

West Suffolk Council

Section 3 - Responsibility for Executive functions

3.1 Cabinet Decision Making

3.1.1 Unless the matter is one of special urgency, only the Cabinet can make the following Executive decisions:

- a) Decisions that refer a policy, strategy, plan or other form of decision to the Council to determine.
- b) Decisions that are contrary to any policies, strategies, plans or other form of decision that Council has previously made.
- c) Decisions that are contrary to any policies, strategies plans or other form of decision that Cabinet has previously agreed, unless the Leader, Portfolio Holder and Chair of the Overview and Scrutiny Committee agree it may be delegated to the Portfolio Holder or Officers to determine.
- d) Decisions to adopt a policy, strategy or plan which is required as a result of legislation or statutory guidance but does not require adoption by the Council.
- e) Award a grant, contract or licence to an individual or corporate body in which a Councillor has declared a pecuniary interest.
- f) The Portfolio Holder or Leader has determined the matter should be determined by Cabinet.

3.1.2 a), b) and c) below must also be determined by Cabinet where they:

- Have not been included in the Council's budget; or
- They are not specifically required to bring into effect any previously agreed policy or plan; or
- Are not fully funded by an external source and therefore have no net budgetary impact.

- a) The acquisition or disposal of land, property or other assets which are of more than £500k in value.
- b) The establishment of a new company, limited liability partnership or joint venture.
- c) Permanent additions to the staffing establishment for which there is no other budgetary provision.

3.1.3 Any decision of Cabinet (unless the matter is a referral to Council) may be subject to the call-in procedure as outlined in the Overview and Scrutiny Committee Procedure Rules.

3.2 Portfolio Holder or Cabinet decision making

3.2.1 The following matters cannot be determined by Officers and must either be determined by Cabinet, or by Portfolio Holders. The decision making route shall be determined following consultation between the relevant Officer, Portfolio Holder and/or Leader:

- a) Matters that, as above, must only be considered by Cabinet.
- b) The Portfolio Holder or Leader has determined they should make the decision.
- c) Where consultation with the public or local Ward Member(s) has highlighted that the matter has the potential to cause local controversy or reputational damage to the Council.
- d) Where a Member of the Officer Leadership Team or a statutory Officer has declared a pecuniary interest in a matter.
- e) The acquisition or disposal of land, property or other assets which are of more than £100k in value.
- f) The write off of balances, or write-on of credit balances that are individually worth more than £5k.

3.2.2 The Cabinet or Portfolio Holders, may also make decisions that do not meet the criteria in 3.1 or 3.2.1 above that would ordinarily be delegated to Officers to make.

3.3 Officer decision making

3.3.1 Except in circumstances described in 3.1 and 3.2 above, Officers may make any other executive decisions in respect of the services, programmes, projects and plans for which they are responsible for. They may also make any decisions that are necessary in order to bring into effect decisions made by Cabinet or Portfolio Holders.

3.3.2 The Chief Executive may delegate levels of responsibility and decision making to any Strategic Director, Director or other Officer. A Strategic Director or Director who is delegated authority may then further sub-delegate decision making to any other Officer. Anyone delegated decision making responsibility should be familiarised with the limits of their delegation and the terms of this constitution.

3.3.3 The Monitoring Officer shall maintain a record of all Officers delegated to make decisions.

3.3.4 Applicable to all individuals in making decisions:

- a) Any individual who is delegated decision making responsibility may elect not to exercise their delegation.
- b) Any individual who is delegated decision making responsibility should carefully consider who should be consulted on the decision. This should include consideration to the Portfolio Holder, local Ward Member, Chair of the Overview and Scrutiny Committee and/or the Performance and Audit Scrutiny Committee in addition to any required public consultation.
- c) Where there is any doubt as to whether the matter constitutes a Key Decision, the presumption should be that it is.
- d) Where there is any doubt as to whether the matter should be determined by Cabinet or the Portfolio Holder, the presumption should be that the Cabinet or Portfolio Holder makes the decision.
- e) No individual should make a decision where they, or close relatives/friends are the beneficiary of that decision.

- f) Anyone making a decision must take appropriate levels of care and diligence in doing so. They should ensure that the decision is appropriately documented and there is a clear rationale to support it. They must take into account any advice provided to them, the outcomes of any consultation, and any legal requirements/statutory guidance.
- g) Anyone making a decision must follow any other requirements placed on them by this Constitution, including requirements with respect to Key Decisions and the requirements of the Access to Information Procedure Rules.

3.4 Urgent Decisions

- 3.4.1 Where, in the opinion of the Chief Executive, by reason of limitation of time or urgency, a decision is required on any executive matter that is not otherwise delegated to Officers to make, after such consultation as they consider necessary, (or as is required by the Council's Budget and Policy Framework Procedure Rules in Part 4 of this Constitution), they shall have power to make the decision provided that any such decision shall be reported to the next meeting of Cabinet.
- 3.4.2 Such decisions should be treated under the special urgency provisions in the Access to Information Procedure Rules

3.5 Cabinet Portfolio Holders

- 3.5.1 The Cabinet Portfolio Holders may only make decisions with respect to services that fall within their area of responsibility. The Leader shall determine the number and scope of Cabinet Portfolios and allocate responsibility for the Portfolios amongst the Members of Cabinet. The Monitoring Officer shall maintain a list of Portfolio responsibilities as nominated by the Leader, which shall be published alongside this Constitution.
- 3.5.2 The Leader (or in their absence, the Deputy Leader) may make decisions in respect to any services. All Cabinet Portfolio Holders may only make decisions within the limits of responsibility provided within 3.1 to 3.4 above and comply with any requirements of this Constitution in doing so.