

The Constitution - Part Three - Chapter 3 - Notice of Key Decisions and Key Decisions

Contents of the Notice of Key Decisions

- 3.1 The Notice of Key Decisions provides 28 days-notice as required by virtue of Regulation 5(2) and 9(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulation 2012. It will contain details of all matters that are likely to be the subject of a key decision (as defined by the Regulations) taken by the Executive or by an individual Executive Member in the authority in the following four months. It will be drawn up in the name of the Executive Leader and updated monthly and will contain:
- a) the matter in respect of which the decision is to be taken;
 - b) where the decision-taker is an individual e.g. an officer with delegated powers, his/her title and, where the decision-taker is a body e.g. a joint committee, its name;
 - c) the date on which, or the period within which, the decision is to be taken;
 - d) the identity of the principal groups or organisations whom the decision-taker proposes to consult before making the decision;
 - e) the means by which any such consultation is proposed to be undertaken;
 - f) the steps that may be taken by any person who wishes to make representations to the executive/decision maker about the matter in respect of which the decision is to be taken and the date by which those steps are to be taken; and
 - g) a list of the documents submitted to the decision-maker for consideration in relation to the matter in respect of which the decision is to be made (unless exempt information).
 - h) any item that may in whole or part be held in private for one or more of the reasons set out in Schedule 12A of the Local Government Act 1972(Exempt Information)

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Key Decisions

3.2 A key decision is defined as being an Executive decision that is likely:

- a) to result in the local authority incurring expenditure which is, or making savings which are significant, having regard to the authority'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 or electoral divisions.

Publicity for Key Decisions

3.3 The public notice accompanying the Notice of Key Decisions will state:

- a) that key decisions are to be taken on behalf of the authority;
- b) that a Notice of Key Decisions, containing particulars of the matters in respect of which those decisions are to be taken, will be prepared on a monthly basis;
- c) the period for which the Notice of Key Decisions Plan is to have effect
- d) that the Notice of Key Decisions may be inspected at all reasonable hours and free of charge at the authority's offices;
- e) that the Notice of Key Decisions contains a list of the documents submitted to the decision-takers for consideration in relation to the matters in respect of which decisions are to be taken;
- f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any documents listed in the Notice of Key Decisions is available;
- g) that other documents relevant to those matters may be submitted to the decision-takers;
- h) the procedure for requesting details of those documents (if any) as they become available, and

Exceptions for cases of urgency

3.4 Where it is impractical to include a key decision on the Notice of Key Decisions for reasons of urgency, the Proper Officer must, with five clear days notice:

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- a) notify in writing the chairman of the relevant Scrutiny Panel of the matter in relation to which the decision is to be made; and
- b) make a notice available at the Civic Offices, again detailing the matter in relation to which the decision is to be made.

3.5 There is a further provision for cases of special urgency and where even five clear days notice is not possible. In such cases, the decision-maker must obtain the agreement of the chairman of the relevant Scrutiny Panel that a decision cannot reasonably be deferred. In the absence of the agreement of the chairman of the relevant Scrutiny Panel, agreement can be sought from the chairman or vice-chairman of the authority i.e. the Mayor or Deputy Mayor.

Reporting of Key Decisions not published

- 3.6 Where the Executive or anyone acting on its behalf, makes a decision not contained on the Notice of Key Decisions that the relevant Scrutiny Panel is of the opinion is/was a Key Decision and where the decision has not been agreed to be an urgent decision, the relevant Scrutiny Panel may require the Executive to submit a report to Council. The report must contain details of the decision made and the decision taker and the reasons for it not being a key decision.
- 3.7 The Executive Leader is also required to submit a quarterly report to Council on the decisions taken within the previous three months under the provisions for cases of special urgency described above. The report must set out the number of such decisions taken and a summary of the matters in respect of which the decisions were taken