

Delegations to Cabinet Members

As a general rule, matters of corporate policy and high level strategic and **key matters** will be determined by the Cabinet collectively; **non-key** strategic matters which relate to a particular Cabinet member portfolio will be determined by the individual Cabinet member. In other words, if a matter does not fall within the definition of 'key', then it should be presented to the Lead Member responsible and not the full Cabinet. The Cabinet Member portfolios can be found on page [] of the Constitution.

The Cabinet Member to whom a function is allocated may (at his or her discretion) decline to make a decision in connection with the discharge of that function on any particular matter, and may instead refer the matter to the relevant decision making body eg the Cabinet/Joint Committee for example, where the matter is considered to be politically contentious or is likely to have a significant impact on services or is in the public interest to do so.

A key decision is defined as:-

- The Council incurring expenditure or making savings that are significant in its budget for the service or function relating to the decision and/ or
- Having a significant effect on communities living or working in a particular area

Before making a Delegated Decision the Cabinet member shall consider the following:

(a) the basis of the merits of the circumstances involved and the public interest

b) having regard to any relevant advice from Council Officers in particular the Councils Chief Finance Officer and the Councils Financial Regulations and the Councils Monitoring Officer.

(c) compliance with any conditions or restrictions on the exercise of their discretion which have been laid down by Cabinet;

(d) take into consideration the views expressed by Council Members, Council Officers and any other consultees as provided in the Report to the Cabinet Member.

(e) take into account any previous decisions by the Council or the Cabinet relating to any relevant policies or procedures.

All Executive Decisions must be in writing and the Member shall complete the prescribed form and send a copy to the [Democratic Services] to enable them to make the decision available for inspection by Council Members and the Public, subject to any lawful exemption from public disclosure.

Member Delegated Decisions are subject to the Councils Call In procedures in accordance with Section [] of the Constitution.

Member Delegated Decisions cannot be implemented until the Call In period has expired, (5 working days), unless the decision meets the urgency conditions as set out in Section [] of the Call In Rules.

Individual Cabinet members may consult with the Cabinet or other Cabinet members or the Chairman of the relevant Committee; or ward members on the exercise of any delegated powers or determine not to exercise a delegated power in any particular case.

Where an individual Cabinet member has a personal and prejudicial interest as defined in the Members Code of Conduct in relation to any delegated decision, the Member shall not take the decision but will ask the relevant Officer to refer the matter to the Cabinet for determination.

The following flowchart sets out the process for Member delegated decisions.

