

BDC KEY DECISIONS

4.2.14 Key Decisions

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.

In determining the meaning of “significant” for the purposes of (a) above, 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 £75,000 or more, and Capital income or expenditure of £150,000 or more is considered significant.

4.2.15 Publicity in Connection with Key Decisions

- (1) Key Decisions to be taken at the forthcoming meeting of the Executive will be set out in the Council’s List of Key Decisions published 28 days in advance of the meeting.
- (2) Where, in relation to any matter:-
 - (a) the public may be excluded from the meeting at which the matter is to be discussed; or
 - (b) documents relating to the decision need not be disclosed to the public because they contain confidential or exempt information, the List of Key Decisions will contain particulars of the matter but may not contain any confidential or exempt information.

4.2.16 General Exception

- (1) If a matter which is likely to be a Key Decision has not been included in the List of Key Decisions then subject to paragraph 4.2.17 the decision may still be taken:
 - (a) where the Chief Executive 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 Chief Executive 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 Chief Executive made available the notice referred to in subparagraph (b).

- (2) As soon as reasonably practicable after the Chief Executive has complied with paragraph 4.2.16(1) he must publish a notice setting out the reasons why compliance with paragraph 4.2.16(1) was impracticable.

4.2.17 Cases of Special Urgency

- (1) If by virtue of the date by which a decision must be taken paragraph 4.2.16 (General Exception) cannot be followed, then the decision can only be taken if the Chief Executive obtains the consent of the relevant Chair of Scrutiny Committee, that the taking of the decision cannot be reasonably deferred. If there is no relevant Chair of the Scrutiny Committee, or if the Chair of the Scrutiny Committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman will suffice.
- (2) As soon as reasonable practicable after the Chief Executive has obtained agreement under paragraph 4.2.17(1) that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must publish a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred.

4.2.18 Recording of executive decisions

After any meeting of the Executive or any of its Committees, whether held in public or private, the Chief Executive will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision, any alternative options considered and rejected as well as any conflicts of interest and dispensations noted.

4.2.19 Recording of executive decisions made by individuals

- (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.*
- (2) An executive decision made by a member or officer will be recorded using the Council's delegated decision form available from the Governance Team.
- (3) Each decision will contain details of the decision, including the date it was made, reasons for the decision, any alternative options considered and rejected, any conflicts of interest recorded and dispensations noted.

4.2.20 Additional rights of access to documents for members of local authorities

- (1) All Members are entitled to inspect any document, (except those available only in draft form), which is in the possession of or under the control of the Executive and contains material relating to any business previously transacted at an Executive meeting unless it contains exempt information under categories 1, 2, 4, 5 and 7 of Schedule 12A to the Local Government Act 1972.
- (2) The rights conferred by this section are in addition to any other rights that a member of the Council may have.

4.2.21 Additional rights of access to documents for members of overview and scrutiny committees

- (1) Subject to Rule 4.2.21(2), a Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to any business transacted at a meeting of the Executive or an executive decision taken under delegated powers.
- (2) Scrutiny Committee is not entitled to;
 - (a) Any document in draft form;
 - (b) Any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision the Scrutiny Committee is reviewing or scrutinising or intends to scrutinise.

4.2.22 Reports to the local authority where the key decision procedure is not followed

- (1) If a decision has been made by the Executive and it was not treated as a Key Decision but a Scrutiny Committee feels that it should have been then that Scrutiny Committee may require the Executive to submit a report to Council within a period specified by the Scrutiny Committee.
- (2) If Executive is of the view that the decision was not a Key Decision then they must provide their reasons for that opinion.