

## How to Record a Delegated Decision

This guidance applies to key, significant operational, and administrative decisions taken by officers or individual Members.

The following arrangements take into account demands on officer time in preparing and approving decisions as well as the administrative burden around publication requirements. They will be the subject of regular review to ensure that they remain necessary and appropriate.

It is important that the decisions taken are transparent and robust, and that the processes we use comply with legislative and constitutional arrangements. Officers must have regard to the principles of decision making and ensure that appropriate advice has been taken where necessary (e.g. legal, financial, HR etc.). Officers are advised to read the report writing guidance at the outset of any piece of work in order to incorporate necessary considerations (e.g. consultation, equalities, climate emergency) into the decision making process.

The definitions of Key, Significant Operational and Administrative Decisions are set out in Article 13 of the Council's Constitution. Officers must ensure that they have appropriate delegated (and where necessary, sub-delegated) authority in relation to the decisions they take. Links to the Constitution and to Director's sub-delegation schemes can be found in the Decision Making Toolkit on Insite.

### Relevant Templates<sup>1</sup>

The **request to add a key decision to the List of Forthcoming Key Decisions** should be used to provide details of a planned key decision for publication.

The **Delegated Decision Notice** should be used to record the fact that an officer or individual Member has taken a decision<sup>2</sup>.

The **Corporate Report Template** should be used where a report is required to set out the reasons for a delegated decision. (Separate guidance is available on writing reports.)

### Summary of requirements

	<b>List of Forthcoming Key Decisions</b>	<b>DDN only</b>	<b>DDN and Supporting Report</b>
<b>Key</b>	All key decisions	Emergency response and recovery	All other key decisions
<b>SOD</b>	NA	Value up to £100K or relates to provision of care for an individual	Value over £100K
<b>Admin</b>	NA	In accordance with directorate arrangements	NA

<sup>1</sup> All templates can be found in the 'do it online' section of the Decision Making Toolkit on Insite

<sup>2</sup> The form provides a simplified format, meeting the statutory requirements for recording decisions whilst setting out relevant considerations in making each decision and capturing arrangements for transparency and political oversight. Where time allows however, use of the council's corporate report template provides a more robust record of the decision as it enables a fuller record of relevant considerations.

**Key Decisions (Request to Add Key Decision to List of Forthcoming Key Decisions, Delegated Decision Notice and Corporate Report Template required)**

Key decisions are subject to the following three requirements in relation to prior publicity and oversight.

1. Each decision should be published to the List of Forthcoming Key Decisions (and a link circulated to all Members) not less than 28 days before the decision is taken unless
  - The decision fits the statutory General Exception – in which case notice will be published 5 clear days in advance of the decision being taken (and circulated to all Members); or
  - The decision fits the statutory criteria for Special Urgency – in which case the relevant Scrutiny Chair will be asked to agree that the decision is urgent and cannot be delayed.
2. The Delegated Decision Notice and accompanying report for each decision should be published five clear days in advance of the decision being taken. If this is not possible and Special Urgency does not apply the consent of the Executive member must be obtained to publish at short notice.
3. The decision will be open for call in – unless exempted by the decision maker for reasons of urgency set out in the report.

Only where a key decision is taken in response to an emergency, or consequent recovery, recognised through the Council's emergency planning process, in order to facilitate agile and responsive decision making within that context, key decisions may be recorded solely on the Delegated Decision Notice. The officer taking the decision must be fully briefed and have a sound understanding of the implications of the decision, however it is not necessary to prepare a full report.

**Significant Operational Decisions (Delegated Decision Notice and Corporate Report Template required)**

Although significant operational decisions are a local category of decision it remains important that we provide sufficient information to explain why those decisions have been taken.

The Delegated Decision Notice should be used to record Significant Operational Decisions.

For decisions of a high value (over £100K) the Corporate Report Template should be used to support this record as this provides evidence that the decision has been taken whilst having regard to council priorities (for example, climate emergency, inclusive growth, health and wellbeing.) Where these issues have been set out in an earlier report a link to that report will suffice.

Decisions with a value below £100K need not be supported by a separate report. However, if the decision maker considers it necessary additional information can be published alongside the Delegated Decision Notice in the form of one or more appendices, or the Corporate Report Template may be used.

**Administrative Decisions (Delegated Decision Notice optional)**

There is no formal requirement to publish administrative decisions. However, where local arrangements require it the Delegated Decision Notice can be used to maintain a clear record of the decision taken. This will be stored by the relevant directorate.