

## APPENDIX 3

### **7. Protocol for Officers Taking Decisions under Delegated Powers**

- 7.01. This Protocol applies to decisions taken by an officer exercising delegated powers, including decisions taken in consultation with an Cabinet Member or Members or a Committee Chair. It does not apply to day-to-day routine management decisions but it does apply to decisions having a significant effect on Borough residents, service users, partner organisations and others outside the Council.
- 7.02. In every case there are certain mandatory requirements which must be addressed prior to a decision under delegated powers. The primary responsibility for compliance rests on the officer submitting the report but the officer proposing to exercise delegated powers must not proceed to make the decision unless the mandatory requirements are all met. There are no exceptions for urgency or otherwise except where there is express authorisation from the Chief Executive in the event of a civil emergency.
- 7.03. The mandatory requirements are:
- (a) there must be a written report explaining the issue(s) to be decided
  - (b) the report must identify by name and post the officer submitting the report and the officer proposing to take the decision.
  - (c) the report must contain all the facts relevant to the decision
  - (d) the report must identify the delegated power(s) relied upon
  - (e) the Ward or Wards affected must be stated in the report
  - (f) the report must conclude with a clear recommendation setting out each significant element of the decision(s) required
  - (g) the date of the submission of the report and date of the decision itself must be recorded on the report.
  - (h) any financial implications
  - (i) any legal implications.
- 7.04. The officer submitting the report and the officer proposing to exercise delegated powers must both consider whether the nature of the decision and the circumstances require that any or all of the following discretionary matters should be expressly included in the report before the decision is made. If there is any doubt, the advice of the Monitoring Officer should be obtained.
- 7.05. The discretionary matters are:
- (a) any environmental implications
  - (b) any equalities implications
  - (c) any relevant Council policies

- (d) any relevant national or regional guidance
- (e) any consultations undertaken and the views of consultees
- (f) any other implications for service delivery in the relevant Directorate
- (g) any implications for other Council services outside the Directorate
- (h) and any comments from other Directorates
- (i) any staffing implications
- (j) any background documents relied upon
- (k) any information in the report or background documents that could or should be restricted from public disclosure as confidential or exempt information under the Freedom of Information Act 2000
- (l) any alternative options to the recommended decision
- (m) any consultation with Members (whether Cabinet Members, Chairs or Ward Members).

7.06. The officer exercising delegated powers is responsible for ensuring that all decisions taken are properly recorded in accordance with the procedure for the relevant Directorate.

7.07. The Chief Executive's Management Board may impose additional requirements in relation to some or all categories of delegated decision.