

# EVERDON PARISH COUNCIL

## POLICY ON RECORDING OF DECISIONS MADE BY OFFICERS

1. The Openness of Local Government Bodies Regulations 2014 (2014 SI No. 2095), which came into force on 6 August 2014, require a written record to be kept of executive decisions made by an officer of a parish council acting under delegated powers. (The Regulations also contain provision on filming, recording and reporting of Council and committee meetings and the Parish Council has a separate policy on this.)
2. However, many administrative and operational decisions officers take on how they go about their day to day work will be delegated within the council's standing orders and are not in this "executive decisions" category; as such they do not need to be recorded.
3. Executive decisions are those:
  - made under a 'specific express authorisation', or
  - made under a general authorisation where the effect of the decision is to:
    - a. grant a permission or licence,
    - b. affect the rights of an individual, or
    - c. award a contract or incur expenditure which, in either case, significantly affects the financial position of the Parish Council.
4. The potentially very wide scope of this provision is in practice cut down by the guidance issued by the Department of Communities & Local Government in their 'plain English' guide to the Regulations. Available at <https://www.gov.uk/government/publications/open-and-accountable-local-government-plain-english-guide>
5. The relevant guidance for parish councils is as follows: 'Officers take many administrative and operational decisions on how they go about their day-to-day work within the council's rules. These decisions will not need to be recorded'.
6. You will not be able to inspect some recorded decisions if the whole/part of the records contain confidential information or any other information where publicity would be prejudicial to the public interest. Examples of decisions that should be recorded are:
  - awarding contracts above specified individual/total values, in terms of the Council's Standing Orders; and
  - decision to renew a lease to an allotment association
7. Where decisions are already required to be published by other legislation, they do not need to be recorded again provided the record published has the date the decision was taken and the reasons for the decision.

Decisions that do not need to be recorded might include the following examples:

- routine administrative and organisational decisions such as the purchase of office supplies or repairs;
- decisions on operational matters such as day-to-day variations in services;
- a decision to sign an allotment tenancy agreement;
- decisions to allocate burial plots, if applicable; and
- decisions to approve works undertaken by a contractor.
- decisions taken in response to requests under the Data Protection Act 1998 or the Freedom of Information Act 2000

These are a few selected examples and not an exhaustive list. It is for the council to decide what information should be recorded on the basis of the national rules.

8. In terms of Clauses 4.1, and 5.5(b) of the Council's Financial Regulations, the Clerk currently has authority to incur expenditure up to £1,000, in conjunction with the Chairman of the Council. The Parish Council does not consider that such expenditure is likely to significantly affect the financial position of the Parish Council. Expenditure in excess of these limits must be authorised by a committee or by Full Council and the decision will be recorded in the minutes.
9. Accordingly, and having regard to the exemptions set out in the 'plain English' guide, Everdon Parish Council does not consider that officers will be taking decisions of such a nature that a written record will be required.
10. If, exceptionally, a written record is required of an officer's decision the record will be published on the Parish Council's website and made available for inspection, upon request, in the same way as minutes of council/committee meetings.

The written records will reflect the following information:

- Details of the decision and the date it was made;
- reasons for the decision;
- any other options considered and why those options were rejected;
- details of any conflict of interest of an executive member of the decision-making body; and
- a note of dispensation granted by the Council in respect of any declared conflict of interest.

