

Extract from the Minutes of the Governance and Constitution Committee which met on 16 April 2009.

CABINET DECISION-MAKING ARRANGEMENTS

The Committee considered a report on proposed decision-making powers and procedures relating to individual Members of the Cabinet.

Previous attempts to define individual decision-making powers for Cabinet Members had relied in part to the statutory definition of a Key Decision. It was felt that an alternative approach should be adopted and it was therefore proposed that Cabinet Members should make all executive decisions in respect of their portfolio areas except:

- (a) Decisions already taken by Cabinet or an officer acting under delegated powers.
- (b) Decisions involving a departure from the Council's Budget and Policy Framework or any Cabinet or regulatory committee policy.
- (c) Decisions involving expenditure or savings of £1 million or more.
- (d) Decisions which were significant in terms of their effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Council.
- (e) Decisions which the Leader wished to be taken by full Cabinet.

PROVIDED THAT all such decisions shall be taken in public and that regard shall be had to the advice of the Borough Solicitor by the decision-maker in interpreting these provisions.

On a related matter, the Council has previously resolved to include the following provision within its Constitution to exclude certain decisions from the definition of a key decision:

"The Council has decided that the letting of any contract by the Council's [Business Services Officer] or the Council's [Policy Officer], which involves the provision of services to, or the purchase of goods and services by, the Council shall be excluded from the definition of a Key Decision where such contracts relate mainly to the internal workings of the authority and do not therefore have a significant impact directly on local communities in the same way as other Key Decisions. Such contracts include advertising, library books, vehicles, consumables, food, gas, electricity and cleaning of Council premises."

On further consideration, this provision was regarded as flawed and it was therefore proposed that it be removed from the Constitution.

The Cabinet on 24 March 2009 had supported the proposals and had also approved arrangements for public decision-making by individual Cabinet Members, details of which had been reported to the Committee for information.

RESOLVED

That Council be recommended that

- (1) the alternative approach in respect of the decision-making powers of individual Cabinet Members be approved;**
- (2) the provision within the Constitution excluding the letting of certain contracts from the definition of a key decision be rescinded; and**
- (3) the Constitution be amended accordingly.**