

Barnsley Council
Report writing guidelines

- Part 1 Introduction**
- Part 2 Basic minimum requirements – style, layout, and legal issues**
- Part 3 Key sections of a report**
- Part 4 Key policy considerations, and supporting information and processes**
- Part 5 Consultations**
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- Appendix 1 Layout of typical report**
- Appendix 2 Template for reports seeking delegated approval of restructures / regradings**
- Appendix 3 Restrictions on the publication of reports considered by meetings within the Council**
- Appendix 4 Identification and recording of key decisions**
- Appendix 5 European Convention on Human Rights - key provisions**

1. Introduction

- 1.1 The aim of the report writing guidelines is to focus the minds of report authors on the needs of councillors when they are taking decisions. The intention is:
 - to ensure that reports present all information that is relevant to the decision that needs to be taken; and
 - that councillors understand how the report author has reached the conclusions they have in the report.
- 1.2 This is not always an easy process. Report authors are often so close to the issue that they assume everyone is as clear about it as they are. This will seldom be the case, and it is important that reports promote an understanding of what is being proposed and the reasons for this. In particular, report authors need to put themselves in the place of the councillors considering the report, and think about how they might react to the issues being raised and the questions they might need answering. Reports should make clear why a particular course of action is being recommended against other alternatives, or why there should be a greater or lesser level of activity, and what the implications of this are when a range of policy areas are considered.
- 1.3 In writing a report, it is important to remember that it represents the public record of a Council decision. Reports will be read by councillors and also in most cases by the public and press, in the expectation that they will set out the basis on which any decisions have been made, so reports need to explain this fully and clearly. It is a legal requirement to set out the reasons why a particular course of action was taken and any options considered, and the report will always be used to explain this. If it is not complete or clear, the Council's actions could be challenged in the courts or to the Ombudsman.
- 1.4 In addition to the Council website and social media outlets, the public and media will often use Cabinet reports as a way of finding out what the Council is doing, or researching information about Council services. Producing clear, well-written reports will therefore go some way to responding to public inquiries, and perhaps provides an opportunity to reduce the number of Freedom of Information Act (FoIA) requests. Sometimes, providing a Cabinet report might answer an FoIA request, or might be the basis for an answer without the need for detailed research.
- 1.5 The report writing guidelines have been designed to ensure that reports present information systematically for councillors and for the wider 'readership' of reports, and so that report authors consider the wider policy implications of their proposals in bringing them forward. **The basic principle is to promote understanding of the issue in question and all reports, however structured, should achieve this purpose.**
- 1.6 The guidelines do set out some requirements about layout for legal and procedural reasons. **However, the guidelines are not intended to be a straitjacket that forces a particular structure or set of headings on report authors.** The idea is to promote a logical flow of information against a checklist of issues, with sections referred to in the guidelines used if appropriate. Importantly, some of this information relates to activity that in some cases should have started many weeks before the writing of the report was considered. The guidelines identify key areas that might be relevant, so can be used as a checklist in planning that activity, and

the report will then record the outcome of this to support the recommendations. The amount of detail included within each section will depend upon the significance of that information to councillors in taking the decision.

- 1.7 In the strictest sense, these guidelines **do not apply** to reports that are likely only to be considered at Purple Cabinet, as those reports will not support formal decisions nor be publically available. However, the principles behind the guidelines in ensuring clarity of information and purpose for councillors in any report should still be taken into account when drafting reports for Purple Cabinet.

2. Basic minimum requirements – style, layout, and legal issues

- 2.1 While following the guidelines will give some structure to reports, the style and format used play an important part in promoting understanding. In particular, report authors should use Arial 12, the font and minimum size recommended for people with visual impairments and other difficulties with reading. The text should also be aligned to the left hand margin, rather than justified across the page. Paragraphs should be numbered as this will make the report easier to follow. Authors should also use plain language and avoid “management-speak” and legalistic-sounding phrases, unless there is some specific legal requirement for doing so. It might be difficult to avoid technical jargon or acronyms completely, but there should always be a clear explanation of any terms used, either in the body of the report or, if there is a lot to explain, in a glossary at the end of the report.
- 2.2 It is also important to make reports as concise as possible, only including information that is vital to inform councillors. Detailed supporting documentation should be provided in appendices, referenced clearly in the narrative and listed at the end of the report. There is also a **legal requirement** to list at the end of a report any background papers used in preparing it, and to state where these papers are available for inspection, including a contact telephone number.
- 2.3 Not all reports will require Cabinet consideration. However, the minimum requirements set out in these guidelines apply to reports to be considered under Cabinet Spokesperson’s delegated powers. In the case of officer delegated decisions, there is also a need to document the alternatives considered in reaching the decision. These reports and records are likely to be somewhat briefer but the same general considerations apply about including sufficient information to support the decision.
- 2.4 The main exception is **the approval of a staff restructure or regradings, where the simplified report / record template set out at Appendix 2 can be used**. Further templates of this sort are available on the HR Intranet. This style of report can be used where the decision falls within the delegated decision making power of the Service Director, Human Resources and Business Support on the production of a report by the relevant Executive / Service Director (where the cost is up to £250,000) or requires approval by the relevant Cabinet Spokesperson (where the cost is between £250,000 and £500,000).
- 2.5 Another area of concern relates to the **confidentiality of information** included in any report. In general, all reports are available to the press and public and are considered in meetings that they can attend, but sometimes it might be in the public interest for a report to remain confidential. Appendix 3 explores this issue in detail and refers to the categories of information and circumstances in which a report may be kept confidential, as well as explaining how to label such a report appropriately.
- 2.6 However, report authors should write reports in a way that minimises the inclusion of confidential information, so that there is no need to restrict public access to it. If the inclusion of this information is central to councillors’ understanding of the issues, then it may be unavoidable. In these cases, report authors should consider writing the report so that the confidential information can be easily separated out, perhaps in a separate appendix for councillors only, but in such a way that the report remains intelligible to the general public.

