

## APPENDIX B

Authority	Definition of a Key Decision
	<p>1.1 A Key Decision means an executive decision which is likely:-</p> <p>1.1.1 To result in the Council incurring expenditure which is, or the making of savings, which are significant as defined in 1.2 below, having regard to the Council's budget for the service or function to which the decision relates; or</p> <p>1.1.2 To be significant in terms of its effect on communities living or working in an area comprising one or more wards in the area of the Council.</p> <p>1.2 For the purposes of 1.1.1 above, savings or expenditure are significant if they exceed £200,000 per annum (revenue) or £500,000 whole life cost (capital),.</p> <p>1.3 Savings and expenditure in 1.2 above, does not include:-</p> <p>1.3.1 The day to day activity of the Council's treasury management functions, which are covered by the Treasury Management Policy Statement approved separately by the Council.</p> <p>1.3.2 Expenditure which is identified in the approved Revenue Budget or Service Plan for the service concerned;</p> <p>1.3.3 Implementation of a capital project identified in the approved Capital Programme and in respect of which the detailed business case (or equivalent) has been approved;</p> <p>1.3.4 Implementation of an explicit policy within the approved Budget and Policy Framework or fulfilment of the policy intention of a key decision previously approved by the Executive;</p> <p>1.3.5 The invitation of tenders or awarding of contracts where necessary to provide for the continuation of an established policy or service standard.</p> <p>1.4 For the purpose of 1.1.2 above, a decision will be regarded as "significant" if the outcome of the decision will have an impact, for better or worse, on the amenity of the community or quality of service provided by the Authority to a substantial number of people living or working in the wards affected.</p> <p>1.5 A decision maker may only take a Key Decision in accordance with the requirements of the Access to Information Procedure Rules set out in Part G2 of the constitution.</p>
B	<p>4.1 Under the Local Government (Executive Arrangement) (Access to Information) (England) Regulations 2000, a key decision is a decision made by the Executive, an individual Member or Officer which is likely:</p> <p>"(a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or the function to which the</p>

	<p>decision relates; or</p> <p>(b) to be significant in terms of its effects on Communities living or working in an area comprising two or more wards .... in the area of the local authority”.</p> <p>4.2 The definition of "Key Decision" for [B] is to be found in paragraph 41 of the Council Procedure Rules (Section 13)</p> <p>41.2 The following decisions are Key Decisions:  an executive decision which is likely to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the authority’s budget for the service or function to which the decision relates; or to be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority</p> <p>41.3 Under part (a) of the definition any expenditure or savings of £1million or more shall be significant for that part of the definition, with the exception that the letting of any contract which involves the provision of services to, or the purchase of goods and services by the Council, where such contract relate to the internal workings of the Council and therefore do not have a significant impact on local communities in the same way as other contracts. Such contracts include advertising, provision of locum staff, library books, vehicles, consumables, food, gas, electricity and cleaning services shall be excluded from the definition of a key decision</p> <p>41.4 Where the Executive as a body is making Key Decisions, that meeting shall be held in public. Where a matter is to be considered and Regulation 7 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 is applicable then the meeting will be held in public. In both cases the public may be excluded from the meeting where confidential or exempt information is likely to be disclosed.</p> <p>41.5 Where an officer exercising an executive function under delegated powers, receives a report which he/she intends to take into consideration when making a Key Decision that decision shall not be taken until the report has been made available for inspection by the public for five clear working days following receipt of the report by the decision taker. A copy of such report must be supplied as soon as reasonably practicable to the Chairman of the relevant Scrutiny Committee.</p>
C	<p>(i) A Key Decision is an Executive decision to be taken by The Cabinet which falls within the following definition approved by the Council:-</p> <ul style="list-style-type: none"> <li>• Any decision relating to the approval of or variation to the Council’s policy framework or budget which is reserved in the Council’s constitution for determination by Full Council on a recommendation from The Cabinet (Any recommended to Council item), or</li> </ul>

