

Extracts from current Access to Information Procedure Rules

19.3 Record of individual decision

- (a) As soon as reasonably practicable after an executive decision has been taken by an individual member of the Executive or by an Officer, (either alone or in consultation with an Executive Member) he/she will prepare a record of the decision including the date it was made, a statement of the reasons for it and any alternative options considered and rejected, a record of any conflict of interest declared by any executive member who is consulted in relation to the decision, and a note of any dispensation granted in respect of any declared conflict of interest, in the format contained in the Appendix to these Rules.

Guidance points:

Regarding executive decisions by Officers, those executive decisions which are purely administrative or operational in nature will not usually be subject to the decision record recording and publication requirements. The authority has agreed to categorise as administrative/operational those executive decisions which are not key decisions and which:

- *are routine, day to day operational decisions under general delegations; and*
- *are within approved budget and policy; and*
- *have financial implications of £50,000 or less*

HOWEVER, each matter should be considered in light of its particular circumstances and with regard to the likely level of public interest in it.

DCLG has offered guidance on what should and should not be recorded:

...

The decisions that should be not recorded might include the following examples:

- *Decisions to allocate social carers to particular individuals, or for example, to provide walking aids;*
- *decisions to allocate a social housing unit to an applicant or to send someone to carry out repairs;*
- *decisions to review the benefit claims of an individual applicant and*
- *decisions to allocate market stalls to individual traders.*

Where officers have been empowered to act on behalf of their council's executive, examples of decisions that should be recorded could include:

- *Decisions about awarding contracts above specified individual or total values;*
- *decisions to exercise powers of Compulsory Purchase;*
- *decisions on disposal of and/or provision of allotment land and green spaces;*
- *awarding a Discretionary Rate Relief;*

- *the opening hours of local libraries; and*
- *the holding of car boot sales/markets on council-owned land.*

19B OTHER DECISIONS BY INDIVIDUAL OFFICERS

19B.1 An officer must produce a written record of any decision which he/she makes which falls within paragraph 19B.2.

19B.2 A decision falls within this paragraph if it would otherwise have been taken by North Yorkshire County Council, or a committee, sub-committee of the County Council (or a joint committee in which the County Council participates), but it has been delegated to an officer of the County Council either –

- (i) under a specific express authorisation; or
- (ii) under a general authorisation to officers to take such decisions and, the effect of the decision is to –
 - grant a permission or licence;
 - affect the rights of an individual; or
 - award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.

Guidance points:

Regarding non-executive decisions by Officers, examples of such decisions which should normally be recorded include:

- *those made in pursuance of a specific delegation made at a formal committee meeting;*
- *those granting planning/development control/licensing permissions;*
- *those awarding a contract or incurring expenditure of more than £50,000.*

Regarding non-executive decisions by Officers, those decisions which are purely administrative or operational in nature will not usually be subject to the decision record recording and publication requirements. The authority has agreed to categorise as administrative/operational those non-executive decisions of the type specified in 19B.2(ii) above which:

- *are routine, day to day operational decisions under general delegations; and*
- *are within approved budget and policy; and*
- *have financial implications of £50,000 or less;*

HOWEVER, each matter should be considered in light of its particular circumstances and with regard to the likely level of public interest in it.

DCLG has offered guidance on what should and should not be recorded: ...

Examples of decisions that should be recorded could include:

- *Decisions about awarding contracts above specified individual or total values (the values will vary according to the relevant council or local government body);*
- *a decision to carry out major road works;*
- *determination of licencing applications, building control decisions and notices; and*
- *decisions to give listed building consents.*

Where decisions are already required to be published by other legislation, they do not need to be recorded again provided the record published includes 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 giving permission to a local society to use the authority's premises;*
- *decisions on operational matters such as day to day variations in services;*
- *decisions to give business relief to individual traders;*
- *decisions to review the benefit claims of an individual applicant; and*
- *decisions taken in response to requests under the Data Protection Act 1998 or the Freedom of Information Act 2000.*

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