

**Wiltshire Council
Constitution
Protocol 5
Leader's Protocol for
Individual Decision-Making
by Cabinet Members**

PROTOCOL 5

LEADER'S PROTOCOL FOR INDIVIDUAL DECISION-MAKING BY CABINET MEMBERS

1. Aims

The aim of this protocol is to support individual decision making by Cabinet Members in accordance with the Scheme of Delegation reported to Full Council on 15 September 2009. It is designed to promote:

- good practice
- consistency and
- transparency

Following a review of the process and consultation with all members this protocol has been revised to reflect the comments received.

2. Stages of decision making

This protocol deals with three stages in the decision making process:-

(a) Pre-decision

Decisions should not be taken unless five clear days notice has been given of the intention to make the decision.

Before any proposed decision is published the cabinet member should be advised by the relevant officer(s) of the matter to be determined together with the material issues for consideration. This should reflect the requirements of paragraph seven of the scheme of delegation to cabinet members including ensuring that appropriate consultations have taken place with other officers of the council and that if there is a local dimension to the issue, the local member is aware of the proposal. The proposal should include reference to the consultation undertaken so far.

The intention to make the decision will then be published and circulated to all Members of the Council. There will then be a period of at least 5 clear days within which representations can be made to the appropriate cabinet member.

It is open to the cabinet member to undertake any further consultations which they consider necessary before a decision is taken. This is particularly important where there is public interest in the matter or where it is clear from the local member that the issue is sensitive locally. This may include consultation with other cabinet members if there is an impact on that service portfolio or with the local member if there is a local dimension to the decision.

(b) Making the decision

No decision shall be taken until the five day period referred to above has elapsed.

All cabinet member decisions should be recorded, signed off and dated by the cabinet member. Details of options considered, consultation undertaken and reasons for the decision should also be recorded.

Once recorded, a copy of the signed decision together with the supporting documentation should be forwarded to Democratic Services on the same day as the decision is made.

(c) Post decision

In accordance with the Cabinet rules for decision making all decisions must be published within two days and shall not take effect for five days.

Democratic Services will arrange for all decisions to be communicated to all members and for the decision to be posted on the web site.

3. Types of decisions

To assist officers in determining the types of decisions that might routinely be dealt with by cabinet members under delegated powers here are some examples:-

- (a) **service development** including approval of service plans and initiatives, approval of scope and service specifications for Best Value reviews, annual contract reviews, progressing schemes already approved by cabinet to completion.
- (b) **review and development of non major policies** including school holidays, highways maintenance protocols and practices
- (c) **financial management** including minor treasury management issues, minor adjustments to the capital programme, debt write offs, fees and charges and minor grants
- (d) **external relations** including responding to government agencies and other partners on consultations regarding management plans, local plans, supplementary planning guidance, appointments to outside bodies, trust fund annual reports.
- (e) **asset management** including agreeing minor lease extensions.

(This is not supposed to be an exhaustive list and it will be reviewed in the light of experience)

4. Support

Officers from the Democratic Services team are available to advise on the use of delegated powers by cabinet members and to be present at any of the stages of the decision making process.