

**Part H      Section [      ]**

**Protocol for Individual Cabinet Member / Officer Decision-Making**

**1. Principles of Decision-Making Delegation to Individual Cabinet Members / Officers**

- 1.1 Unless otherwise reserved under this Constitution any Cabinet function (Executive function) and decision-making (executive decision) in respect of it can be delegated by the Leader to an individual Cabinet Member or Individual Officer as provided for and subject to, the Cabinet Scheme of Delegation and the Officer Scheme of Delegation set out respectively of Part C Section 24 and Part C Section 25 of this Constitution. The making, recording and publishing of executive decisions must comply with the Local Authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2012.
- 1.2 Unless reserved to the Council as a matter of law or otherwise in accordance with this Constitution, any Council function (Non-Executive function) and decision-making (non-executive decision) in respect of it can be delegated by the Council to a Committee or individual Officer as provided for and subject to, the Non-Executive Function Scheme of Delegation and the Officer Scheme of Delegation set out respectively at Part C Section 23 and Part C Section 24 of this Constitution. The making, recording and publishing of non-executive decisions must comply with the Openness of Local Government Bodies Regulations 2014.
- 1.3 Executive and non-executive decisions must be made, recorded and published in compliance with the decision-making principles set out at Part C Section 10 of this Constitution and this Protocol which give effect to the Regulations.
- 1.4 Decision-making in respect of contracts / finance are further subject to the Contract Procedure Rules and the Financial Regulations set out respectively at Part D Section [      ] and Part D Section [      ].
- 1.4 It is the responsibility of the individual Cabinet Member / Officer to consult any other Cabinet Member, Member Officer where the decision to be taken is of a cross-cutting nature.
- 1.5 Any individual Cabinet Member / Officer may refer up to the source of their delegation for determination any matter delegated to them.

1.6 A written record must be kept of all individual Cabinet Member / Officer decisions, which will be published and circulated to all Members to enable scrutiny of the same.

## **2. Procedure for Individual Cabinet Member / Officer Decision-Making**

2.1 Where decision-making is delegated to an individual Cabinet Member or Officer, whether as a standing arrangement or on an *ad hoc* basis as needed, the individual Cabinet Member shall / Officer shall make decisions only in accordance with this protocol.

2.xx Paragraphs 2.4 to 2.11 below shall not apply to Administrative Decisions as defined by Part C Section 10 of this Constitution.

2.xx The procedure for Urgent Decisions set out in Part C Section 10 of this Constitution shall take precedence over this Procedure where necessary.

2.2 An individual Cabinet Member / Officer exercising their decision-making power shall not make any decision which the Cabinet (executive decisions) or the Council / Committee (non-executive decisions) would not be able to make, as a matter of law or otherwise under this Constitution. Broadly, this means no decision should be made if it is not provided for within the budget or policy framework, or it is decision on a function which is reserved to the Council or its Committees.

2.3 The individual Cabinet Member / Officer must take care not to be involved in making a decision in which they have an interest.

2.4 No decision shall be made except upon consideration by the individual Cabinet Member / Officer of a written report in accordance with this protocol.

2.5 The written report shall set out:

- a. the issue to be decided;
- b. 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;
- c. the facts upon which any decision must be based;
- d. any legislative requirements, including:
  - human rights issues and / or
  - equalities issues
- e. staffing and financial implications;

- f. the outcome of any consultations undertaken;
- g. any implications for any other areas of the Council's activities;
- h. any relevant national or regional guidance;
- i. any Council policy relating to the issue, including sustainability issues;
- j. the Cabinet Portfolio / Service within which the issue falls;
- k. any Wards which are particularly affected by the issue;
- l. the options that are available;
- m. any professional recommendation that the Officer wishes to make.

2.6 The following Members / Officers shall be sent the report five clear working days (or fewer days with prior agreement) before the Member / Officer makes the decision:

