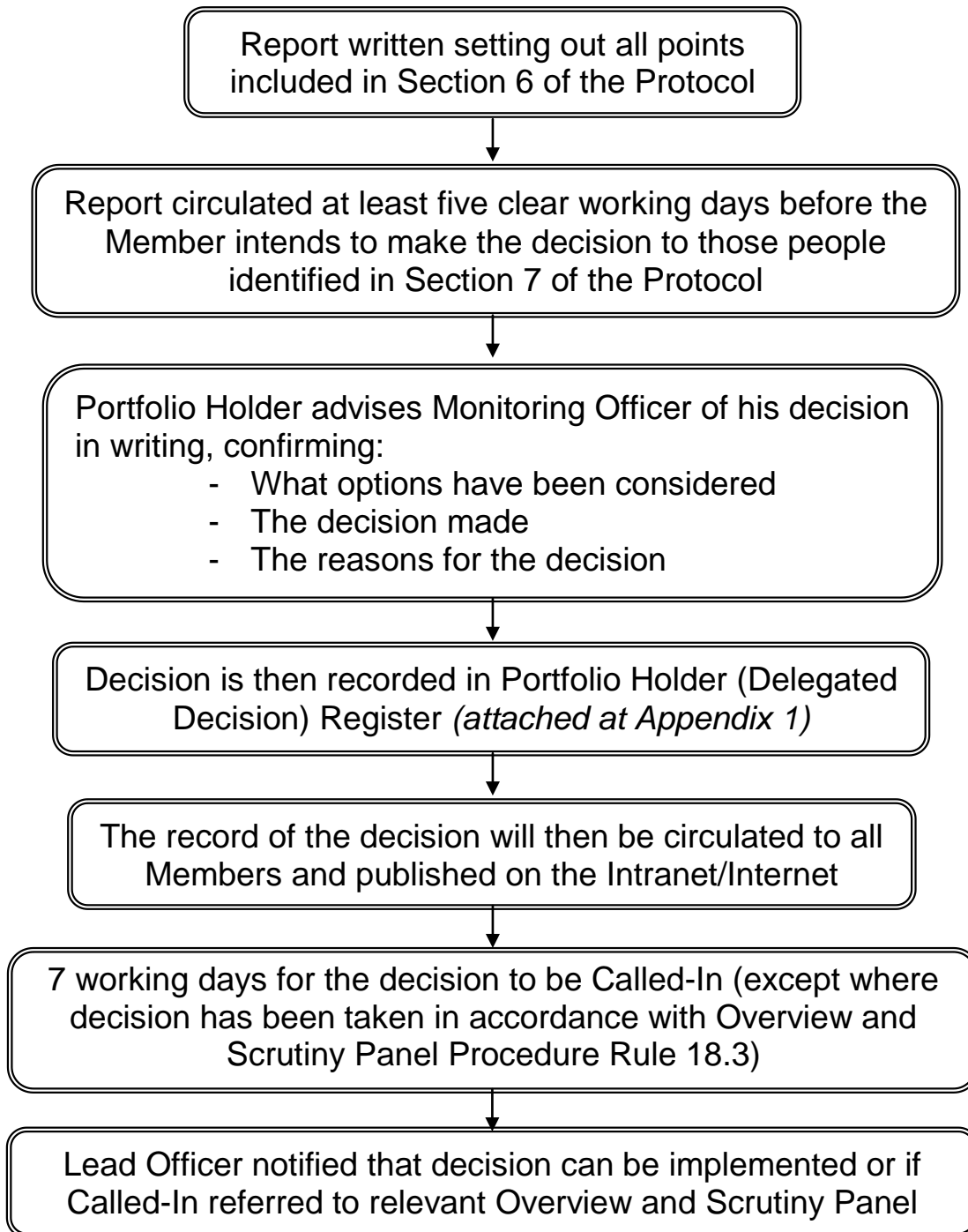
### **Principles of Delegation**

15. In respect of matters delegated from Cabinet to individual Cabinet Members, the focus will be on policy issues within the policy and expenditure frameworks agreed by Council/Cabinet:-

