

# **CONSTITUTION OF THE LONDON BOROUGH OF CROYDON**

## **Part 4.G – Delegations to Executive Directors Decision Making Procedure Rules**

### **1 Departmental Schemes**

- 1.1 This Constitution includes a range of delegations. Executive Directors should identify who amongst their senior staff shall exercise these, both on a day to day basis and in the event of their absence. These arrangements shall be written up by each Executive Director as their departmental scheme, which shall be deposited with the Council Solicitor.
- 1.2 A departmental scheme might involve specific delegations to individual senior officers or generic delegations to a group of officers. It is for each Executive Director to decide what is reasonable in the context of their Department's needs and staffing structure. It would not be unreasonable for an Executive Director to delegate the entirety of his delegated powers to the Department's second tier staff but not appropriate to re-delegate on a general basis more widely. Further advice is available from the Monitoring Officer on the style and content of the scheme of delegations appropriate for a particular Department. The Council's Financial Regulations at Part 4 of this Constitution provide that the Chief Finance Officer must approve all financial schemes of delegation.

### **2 Decisions which should be formally recorded**

- 2.1 Most of the Council's most senior managers are taking decisions on a regular basis and the general nature of the delegations included in the Constitution provides authority for this. However, certain classes of decisions and the reasons for them should be recorded in writing in order that they can be defended if challenged (either informally or through the Courts) and to protect managers from any suggestion that they are abusing their authority. Furthermore, certain types of decisions are required by statute to be recorded and made available to the public. Finally, where executive decisions are being taken by officers, regard must be had to the provisions of Part 4B Access to Information Procedure Rules in this Constitution.
- 2.2 Given that Officers shall be taking a wide range of managerial, service and statutory decisions it is not easy to identify with complete certainty those where a formal record should be retained. However the following classes of decision, which are not mutually exclusive, are required by statute to be formally recorded:

- i. Any decision taken by an officer which would otherwise have been taken by the relevant Council decision making body, or a committee or sub-committee of that body or a joint committee in which that body participates, but it has been delegated to an officer of that body either-
  - Under a specific express authorisation; or
  - Under a general authorisation to officers to take such decisions and, 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, materially affects that relevant local government body's financial position.
- ii. A written record must be produced as soon as reasonably practicable after the decision making officer has made the decision and must contain the following information –
  - The date the decision was taken;
  - A record of the decision taken along with the reasons for the decision;
  - Details of alternative options, if any, considered and rejected, and
  - Where the decision is taken pursuant to an express authorisation from a the relevant Council decision making body, the names of any Members of the Council decision making body who has declared a conflict of interest in relation to the decision.

2.3 In addition to the above, the following classes of decision, which are not mutually exclusive, provide a guide as to those where a specific record including reasons should be retained:

- i. Statutory Determinations
- ii. Any decision which is prejudicial to the rights or interests of an individual or a third party
- iii. Any decision which is likely to be challenged
- iv. Any decision to issue a formal Notice or instigate a formal procedure
- v. The dismissal of a member of staff or any decision which is prejudicial to the interests of an individual or a group of staff
- vi. The approval of expenditure over £10,000
- vii. Any decision, which may be or is at variance with Government guidance

- viii Any decision requiring the execution of formal documentation by the Council Solicitor.
  - ix Any other executive decision, as defined in Part 4B Access to Information Procedure Rules in this Constitution, such record to include the decision and date it was made; the reasons for the decision; details of any alternative options considered and rejected by the officer when making the decision ; any conflict of interest declared by any Executive Member who is consulted by the officer which relates to the decision; and in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service
- 2.3 Decisions relating to the appointment of staff are already well documented if carried out in accordance with the Council's recruitment policies and the Guide to Successful Staff Selection.

### **3 Decision documentation**

- 3.1 The need to document decisions and their reasons can be met in a number of ways. It is suggested that the most appropriate is either:
- (a) A decision letter setting out reasons and signed by a manager with delegated authority;
  - (b) An internal memorandum setting out reasons and a recommendation to a manager with delegated authority and then endorsed as "approved" and signed and dated by that manager; or
  - (c) A decision record form for non-executive decisions designed for the purpose – an example of such a form is attached at appendix 1 to these rules.
  - (d) In relation to an executive decision as defined in Part 4B Access to Information Procedure Rules in this Constitution, an executive decision record form is required, as attached at appendix 2 to these rules.
- 3.2 The decision documentation should then be retained (in hard or electronic form) on a central departmental file in addition to any subject file. The Council Solicitor shall require a copy of the documentation when executing formal documentation on such matters.
- 3.3 The manager with delegated authority must be either the Executive Director or a senior manager given delegated authority under the departmental scheme referred to in paragraph 1 above.
- 3.4 As with a report to the Leader, the Cabinet or a Committee for decision the reasons given should show that the Authority (acting through the delegated manager) has had regard to all appropriate considerations in reaching a

decision. This must include all those that the Authority is required to have regard to by statute (such as human rights or crime and disorder) as well as those that are required by good practice. The general approach adopted in Committee or Leader/Cabinet reports may be a helpful guide although the documentation for delegated decisions may be more concise.

**Appendix 1**

**CROYDON COUNCIL**

.....DEPARTMENT

**RECORD OF NON-EXECUTIVE DELEGATED DECISION**

TITLE:-	
REFERENCE NO:-	
OPTIONS CONSIDERED:- [Including any rejected]	
ANY CONFLICT OF INTEREST DECLARED BY A MEMBER of the Decision Making Body which expressly delegated authority to the officer taking the decision.	
RECOMMENDATIONS:-	
BACKGROUND PAPERS/ CABINET OR COMMITTEE REPORT:-	

I agree/do not agree\* to the recommendation [as amended\*]  
(\*delete as appropriate)

Signature:

Title:

Date:

**Appendix 2**

**CROYDON COUNCIL**

..... **DEPARTMENT**

**RECORD OF EXECUTIVE DECISION**

TITLE:-	
REFERENCE NO:-	
SUMMARY:- [Include all appropriate considerations to the decision]	
OPTIONS CONSIDERED:- [Including any rejected]	
ANY CONFLICT OF INTEREST DECLARED BY AN EXECUTIVE MEMBER CONSULTED by the officer in making the decision.	
ANY DISPENSATION GRANTED TO THE EXECUTIVE MEMBER CONSULTED BY THE CHIEF EXECUTIVE.	
RECOMMENDATIONS:-	
BACKGROUND PAPERS/ CABINET OR COMMITTEE REPORT:-	

I agree/do not agree\* to the recommendation [as amended\*]  
(\*delete as appropriate)

Signature:

Title:

Date: