

# **CABINET**

**15 MARCH 2017**

## **REPORT OF THE HEAD OF LEGAL SERVICES – D.MICHAEL**

### **SECTION A – MATTER FOR DECISION WARDS AFFECTED – ALL**

#### **DECISION MAKING - MAY 2017**

##### **Purpose of Report**

1. To put in place decision making arrangements during the election period.

##### **Background**

2. This report addresses the matter of decision making within the Authority for the period 4<sup>th</sup> May – 31<sup>st</sup> May, 2017. It follows the same format as used previously in covering the election period.
3. Some key dates are as follows:-  
  
15<sup>th</sup> March, 2017 - Final meeting of Council  
4<sup>th</sup> May, 2017 - Elections  
17<sup>th</sup> May, 2017 - Special Council  
31<sup>st</sup> May, 2017 - Special Council
4. When, as in this year, the membership of the Council is up for election, there can be a brief hiatus or gap in decision making powers until the new Council is reconstituted. This report is intended to cover that gap by extending delegated power to officers subject to consultation with Members. This delegation has been granted previously and would come to an end on 31<sup>st</sup> May 2017. The delegation is intended to be used sparingly for important matters that

cannot be left until the new Council. Reports in similar form have been put to Cabinet and Council.

### **Financial Impact**

5. None

### **Equality Impact Assessment**

6. This is not required.

### **Workforce Impacts**

7. There are none.

### **Legal Impacts**

8. This is covered in the report.

### **Risk Management**

9. Failure to have arrangements in place would increase risk.

### **Consultation**

10. There is no requirement under the Constitution for external consultation on this item.

### **Recommendations**

11. It is recommended that any matters which normally require determination by Cabinet or Cabinet Boards, or any other Committee or Sub Committee of the Council,

and which in the view of the Chief Executive, or a Corporate Director or a Head of Service necessitates a decision to be taken during the period 3rd May to 30<sup>th</sup> May, 2012, then such Officer (s) in respect of matters within their Service functions, shall have delegated power to take a decision and to authorise any action on the matters in question, subject to the following :-

- (i) any decisions taken must comply with normal reporting format, including compliance statement and reason for decision, except that implementation shall be with immediate effect without any call-in requirement;
- (ii) all decisions shall be reported back to Members;
- (iii) this delegation will not include any determination of planning applications which are normally determined by the Planning Committee, unless deemed urgent by the Head of Planning in the context of statutory timescales; nor will it include decisions on any planning matters deemed to be “controversial” in the view of the Head of Planning. Any planning applications dealt with under this delegation will be determined by the Head of Planning.
- (iv) in exercising the above delegated powers, Officers will be required to consult with three Members as follows:
  - (a) From 4<sup>th</sup> May to 17<sup>th</sup> May – the current Mayor or Deputy Mayor and two other Members from different Political Groups (including one from any Majority Group);
  - (b) From 17<sup>th</sup> May to 31<sup>st</sup> May - the newly elected Leader or Deputy Leader (or in their absence the newly elected Mayor or Deputy Mayor) and two other Members from different Political Groups (including one from any Majority Group).

Subject in both cases to these groups being constituted.

The relevant pro-forma is set out in Appendix 1.

12. It is also proposed that the Mayor or Deputy Mayor be authorised to be present at the opening of tenders during the period set out in (a) above and the Leader or Deputy Leader (or in their absence the Mayor or Deputy Mayor) during the period set out in (b) above.

### **Reason for Proposed Decision**

13. In order to secure continuity of decision making.

### **Implementation of Decision**

14. The decision is proposed for implementation after the three day call in period.

### **Appendices**

15. Appendix 1 - Decision Making during May 2017

### **List of Background Papers**

16. None

### **Officer Contact**

Mr. D. Michael – Head of Legal and Democratic Services

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**TO: HEAD OF LEGAL SERVICES**

**FROM: .....**

**DECISION MAKING DURING MAY 2017**

*In accordance with the resolution of Council and Cabinet on 15<sup>th</sup> March, 2017, any matter which would normally require determination by Cabinet or Cabinet Boards; or any other Committee or Sub Committee of the Council, and which, in the view of the Chief Executive or a Corporate Director or Head of Service necessitates a decision to be taken during the period of 4<sup>th</sup> May, 2017 (the date of the Election) and the 31<sup>st</sup> May, 2017 (date of a Special Council Meeting), then such Officer(s), in respect of matters within their Service functions, shall have delegated power to take a decision and to authorise any action on the matters in question, in consultation with the appropriate three Members below. This delegation will not include any determination of Planning Applications normally determined by the Planning Committee, unless deemed urgent by the Head of Planning in the context of statutory timescales; nor will it include decisions on any planning matters deemed to be "controversial" in the view of the Head of Planning. Any planning applications dealt with under this delegation will be determined by the Head of Planning. All decisions taken must comply with the normal reporting format, including compliance statement and reason for decision, except that implementation shall be with immediate effect without any call-in requirement. All decisions will be reported back to Members.*

**SUBJECT:**

**REPORT AND REASON FOR ACTION:**

*(attach supporting report if appropriate. All executive matters require a Compliance Statement to be attached to this form)*

**OFFICER'S RESOLUTION:**

*nb This matter is / is not\* a private exempt item, If private – exempt Para No.....\* (\*delete/insert)*

**Signed: .....**  
**Director/Head of Service**

**Date:.....**

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**MEMBER CONSULTATION** *(Three signatories required as below - Committee Section to contact Members)*

**With three Members as follows:**

- (A) **From 4<sup>th</sup> May to 17<sup>th</sup> May** – the current Mayor or Deputy Mayor and two other Members from different Political Groups (including one from any Majority Group);
- (B) **From 17<sup>th</sup> May to 31<sup>st</sup> May** - the newly elected Leader or Deputy Leader (or in their absence the newly elected Mayor or Deputy Mayor) and two other Members from different Political Groups (including one from any Majority Group).

**Mayor: .....** (or Deputy Mayor)

**Date: .....**

**OR**

**Leader: .....** (or Deputy Leader)

**Date: .....**

**Member of .....Group Cllr .....**

**Date: .....**

**Member of .....Group Cllr.....**

**Date: .....**