

**PART 6 – PROCEDURE RULES (OTHER)
(SECTION 1 – DECISION NOTICES)**

Part 6 is set out in eight sections as follows:

- Section 1** Decision Notices
- Section 2** Scrutiny
- Section 3** Budget and Policy Framework
- Section 4** Access to Information
- Section 5** Financial Rules
- Section 6** Standing Orders – Purchasing,
Procurement, Contracts and Disposals
- Section 7** Officer Employment
- Section 8** Corporate Complaints

Contents

1.0 DECISION MAKING BY INDIVIDUAL CABINET MEMBERS 4
2.0 NOTICE OF PROPOSED INDIVIDUAL CABINET MEMBER DECISION.... 4
3.0 RECORD OF INDIVIDUAL CABINET MEMBER DECISION 5
4.0 EFFECTIVE DATE OF THE INDIVIDUAL CABINET MEMBER DECISION . 6
5.0 URGENT DECISIONS 6

PART 6 – PROCEDURE RULES (OTHER)
SECTION 1 DECISION NOTICES

1.0 DECISION MAKING BY INDIVIDUAL CABINET MEMBERS

1.1 Part 3 of this Constitution (Responsibility for Functions) confirms what responsibilities for executive functions may be exercised by each Cabinet Member. Within this delegated authority, individual Cabinet Members may take decisions as the need arises.

1.2 Any decision taken must be made on the basis of a written report submitted by officers that will comply with the following principles:

- (i) that relevant matters are fully taken into account in decision making;
- (ii) that the Officer Scheme of Delegation, Financial Procedure Rules, Contract Standing Orders and any other relevant rules from the Constitution have been complied with;
- (iii) that the Cabinet Member has the benefit of advice from all relevant officers;
- (iv) that consultation has been undertaken with relevant bodies and individuals; and
- (v) that the Cabinet Member concerned, and any Cabinet Member consulted, considered whether they had any interest in the matter of the decision to declare.

1.3 Where a Cabinet Member is unable to make a decision within their allocated responsibilities, the Leader, or in their absence the Deputy Leader, may exercise their delegation.

2.0 NOTICE OF PROPOSED INDIVIDUAL CABINET MEMBER DECISION

2.1 The Group Head of Council Advice & Monitoring Officer will issue notice of a decision to be taken by an individual Cabinet Member four clear working days before the decision is to be taken. The four clear working days will not include the date of the notification and the proposed date of the decision. It will be circulated to all Councillors and published to the Council's website. It will also be available for inspection at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.

2.2 This notice will describe:

- (i) the subject on which a decision is to be made
- (ii) an executive summary of the background to the decision
- (iii) whether the decision relates to exempt or confidential information
- (iv) the name of the decision taker
- (v) the date on which the decision will be taken

PART 6 – PROCEDURE RULES (OTHER)
SECTION 1 DECISION NOTICES

2.3 The notice will also confirm the steps that any person might take who wishes to make representation to the Cabinet Member before the decision is taken.

3.0 RECORD OF INDIVIDUAL CABINET MEMBER DECISION

3.1 A Cabinet Member shall not make a decision until they have taken account of the written report produced by the relevant officer. Nor shall they take the decision before the date set out in the notice as the proposed date for the decision.

3.2 As soon as reasonably practicable after a decision has been taken, the Group Head of Council Advice & Monitoring Officer will arrange for the record of the decision to be circulated to all Councillors and published to the Council's website. It will also be available for inspection at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.

3.3 This record will describe:

- (i) the name of the decision taker
- (ii) the subject on which a decision was made
- (iii) an executive summary of the background to the decision
- (iv) the decision
- (v) the reasons for the decision
- (vi) the alternative options considered and rejected
- (vii) whether there was any declaration of interest by the Cabinet Member, dispensation granted, or conflict of interest declared from the consultation undertaken
- (viii) whether the decision related to exempt or confidential information
- (ix) the date the decision was signed
- (x) the effective date for the decision

3.4 The record will also confirm the steps that any Councillor will need to take to request a call-in of the decision under the Scrutiny Procedure Rules.

3.5 The officer report considered by the Cabinet Member will be available for inspection at the Arun Civic Centre, Littlehampton unless it has been categorised as containing exempt information as confirmed by the Access to Information Rules set out at Part 6 of this Constitution.

PART 6 – PROCEDURE RULES (OTHER)
SECTION 1 DECISION NOTICES

4.0 EFFECTIVE DATE OF THE INDIVIDUAL CABINET MEMBER DECISION

- 4.1 The effective date for an individual Cabinet Member decision will be 10.00am on the day after the expiry of five clear working days from the publication of the decision. Clear days does not include Saturdays, Sundays or Bank Holidays.
- 4.2 Individual Cabinet Member decisions will generally be made on a Thursday and the effective date will therefore be the second following Friday. The record of the decision will confirm the effective date.

5.0 URGENT DECISIONS

- 5.1 Where, in the opinion of the relevant Cabinet Member, a delay in making a decision would seriously prejudice the Council's or the public's interest, an urgent decision may be taken.
- 5.2 In such cases, the decision can only be taken with the agreement in writing of the Chairman of the Overview Select Committee, or in their absence, the Vice-Chairman of the Committee. Having obtained this agreement:
- (i) the requirements of Rule 2.0 to give notice of the decision will not apply;
 - (ii) the decision shall not be subject to the call-in procedure as set out in the Scrutiny Procedure Rules at Part 6 of this Constitution;
 - (iii) the officer report and record of decision shall set out the reasons justifying the urgency and confirm the agreement in writing of the Chairman, or Vice-Chairman of the Overview Select Committee;
 - (iv) the record of decision shall give the effective date of the decision as the date the record was signed; and
 - (v) the decision may be taken and implemented before the record of decision has been published.
- 5.3 As soon as reasonably practicable after a decision has been taken, the Group Head of Council Advice & Monitoring Officer will arrange for the record of the decision to be circulated to all Councillors and published to the Council's website. It will also be available for inspection at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.

PART 6 – PROCEDURE RULES (OTHER)
SECTION 1 DECISION NOTICES

- 5.4 Decisions taken as a matter of urgency must be reported to the next meeting of the Overview Select Committee, together with the reasons for the urgency.