- Policy matters, internal to the service and required to provide guidance to officers to ensure significant policy decisions are implemented.
- Details of policy matters delegated by Cabinet once principles have been agreed.
- Expenditure items not specifically detailed within Service Plans but not sufficiently significant in scale to refer to Cabinet.
- Budget virement items within a service where only one Portfolio Holder is involved.
- Responses to consultation documents not referred to Cabinet.
- In their absence, at the Leader's request, or where a prejudicial interest has been declared, to take decisions on any matter delegated to another Portfolio Holder.
- It is the Portfolio Holder's responsibility to consult any other Member or Members of the Cabinet where the decision to be taken is of a cross-cutting nature.
- Any Member of the Cabinet may refer any matter delegated to him or her to the Cabinet for a collective decision.
- A written record will be kept of all individual Cabinet Member decisions, which will be published and circulated to all Members to enable scrutiny of the same.

### **Matters for Cabinet Members**

16. Cabinet Members are authorised to make decisions required in the area of their individual Cabinet Portfolio. This does not include a key decision, as defined in the Constitution.
- Cabinet Members may take policy, budget and expenditure decisions in accordance with the principles set out above.
  - Cabinet Members may take decisions on tenders and contracts in accordance with the provisions within the Council's Constitution relating to contracts.
  - Cabinet Members may take decisions on virement, audit, debt, write-off and placing of orders in accordance with the Financial Procedure Rules.
  - Cabinet Members may deal with petitions in accordance with Procedure Rules.
  - Cabinet Members may take decisions concerning the acquisition or disposal of land.
  - In liaison with the Leader of the Council, Cabinet Members may make decisions on Human Resources issues.
  - Cases of voluntary early retirement, redundancy, efficiency retirement but not sufficiently significant in scale to refer to Cabinet.



**Local Government Act 2000**

**REGISTER OF DECISIONS MADE BY AN EXECUTIVE MEMBER UNDER DELEGATED POWERS**

**SUBJECT:**

**PROCEDURE FOR DECISIONS MADE BY AN EXECUTIVE MEMBER ACTING UNDER DELEGATED POWERS:**

- 1 The individual member taking the decision (or proper officer if instructed to do so) shall as soon as reasonably practical after he/she has made an executive decision under delegated powers, produce a written statement in respect of the decision which includes the following:
  - a. A record of the decision;
  - b. A record of the reasons for the decision;
  - c. Details of alternative options considered and rejected;
  - d. The reason for any urgency, if applicable;
  - e. A record of any conflict of interest declared by any executive member who is consulted by the member, in relation to the decision; and
  - f. A note of any dispensation granted (if a conflict of interest has been declared)
2. The Proper Officer, after an individual Member has made an executive decision, shall ensure that a copy of the records prepared in accordance with 1 (a-e) above and any report considered by the individual member (including background papers) relevant to the decision recorded are available for inspection by the public as soon as reasonably practicable at the offices of the authority. (subject to Reg.21 (Confidential Information) Access to Information Regulations 2000.

**RECORD OF THE DECISION TAKEN:**

**STATEMENT OF THE REASONS FOR IT:**

**ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:**

**A RECORD OF ANY CONFLICT OF INTEREST DECLARED:**

**A NOTE OF ANY DISPENSATION IF GRANTED:**

**LIST OF BACKGROUND PAPERS (BUT NOT INCLUDING THOSE WHICH DISCLOSE EXEMPT OR CONFIDENTIAL INFORMATION**

**DATE THAT DECISION WAS TAKEN:**

**DATE OF PUBLICATION OF DECISION (To be completed By Member Services)**

**NAME OF DECISION TAKER:**

**AUTHORITY OF DECISION MAKER:**

**NAME OF PORTFOLIO (IF PORTFOLIO HOLDER):**

**Note: The decision shall not take effect until seven clear working days have elapsed from the date of publication of the decision.**