

TATWORTH & FORTON PARISH COUNCIL

POLICY ON RECORDING OF DECISIONS MADE BY OFFICERS

(reviewed and adopted by Tatworth & Forton Parish Council on 3rd November 2016)

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 certain 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; the Parish Council has a separate policy on this.)
2. The decisions are those:
 - a. made under a 'specific express authorisation', or
 - b. made under a general authorisation where the effect of the decision is to
 - i. grant a permission or licence,
 - ii. affect the rights of an individual, or
 - iii. award a contract or incur expenditure which, in either case, significantly affects the financial position of the Parish Council.
3. 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>).
4. 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.

You will not be able [to] inspect some recorded decisions if the whole or 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 could include:

- a. decisions about awarding contracts above specified individual/total values (the values will vary according to the relevant parish or town council); and
- b. decision to renew a lease to an allotment association

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;
- a decision to sign an allotment tenancy agreement;
- decisions to allocate burial plots; and
- decisions to book rooms or sports grounds; and decisions to approve works undertaken by a contractor.

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.'

5. The Clerk currently has authority to incur expenditure up to £500 (£1,000 for health and safety expenditure). 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 with delegated authority or by Full Council and the decision will be recorded in the minutes.
6. Accordingly, and having regard to the exemptions set out in the 'plain English' guide, Tatworth & Forton Parish Council does not consider that officers will be taking decisions of such a nature that a written record will be required.
7. 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 in the Parish Council's office in the same way as minutes of a committee meeting.
8. The Parish Council will review this policy after twelve months.

Signed: Chairman Date: 3rd November 2016, Minute No: 191/16 d