

GUIDANCE ON OFFICER DECISION MAKING

Can this decision be taken by an officer, or does it need to go to Committee?

The overriding principle for officer decision making is set out in Part 3(C) 'Overview and Scheme of Delegations of Authority to Officers' of the Council's Constitution. <https://democracy.wirral.gov.uk/documents/s50090410/Part%203%20C%20Officer%20scheme.pdf>

All matters which have not been reserved to Council or a Committee are delegated to Officers. Decisions not reserved to or by a Committee or Sub-Committee are expected to be taken by an officer only where:

- (a) the proposed decision concerns the award of contract or otherwise materially affects the Council's financial position, by a financial saving or expenditure, of no more than £1,500,000 (unless the decision has specifically been delegated to the Officer by a Committee or Sub-Committee);
- (b) the item of business has not been previously requested by a Committee or Sub-Committee or the Chair or Group Spokesperson of a Committee to be referred to a Committee or Sub-Committee; or
- (c) the officer concerned is not of the opinion that, due to its sensitive or high-profile nature, the item of business is to be referred to a Committee or Sub-Committee for determination (but shall not do so if any third party rights would be adversely affected solely as a result of the officer declining to exercise their delegated power).

Is the decision a key decision?

A key decision is currently defined as one which:

- (i) results, or is likely to result, in the Council incurring expenditure which is, or the making of savings which are, **in excess of 10% of the relevant budget head or £500,000**, whichever is the smaller; or
- (ii) **is significant in terms of its effect on communities living or working in an area comprising two or more wards**

A key decision may only be taken when notice has been given on the Council's Forward Plan at least 28 days in advance of the decision.

As detailed in paragraph (a) of the Overview and Scheme of Delegations of Authority to Officers, officers are able to take key decisions as long as the value of the decision does not exceed £1.5m. However, regard should be given to paragraph (c), i.e., the sensitivity or high-profile nature of key decisions and therefore many key decisions will be more appropriate for determination by Committees, despite their value not exceeding £1.5m.

I am ordering work, goods or services, who can approve it?

The Council's Financial Regulations set out the minimum approval required for orders for work, goods and services. <https://democracy.wirral.gov.uk/documents/s50090416/Part%204%205%20July%20Financial%20Regulations.pdf>

Financial Limit	Minimum approval required
More than £1.5m	Relevant Committee
More than £250,000 but no more than £1.5m	Relevant Chief Officer in consultation with the s151 officer
More than £100,000 but less than £250,000	Relevant Chief Officer
Up to £100,000	Budget Holder

Is an officer decision notice required for this decision?

The Access to Information Procedure Rules set out the requirement for notice of officer decisions exceeding £100,000 in value to be published on the Council's website. <https://democracy.wirral.gov.uk/documents/g9700/Public%20reports%20pack%2025th-May-2022%20Constitution.pdf?T=10&Info=1>

	Up to £100,000	£100,000 or over, but less than £500,000	£500,000 or over, but less than £1.5m	Exceeding £1.5m
Commissioning a Service	No officer decision notice required	No officer decision notice required, but consideration of whether consultation with relevant Chair and Group Spokes is required	Inclusion on the forward plan required, consultation with relevant Chair and Group Spokes required, and an officer decision notice is required	Relevant Committee approval required as well as inclusion on the forward plan
Awarding a contract	No officer decision notice required	Non-Key officer decision notice required	Further inclusion on the forward plan required (separate forward plan entry), consultation with relevant Chair and Group Spokes required, and an officer decision notice is required	Relevant Committee approval required as well as further inclusion on the forward plan, unless delegation to the director to award the contract was granted by the Committee when agreeing to commission the service

KEY ISSUE TO CONSIDER: When commissioning a contract which is a key decision, there are two key decisions needed to be taken. The first to go out to tender, and secondly to award the contract. Therefore, this requires two forward plan entries, and two key decision notices.

What is the governance process for Officer Decision Notices?

The process for producing an Officer Decision Notice is as follows:

	FORWARD PLAN	REPORT	DECISION NOTICE	MOD.GOV	COMMITTEE CO-ORDINATION AND OVERSIGHT GROUP	SLT	PUBLICATION	PERIOD FOR RECONSIDERATION BY POLICY & RESOURCES COMMITTEE
Key Decision	Item included on the Forward Plan at least 28 days prior to the decision being taken	Report produced in the name of the relevant AD or Head of Service recommending the relevant Chief Officer to make the decision	Decision notice produced confirming that the relevant Chief Officer is agreeable to making the decision	Report and decision notice uploaded to mod.gov and circulated for review by Legal, Finance etc	Report and decision notice to be released to CCOG on a Friday by 12pm, to be considered the following Tuesday at 2pm	Any comments to be incorporated and a version sent to SLT by close of play Thursday, to be considered by SLT the following Wednesday	Once the report and decision notice are finalised, and 28 days have elapsed since inclusion on the Forward Plan, circulate to Democratic Services for publication	Once the decision is published there is a three working day window to allow members of P&R Committee to consider whether they wish to withdraw delegation to the officer
Non-Key Decision	No requirement to be included on the Forward Plan	Report produced in the name of the relevant AD or Head of Service recommending the relevant Chief Officer to make the decision	Decision notice produced confirming that the relevant Chief Officer is agreeable to making the decision	Report and decision notice uploaded to mod.gov and circulated for review by Legal, Finance etc	No requirement for consideration by CCOG, comments should be sought completely via mod.gov	No requirement for consideration by SLT, unless request by the relevant Chief Officer	Once the report and decision notice are finalised in mod.gov, circulate to Democratic Services for publication	No period of reconsideration by P&R, so the decision stands once published