

**Bolsover District Council**

**Standards Committee**

**13<sup>th</sup> April 2017**

**Supplementary report on the definition of “executive decision” for inclusion in the Constitution.**

**Report of the Monitoring Officer**

This report is public

**Purpose of the Report**

- To provide Members with a definition of “executive decision” for inclusion in the Council’s Constitution.

**1 Report Details**

- 1.1 As reported to the Constitution Working Group the practice has been to record every executive decision on a Delegated Decision form (DD form) and then publish in accordance with the statutory rules. Constitution Working Group decided that there should be a definition of “executive decision” in the Constitution so that decisions outside that definition would not be placed on the website. This would mean ordinary day to day operational decisions made by officers would not be published. Records would be kept of the decision by the officer.
- 1.2 Constitution Working Group was content that the financial figure for this should be £50k. Decisions with a financial implication of less than £50k would not therefore be published.
- 1.3 in order to achieve this it will be necessary to amend paragraph 4.2.19 of the Access to Information Rules of the Constitution.
- 1.4 The proposed definition of “executive decision” is:-
- “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.
- 1.5 The recommendation is that this becomes 4.2.19 (1) and that (1) becomes (2) and is amended as follows:-

An executive decision made by a Member or officer ~~which is a key decision~~ will be recorded using the Council's Delegated Decision form available from the Governance Team.

1.6 Paragraph (2) will then become Paragraph (3).

## **2 Conclusions and Reasons for Recommendation**

2.1 The changes implement the wishes of the Constitution Working Party with regard to reducing the number of delegated decisions published.

## **3 Consultation and Equality Impact**

3.1 The Constitution Working Party has been involved in the process of working out these changes and has recommended the changes to Standards Committee.

3.2 There are no equalities impacts in relation to this change.

## **4 Alternative Options and Reasons for Rejection**

4.1 To keep things as they are. Members rejected this as it was felt that too many delegated decisions of a routine nature were being published.

## **5 Implications**

### **5.1 Finance and Risk Implications**

5.1.1 None

### **5.2 Legal Implications including Data Protection**

5.2.1 Councils are required by Law to have a system in place for publishing delegated executive decisions. It is recognised that Councils may wish to define their own lower limit for such publication. This report recommends that that change is made.

### **5.3 Human Resources Implications**

5.3.1 None

## **6 Recommendations**

6.1 That Paragraph 4.2.19 of the Access to Information Rules is amended to read:-

(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.

## 7 Decision Information

<b>Is the decision a Key Decision?</b> (A Key Decision is an executive decision which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	Yes/No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Affected</b>	N/A
<b>Links to Corporate Plan priorities or Policy Framework</b>	N/A

## 8 Document Information

Appendix No	Title
None	
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None	
Report Author	Contact Number
Sarah Sternberg	2414

Report Reference –