

Openness of Local Government Bodies Regulations 2014

Recording And Publishing Officer Decisions Made Under Delegated Authority:

The new requirement applies to decisions made:

- under a specific express authorisation; or
- b) under a general authorisation to officers to take such decisions and, 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, materially affects that relevant local government body's financial position (the Finance Policy and Resources Committee will be asked to consider this and determine a threshold amount)

A record of such a decision must be made and must include:

- the date the decision was taken;
- the reason/s for the decision;
- any alternative options considered and rejected; and
- any other background documents.

As this Council has a website it is also required to publish such decisions on the website.

Council must retain and make the written record of their officers' decisions available for inspection for six years beginning from the date of the meeting. The background papers should also be available for inspection for four years beginning from the date of the meeting. These may be kept in electronic format.

The duty to record a decision is satisfied where a written record containing the information referred to above is already required to be produced in accordance with any other statutory requirement.

Decisions that do not need to be recorded 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;

Examples of decisions that should be recorded could include: decisions about awarding contracts above specified individual/total values (the values will vary according to the relevant parish or town council)

It is a criminal offence if, without reasonable excuse, a person with custody of a document which is required by the Regulations to be made available to the public, refuses to supply the whole or part of the document, or intentionally obstructs any other person/s from disclosing such a document.

If a person is found guilty of such a criminal offence, he/she may be fined up to £200