

**Manchester City Council  
Report for Information**

**Report to:** Resources and Governance Scrutiny Committee – 5 January 2017

**Subject:** Key Decisions and the Register Key Decisions

**Report of:** The City Solicitor

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**Summary**

To brief the Resources and Governance Scrutiny Committee on the Key Decisions, the Register of Key Decisions and the information presented to Scrutiny Committees.

**Recommendation**

That the Committee note the report.

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**Wards Affected:** All.

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**Contact Officers:**

Name: Liz Treacy  
Position: City Solicitor  
Telephone: 0161 234 3087  
Email: l.treacy@manchester.gov.uk

Name: Donald Connolly  
Position: Head of Governance and Scrutiny Unit  
Telephone: 0161 234 3034  
Email: d.connolly@manchester.gov.uk

## 1. Background

- 1.1 In May 2016 the Committee requested a report on the delivery of information to members around key decisions (as recorded in minute RGSC/16/05). The intention for the report is respond to the Committee's request and to include an explanation of the process and language used for communicating decisions to be made to councillors and to the public.

## 2. Key Decisions and Legislative Requirements

- 2.1 Key Decisions can only be Executive Decisions. The decision must also be financially significant or have effect in more than one ward in the City. Non-Executive Decisions, such as approval of planning applications, are not "Key Decisions" no matter how significant they are in other respects. The definition set out in the constitution is:

15.1 A "key decision" means an executive decision which is likely –

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, **significant** having regard to the local authority's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising **two or more wards** in the area of the local authority."

- 2.2 In Manchester the threshold for **significant** expenditure or savings is generally £500,000, with a list of exceptions to that threshold set out in Part 4 Section B of the Constitution. There are many Executive Decisions made in the day-to-day operation of the Council that do not reach either of these thresholds and so are not Key Decisions.

- 2.3 The requirements that apply to Key Decisions are the origin of them being reported to Members and the residents of Manchester. The requirement is that where a decision-maker intends to make a key decision, that decision must not be made unless at least 28 clear days before it is made -

- (a) a document is published containing the prescribed information about the decision, and
- (b) that document is made available at the offices of the Council and published on the Council's website.

- 2.4 However, the 28 day rule does not have to apply in all cases. There is provision in the legislation to allow for key decisions to be made with less notice given when the matter is urgent and cannot reasonably be deferred. When that needs to be done a notice has to be published on the Council's website saying why the decision is urgent.

- 2.5 In Manchester the document that is published listing all the intended Key Decisions is called "The Register of Key Decisions". It is the extract from this Register that is presented to the Scrutiny Committees when they meet. Prior

to 2012 this was called “The Forward Plan”, and that term is still used by some in the Council.

### **3. Maintaining and Publishing the Register**

3.1 Responsibility for what is in the Register rests with the decision makers individually. The stages of Key Decision making are:

- D1 - The decision maker signals their intention to make the decision (or to recommend a decision to the Executive). The prescribed information needed for the Register is set out on a ‘D1’ form. That is copied into the Register and the 28 days start when the Register is next published.
- D2 - If the decision is urgent the decision maker can seek to have it be exempt from the 28 day rule (and from the scrutiny call-in, but that is a separate matter). The exemption has to be approved by the Chair of the appropriate Scrutiny Committee. The Chair will be asked to sign a ‘D2’ form to show the exemption has been granted.
- D3 – When the decision is made the notification of that is published and provided to members using the ‘D3’ form, or using the Decision Notice for the Executive meeting. If the decision was urgent the ‘D2’ form is also published. The publication of the D3 form or the Decision Notice is the start of the ‘call-in’ period for that decision.

3.2 The Register is published as and when required. Many decision makers want the 28 day timetable for their decision to begin promptly. Therefore the Register is published as soon possible after their entry has been added to it. Equally, if a decision is made then the Register can be amended and republished with that decision removed.

3.3 The version of the extract of the Register that is seen by each Scrutiny Committee at each meeting is as it was on the date the meeting’s papers were published. Given the Register can be updated and republished a few times in a month it will happen that a new version is published in the time between the publication of the papers for the scrutiny committee meeting, and the actual date of the meeting.

3.4 The terminology and description used in any of the forms and the stages of decision making is the responsibility of the decision maker, or one of their staff if the work is being done on their behalf as they will be best placed to know what the decision is and how to describe it.

### **4. Recommendations**

4.1 This report is for the information of the Committee and members are asked to note it.