

F&HDC
Draft definition of a Key Decision

1. Introduction

The Council has adopted the concept of a Key Decision for the purposes of meetings and access to information in order to differentiate those decisions that require a greater degree of openness and rigour. Where a meeting of the full Council, a Committee or SubCommittee of Council or an officer takes a Key Decision, or intends to take a Key Decision, they shall normally adhere to the following.

2. Definition

A key decision is defined¹ as a decision to be made by the resources committee or communities committee (a policy committee), a sub-committee of one of those committees or an officer acting under delegated authority and which:

- (a) 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; and/or
- (b) is likely to be significant in terms of its effects on communities living or working in an area comprising one or more wards or electoral divisions in the area of the Council.

For these purposes, savings and expenditure are "significant" if they are equal to or greater than:

- (i) £300,000 ordinary revenue expenditure;
- (ii) £500,000 where the Council is entering into a contractual obligation; or
- (iii) £500,000 in respect of the value of the acquisition or disposal of land or property

The meaning of 'significant' in terms of its effects on communities is subject to any guidance to be issued by the Secretary of State.

3. Requirements of a Key Decision

A key decision may only be taken:

- (a) following notice being given (on the Forward Plan) as may be required by the Council's Access to Information Procedure Rules set out at Part N(N) of this Constitution;
- (b) on consideration of a full report by the relevant officer(s), published as may be required by the Council's Access to Information Procedure Rules set out at Part N(N) of this Constitution, and which shall contain as a minimum:
 - (i) a recommended decision;
 - (ii) an explanation of the reasons for the recommendation being put forward;
 - (iii) details of any alternative options, if any, considered and rejected for recommendation;
 - (iv) details of any consultation undertaken or proposed including, in respect of consultation undertaken, the nature and extent of the consultation undertaken with stakeholders and the overview and scrutiny committees and the outcome of that consultation;
 - (v) a consideration of the financial and legal issues pertaining to the matter, and such other matters as governance chief officers (the Head of Paid Service, Chief Finance Officer or Monitoring Officer) may require, which may include risk, staffing, equalities, crime and disorder and climate change implications; plus
 - (vi) a list compiled of any Background Papers to the report, which are those documents other than published works that, in the opinion of the proper officer, relate to the subject matter of the report or, as the case may be, the part of the report and:

¹ S.I. 2012/2089

- (1) disclose any facts or matters on which the report or an important part of the report is based; and
- (2) were relied on to a material extent in preparing the report; and

4. Requests for Call in (referral) or removal of delegation (rescission)

- (a) A Key Decision published on the Forward Plan that is due to be taken by an officer may be referred to a committee or Council under the procedure set out in Part N(N) of this Constitution
- (b) A Key Decision is normally subject to delayed implementation to permit a request for the decision to be rescinded and reviewed in circumstances set out in Part N(N) of this Constitution.

F&HDC Draft definition of The Forward Plan

1. Introduction

The Council has adopted the concept of a Key Decision and a Forward Plan. Where a meeting of the full Council, a Committee or SubCommittee of Council or an officer takes a Key Decision, or intends to take a Key Decision, they shall normally adhere to the following.

2. Definition

The Forward plan is a document that the Council will publish every month and which sets out, in respect of each Key Decision that will be taken on behalf of the Council:

- (i) that a Key Decision is to be made on behalf of the Council.
- (ii) the matter in respect of which a decision is to be made.
- (iii) where the decision maker is an individual, his/her name and title, if any, and where the decision maker is a body, its name and details of membership.
- (iv) the date on which, or the period within which, the decision is to be made.
- (v) where the decision relates to confidential or exempt information, as defined above, a statement that the decision will be made in private
- (vi) a list of the documents submitted to the decision maker for consideration in relation to the matter.
- (vii) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available.
- (viii) that other documents relevant to those matters may be submitted to the decision taker.
- (ix) the procedure for requesting details of those documents (if any) as they become available.

3. Publication

The 'Forward Plan' and it will be published on the Council's website and will be updated from time to time as required. The Forward Plan will also be available for inspection by the public at the Council's offices.

4. Notice of a Key Decision

A key decision will not normally be taken unless:-

- (i) notice has been published in connection with the matter in question on the Forward Plan; and
- (ii) at least 28 clear days have elapsed since the publication of the Forward Plan;

5. General exception

If 28 days' notice of a matter which is likely to be a Key Decision has not been provided (via the Forward Plan) because the decision must be taken by such a date that it would be impracticable to defer it, then, subject to subject to paragraph 6 below (special urgency), the decision may still be taken if:

- (i) the Monitoring Officer has been informed of the reasons for urgency, and is satisfied that the reasons satisfy the criteria for urgent decisions, and that the decision must be taken with less than 28 days' notice;
- (ii) the Monitoring Officer has placed notification of the date and nature of the forthcoming decision and the reasons for urgency on the Council's website; and
- (iii) at least five clear days have elapsed since the Monitoring Officer complied with conditions (i) and (ii).

If the Monitoring Officer, or if absent the Deputy Monitoring Officer, is not available to act, then the Chief Executive or S.151 officer shall act in his/her place.

6. Special urgency

If by virtue of the date by which a decision must be taken paragraph (d) above (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of the Council, or in their absence the Vice-Chair of the Council will suffice