	<ul style="list-style-type: none"> <li>• Any decisions made in the course of developing proposals to the Full Council to amend the policy framework. This includes decisions made to amend draft policies for the purposes of consultation.</li> <li>• Any decision which will result in income, expenditure or savings with a gross full year effect of £500,000 or greater whether or not the item has been included in the relevant approved budget with the exception of expenditure which is required for the day to day provision of services (eg day to day supplies, payment of energy bills etc.), or</li> <li>• Any decision which is likely to have a significant impact on people living or working in communities in two or more Wards with the exception of decisions that involve two or more Wards simply because of the carrying out of a programme of works.</li> </ul> <p>(ii) A decision taker may only make a key decision in accordance with the requirements of The Cabinet Procedure Rules set out in Part 4 of this Constitution.</p>
D	<p>3.3.5.1 A Key Decision is a decision:-</p> <ul style="list-style-type: none"> <li>a. taken by the Cabinet or an individual Cabinet Member,</li> <li>b. in connection with the discharge of a Cabinet Function and which is determined as such by the Leader and is likely: <ul style="list-style-type: none"> <li>i. to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or</li> <li>ii. to be significant in terms of its effects on communities living or working in an area comprising one or more wards in the County.</li> </ul> </li> </ul> <p>3.3.5.2 For the purposes of 3.3.5.1(b)(i) above £500,000 shall generally be regarded as significant in terms of expenditure or savings. A matter involving a lesser sum may be regarded as significant in terms of expenditure or savings in exceptional circumstances including but not limited to:</p> <ul style="list-style-type: none"> <li>a. where a lesser sum is involved but other non-financial factors make the matter significant in terms of the service or function to which the decision relates,</li> <li>b. or where a lesser sum is involved but it has significant impact on the budgets for other services or functions or on the Council's budget as a whole.</li> </ul> <p>3.3.5.3 For the purposes of 3.3.5.1 (b) (ii) above any issue which, in the opinion of the Leader of the Council, is likely to have a significant effect or impact any group(s) of people shall be regarded as significant in terms of impact on communities. In deciding whether an issue has a significant effect or impact on any group(s) of people the Leader shall have regard to:</p> <ul style="list-style-type: none"> <li>a. whether the decision may incur a significant social,</li> </ul>

	<p>economic or environmental risk or benefit</p> <p>b. the likely extent of the impact of the decision both within and outside the County</p> <p>c. whether the decision is likely to be a matter of political or other controversy</p> <p>d. the extent to which the decision is likely to result in or attract substantial public interest.</p> <p>3.3.5.4 The decision of the Leader of the Council as to whether a decision is a Key Decision may be challenged by Call In.</p> <p>3.3.5.5 The Chief Executive will maintain a list of anticipated Cabinet decisions that may be Key Decisions.</p>
E	<p>(i) A key decision is a Cabinet decision which is likely:</p> <p>(a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or</p> <p>(b) to be significant in terms of its effect on communities living or working in an area comprising two or more electoral divisions in the area of the local authority.</p> <p>NOTE: The current Financial and Contract Rules recommend any financial decision over and above a budget value of £140,000 to be a key decision.</p> <p>(ii) A decision-taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.</p>
F	<p>A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.</p> <p>These are decisions which are likely:-</p> <p>(i) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or</p> <p>(ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.</p> <p>The Council will treat decisions on the following matters as key decisions:</p> <ul style="list-style-type: none"> <li>• Statutory plans - policy framework plans, which need full Council approval in any event.</li> <li>• Any matter on which Cabinet will require full Council approval.</li> <li>• Contracts involving expenditure or income of over</li> </ul>

	<p>£250,000 (Contracts over £5000,000 expenditure will need Council approval anyway) in respect of any single contract.</p> <ul style="list-style-type: none"> <li>• Virement between budget heads of more than 10% for any amount exceeding £250,000.</li> <li>• Proposal for Council development on any land which is not "permitted development" under the Permitted Development Order (i.e. which requires an application for planning permission) except for development which involves temporary consent.</li> <li>• Any proposal which changes charges to any users of a service.</li> <li>• Any proposal to cease to provide a Council service (other than temporarily) at any premises.</li> <li>• Any proposal to make substantive changes to any service provided by the Council.</li> <li>• Consideration of budget estimates.</li> </ul>
G	<p>(i) A key decision is an Executive decision which is likely:</p> <ul style="list-style-type: none"> <li>(a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or</li> <li>(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 in the area of the local authority.</li> </ul> <p>(ii) Key decisions may only be made by the full Executive (the Cabinet) or by a committee of the Cabinet or an individual executive councillor (or under delegations to an area committee or under joint arrangements) and will follow the Executive Standing Orders set out in Part 4, Section B of this Constitution.</p>
H	<p>A decision of the Executive, an Area Committee, or of a Corporate Director acting in accordance with the Scheme of Delegation will be a Key Decision if it comes within one or more of the following categories:</p> <ul style="list-style-type: none"> <li>i) It is likely to result in the Council incurring expenditure or making savings which are significant having regard to the Council's budget for the service or function to which the decision relates; or</li> <li>ii) it is likely to be significant in terms of its effects on communities living or working in 2 or more Stockport wards.</li> <li>iii) it forms part of the development of, or the development of a change to, the Policy Framework or Budget.</li> <li>iv) it involves revenue expenditure or saving that is neither provided for within the Budget, nor virement permitted by the Constitution.</li> <li>v) it involves capital expenditure that is not provided for within: <ul style="list-style-type: none"> <li>a. the capital estimate for a specific scheme; or</li> <li>b. a lump sum capital estimate;</li> <li>c. the capital programme at all, subject to rule 5.7 of the</li> </ul> </li> </ul>