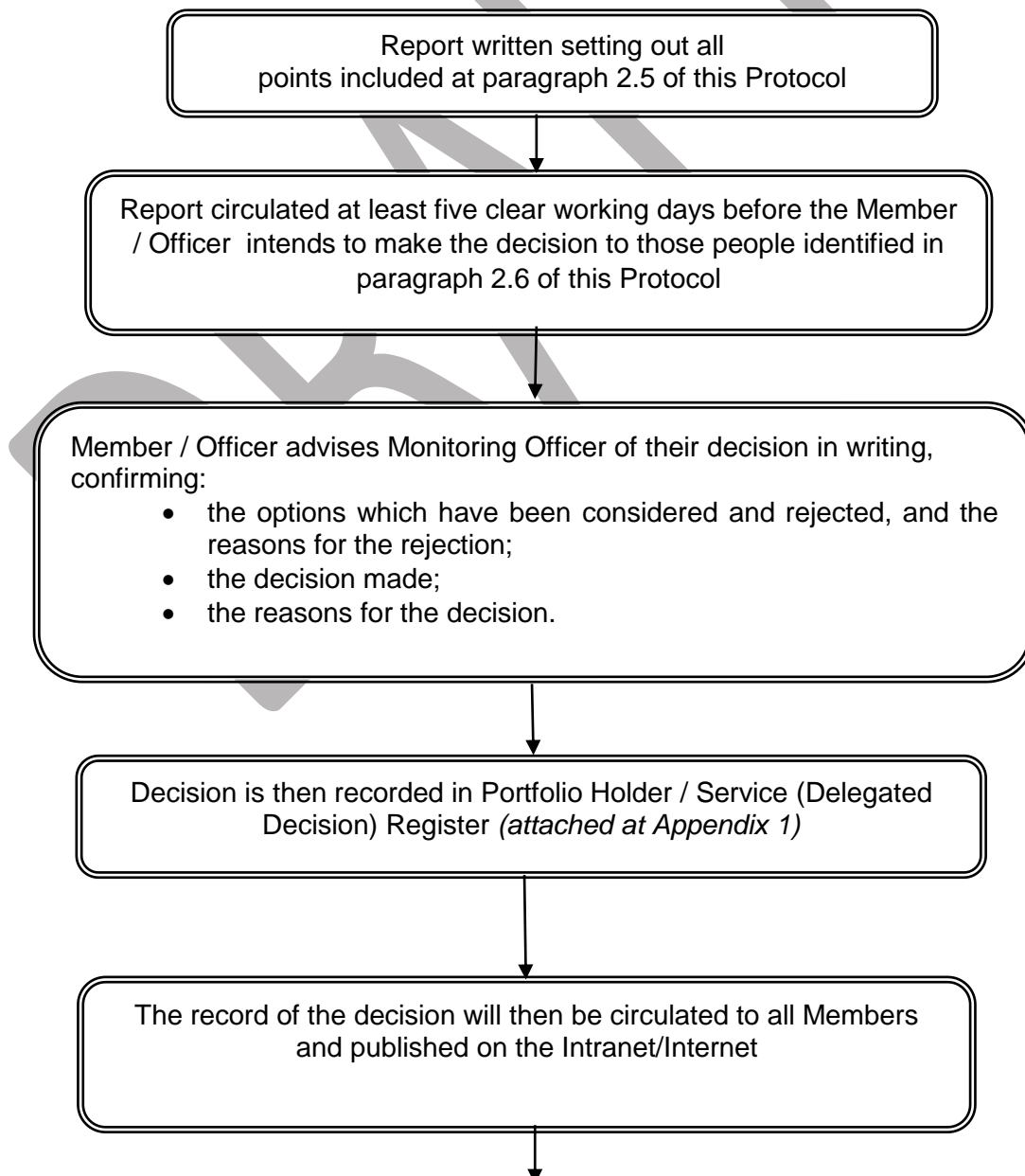
- a. the relevant Cabinet Member / Committee Chair / Officer whose Portfolio / Service includes the matter under consideration;
- b. the Chief Executive;
- c. the Monitoring Officer;
- d. the S.151 Officer
- e. the Corporate Communications Team.

2.7 Any of the above persons may make their written comments to the individual Cabinet Member / Officer who is due to make the decision before the five days has expired, with a copy to the Officer who wrote the report.

2.8 The individual Cabinet Member / Officer taking the decision shall as soon as reasonably practical after they have made a 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)

- 2.9 The Monitoring Officer, subject to confidentiality, shall ensure that a copy of the decision record and any report considered by the individual Cabinet Member / Officer (including background papers) relevant to the decision recorded are circulated and available for inspection by the public as soon as reasonably practicable at the offices of the Council and on the Council's website.
- 2.10 No decision shall take effect until it has been recorded and published in accordance with the above.
- 2.11 A decision which has been 'Called-In' in accordance with the Call-In Procedure and Call-In Sub-Committee Rules set out at Part D Section [ ] shall not take effect until determined in accordance with said Rules.
- 2.12 Decision-Making Flow Chart:



1] working days for the decision to be Called-In (except where decision is urgent and has been taken in accordance with the provisions urgent decisions at Part C Section 10 of the Constitution.

Lead Officer notified that decision can be implemented or if Called-In referred to PPI Committee for consideration by a Call-In Sub-Comiittee

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1. Details of the Decision Made
2. Statement of Reasons for Decision Made
3. Details of Alternative Options Considered and Rejected (with reasons)
4. Details of Dispensation Granted (if any)
5. List of Background Papers (not including any which disclose exempt or confidential information)
6. Date of Decision
7. Date of Publication of Decision
8. Name of Decision-Maker
9. Authority of Decision-Maker
10. Name of Portfolio (Member) or Service (Officer)
11. Date Decision Shall Take Effect (subject to Call-In)
12. Deadline Date for Call-In