

Overview and Scrutiny Management Board

13 September 2013



Notice of Key Decisions

Report of Corporate Management Team Colette Longbottom, Head of Legal and Democratic Services

Purpose of the Report

- 1 To consider the list of key decisions that is scheduled to be considered by the Executive.

Background

- 2 New rules in relation to Executive decisions were introduced by The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, which came into force on 10 September 2012.
- 3 The regulations took away the requirement for the Executive to produce a Forward Plan of key decisions, however introduced that the decision maker cannot make a key decision unless a document has been published at least 28 clear days before the decision is taken, unless either a general exception or special urgency requirements have been met. The document which has to be published must state:
 - a) that the key decision is to be made on behalf of the relevant local authority
 - b) the matter in respect of which the decision is to be made
 - c) where the decision maker is an individual, that individual's name and title if any and where the decision maker is a decision making body, its name and list of its members
 - d) the date on which or the period within which the decision is to be made
 - e) a list of the document submitted to the decision maker for consideration in relation to the matter of which the key decision is to be made
 - f) the address from which, subject to any prohibition or restriction on their disclosure copies of, or extracts from any document listed as available

- g) that other documents relevant to those matters may be submitted to the decision maker
 - h) the procedure for requesting details of those documents (if any) as they become available.
- 4 The requirements also apply to an exempt matter as previously it did not strictly have to be included in the Forward Plan. Now a publicity document must contain particulars of the matter, but may not contain any confidential exempt information or particulars of the adviser or political adviser or assistant.
- 5 Notices of key decisions that are being produced meet the legal requirements of publication, as well as continuing to provide information for a four month period. Members will therefore be able to consider key decisions as previously for the four month period.

Current Notice of Key Decisions

- 6 The notice of key decisions that is attached to the report at Appendix 2, is the latest to be published prior to the papers for the Board being dispatched to members. The notice complies with the requirements for Cabinet to be able to take key decisions on 11 and 18 September 2013. It also contained information on those key decisions that are currently scheduled to be considered by the Executive up to 31 December 2013.
- 7 The information in the Notice of Key Decisions provides the Overview and Scrutiny Management Board with the opportunity of considering whether it wishes to seek to influence any of these key decisions, or to request further information. Members are asked to note that this version of the Notice has been amended and includes a column which has been added to advise of the relevant Scrutiny activity.
- 8 In responding to the request of the Board for further information to be provided on any items that are removed from the previous notice without being considered by Cabinet, this information will be provided at the meeting.
- 9 If the Board wished to examine any of the key decisions, consideration would need to be given as to how this could be accommodated in the Overview and Scrutiny Work programme.

Recommendation

- 10 You are recommended to give consideration to items listed in the notice.

**Contact: Ros Layfield, Committee Services Manager Tel: 03000 269708
Jenny Haworth, Head of Planning and Performance, ACE
Tel: 03000 268071**

Appendix 1: Implications

Finance : Will be reflected in each individual key decision report to Cabinet.

Staffing: Will be reflected in each individual key decision report to Cabinet.

Risk: Will be reflected in each individual key decision report to Cabinet.

Equality and Diversity/ Public Sector Equality Duty: Will be reflected in each individual key decision report to Cabinet.

Accommodation: Will be reflected in each individual key decision report to Cabinet.

Crime and Disorder Will be reflected in each individual key decision report to Cabinet.

Human Rights: Will be reflected in each individual key decision report to Cabinet.

Consultation: Will be reflected in each individual key decision report to Cabinet.

Procurement: Will be reflected in each individual key decision report to Cabinet.

Disability Issues: Will be reflected in each individual key decision report to Cabinet.

Legal Implications: Will be reflected in each individual key decision report to Cabinet.