	<p>Financial Procedure Rules, which permits the Executive to utilise released capital funding for other projects where approved scheme costs are reduced or the approved scheme is deleted (unless the resources were specifically ring fenced).</p> <ul style="list-style-type: none"> <li>vi) it involves a significant reduction in or significant change to a service or facility provided by the Council, such reduction or change not being within the Policy Framework or Revenue Budget.</li> <li>vii) it consists of the declaration of land or property, the estimated value of which exceeds £250,000, as surplus to the Council's requirements.</li> <li>viii) it involves securing approval in principle to the acquisition or disposal of land or property the value of which is estimated to exceed £250,000.</li> <li>ix) it involves securing approval in principle to the taking of, or the granting, renewal, assignment, transfer, surrender, taking of surrenders, review, variation or termination of any leases, licences, easements or wayleaves, at considerations in excess of £250,000 per annum or a premium of £250,000.</li> <li>x) its consequences are likely to result in compulsory redundancies or major changes to the terms and conditions of employment of a significant number of Council employees.</li> </ul> <p><b>A Key Decision may only be taken in accordance with the requirements of the Executive Procedure Rules (Part 4 PR3) and Access to Information Rules (Part 4 PR7).</b></p>
J	<ul style="list-style-type: none"> <li>(i) An executive decision taken by the Executive, an Executive Member or an officer will be a Key Decision if it comes within one or more of the following categories: <ul style="list-style-type: none"> <li>a. It is likely to result in the Council incurring expenditure or making of savings which are significant having regard to the Council's budget for the service or function to which the decision relates; or</li> <li>b. to be significant in terms of its effects on communities living or working in 2 or more Trafford wards.</li> <li>c. It forms part of the development of, or the development of a change to, the Policy Framework or Budget.</li> <li>d. It involves securing approval in principle to the acquisition or disposal of land or property the value of which is estimated to exceed £500,000.</li> <li>e. It involves securing approval in principle to the taking of, or the granting, renewal, assignment, transfer, surrender, taking of surrenders, review, variation or termination of any leases, licenses, easements or wayleaves, at considerations in excess of £250,000 per annum or a premium of £500,000</li> <li>f. Its consequences are likely to result in compulsory redundancies or major changes to the terms and conditions of employment of a significant number of Council employees.</li> </ul> </li> </ul>

	<p>(ii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.</p>
K	<p>12.5.1 The statutory definition, as contained in paragraph 8 of Part III of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, is as follows:-</p> <p>an executive decision, which is likely:-</p> <p>(a) to result in the Local Authority incurring expenditure which is, or the making of savings which are significant having regard to the Local Authority's budget for the service or function to which the decision relates; or</p> <p>(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Local Authority.</p> <p>12.5.2 Under part (a) of the definition and subject to 12.5.3 below the Borough Council has decided that any expenditure or savings of £250,000 or more shall be significant for the purposes of that part of the definition. All such Key Decisions must be approved by the Executive Board.</p> <p>12.5.3 The Council has decided that the letting of any contract on behalf of the Council by an authorised person which involves the provision of services to, or the purchase of goods and services by the Borough 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 may include advertising, library books, vehicles, consumables, food, gas, electricity, and cleaning of borough premises.</p>
L	<p>Wiltshire Council defines a key decision as:</p> <ul style="list-style-type: none"> <li>• any decision which would result in the closure of an amenity or total withdrawal of a service;</li> <li>• any restriction of service greater than 5 per cent measured by reference to current expenditure or hours of availability to the public;</li> <li>• any action incurring expenditure or producing savings greater than 20 per cent of budget service areas against which the budget is determined by Full Council;</li> <li>• any decision in accordance with the Council's Financial Regulations (Part 9), involving financial expenditure of £500,000 or above, with the exception of operational expenditure by Corporate Directors identified within the approved budget and policy framework.</li> <li>• any proposal to change the policy framework.</li> <li>• any proposal which would have a significant effect on communities living or working in an area comprising two or more electoral divisions.</li> </ul>

M	<p>A key decision means a decision made in connection with the discharge of a function which is the responsibility of the Cabinet and which is likely to:</p> <ul style="list-style-type: none"><li>a) result in the Council incurring expenditure, or making savings which are significant having regard to the Council's budget for the service or function to which the decision relates; or</li><li>b) be significant in terms of its effects on communities</li></ul> <p>For the purpose of the above, savings or expenditure are significant if they are equal to or greater than £500,000 or equal to or greater than £100,000 where the savings or expenditure exceeds 10% of the budget for the service plan area whichever is the less. Expenditure in excess of the above levels will not constitute a key decision if such expenditure is made as part of the implementation of a decision which itself was a key decision e.g. the award of a contract <i>or where the expenditure is routine expenditure as described in the Contract procedure rules</i>. A decision taker may only make a key decision in accordance with the requirements of the Access to Information Procedure Rules set out in Part 4 of this Constitution.</p>
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