

Draft Cabinet Decisions Protocol

Corporate Directors have delegated authority to take and implement decisions required to run their services and to authorise expenditure within approved limits.

This delegation should not be exercised where:

- The issue is not covered by an approved policy
- There are unusual features
- There are political or other significant issues
- Specific terms of the officer delegation require it or
- Members are specifically charged with making the decision (e.g. certain licensing or planning matters).

Where it is not appropriate to exercise officer delegated powers, the matter should be referred to members to determine. For an executive function the decision should go to Cabinet or portfolio holder, for a non-executive function to the appropriate council side body or Council, for example, planning and licensing decisions.

In determining who should determine the matter, early discussion with the portfolio holder, and where appropriate the Leader, is essential. Significant decisions relating to executive functions will normally be considered by the Corporate Strategy Board, where the issue of who should determine the matter will also be considered.

If it is decided that the matter should be determined by Cabinet, consideration should be given the responsibilities of Cabinet in the Constitution at page 3-19 and whether the matter might be a Key Decision.

A Key Decision is an executive decision which:

- (i) is likely 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**
- (ii) is likely to be significant in terms of its effects on communities living or working in an area of two or more wards of the Borough.**

A decision is significant for the purposes of (i) above if it involves expenditure or the making of savings of an amount in excess of £1m for capital expenditure or £500,000 for revenue expenditure or, where expenditure or savings are less than the amounts specified above, they constitute more than 50% of the budget attributable to the service in question.

The rationale behind having a key decision threshold is to ensure that residents and Overview and Scrutiny are aware in good time of significant matters under consideration, via the published Forward Plan.

In determining whether an effect is significant under paragraph (ii) above, the following factors should be taken into account:

- the extent of the impact (i.e. how many wards may be affected?);
- the likely views of those affected (i.e. is the decision likely to result in substantial public interest?);
- whether the decision is likely to be a matter of political controversy; and
- whether the decision may involve a significant social, economic or environmental risk.

Where there is any doubt, Corporate Directors should err on the side of caution and include the matter in the Forward Plan.

If a Corporate Director decides to exercise their delegated powers then they are accountable to the Council or Cabinet or the Committee from which those delegated powers derive, and they must comply with the Contract Procedure Rules and Financial Regulations in force at the time.

Whoever makes a decision must comply with following principles:

- proportionality;
- appropriate consultation;
- consideration of professional advice;
- respect for human rights;
- due regard to the public sector Equality Duty;
- a presumption in favour of openness;
- clarity of aims and desired outcomes;
- a recording of options considered and rejected.