- 2.7 An associated area relates to the legal requirements on **transparency of decision making**, established by [regulations under the Local Government Act 2000](#). This introduced the concept of a **Key Decision**, together with the need to give notice of Key Decisions in a document known in Barnsley as the Forward Plan. Appendix 4 gives more information on the definition of a Key Decision, and the procedures that are in place to implement this requirement. The main issue for report authors is to ensure that any Key Decision is published in the Forward Plan, under whatever arrangements exist in their directorate. Reports should also state whether the issue in question is a Key Decision, and whether or not notification has been given in the Forward Plan.

3. Key sections of a report

- 3.1 Having said that the guidelines are not a straitjacket, and with the exception of reports for Purple Cabinet, councillors expect that reports will follow the same basic structure, with specific information found at specific points in the narrative. As a result, there is an expectation that reports will, at a minimum, contain information under the following headings and in the order given below:
- 3.2 **Title / Purpose of report** - Every report should have a title of a few words and begin with a section under the heading 'purpose of report'. This section should give a brief summary of what the report is about and why it has been submitted. It should help the reader, whether a councillor or a member of the public, decide whether or not they are interested in the issue.
- 3.3 **Recommendations** - The recommendations should follow the purpose of the report, set out in bold type to highlight the proposed action. Placing them early in the report also draws them to councillors' attention, although clearly it is likely to be the last section actually written. This section should give, in detail, the decision that is being sought on the issue concerned. Officers need to make clear here the action being recommended and seek all of the necessary approvals to carry their proposals through. Where this is a change in policy and requires a recommendation to Council, this should be made clear here. If the report is for discussion or to seek guidance, then this should be stated.
- 3.4 References to paragraphs further on in the report simply by paragraph number should be avoided. Set out in detail what approval is being requested, or at least give a synopsis of the later detailed paragraph. Recommendations "that the report be noted" should be avoided, particularly in the case of performance monitoring reports. Generally speaking, councillors should be invited to identify further issues for attention arising out of the report. Where performance is below the required standard, remedial action to be taken should be indicated.
- 3.5 **Introduction** - The introduction should put the issue in context, outlining how the Council's approach to this issue has developed over recent years. It should then identify why action is needed now. What has happened or changed? Who is responsible for the change? Does the Council **have** to change its approach, and if so, why?
- 3.6 The focus needs to be on the objective of the report and the problem it needs to resolve, or the issue it needs to deal with. Reports often fail to explain properly the context for the proposal, perhaps because report authors are so close to it themselves, and leave councillors struggling to understand the issue under consideration.
- 3.7 **Proposal and justification** - This section is the core of the report and will provide a critique of the proposed course of action, and why it should be followed through in the way proposed. It should summarise the proposal, based on the information elsewhere in the report, and will form the basis of the recommendations. It should justify the proposed approach in the context of the challenges outlined in the introduction, the alternative approaches available, and the various considerations arising from the financial and employee implications and range of other policy considerations (see below). It will need to make clear the factors that logically

make this the best option. If the option cannot be supported in this way, then is it the right option?

- 3.8 Report authors should also use this section to demonstrate **how the proposal fits in with the Council's agreed Values**. Does it show we're all working towards the same goals (Team)? Is it showing the Council to be honest and proud? Is it providing the best quality and value for money (Excellent)? Including references to these considerations will help to re-affirm the values for Members, employees and public, and keep these guiding principles central to all we do.
- 3.9 **Consideration of alternative approaches** - This section is the key information for councillors on how the proposal in the report has been developed. It should explain the alternative approaches that have been considered in coming to the recommendations in the report, focusing on the objective of the report outlined in the introduction. However, it should not simply be a list of alternatives. In particular it should not be an artificial list of notional options that are not available as genuine choices.
- 3.10 In many cases the alternative approaches will relate to the extent or level of action that should be taken, rather than distinct options about what action should be taken or whether action should be taken or not. This should be made clear. It should be possible to discern from the narrative why a particular level of activity is being recommended.
- 3.11 In some cases, the Council will have little alternative but to agree a specific course of action. For example, the recommended approach may be a legal requirement or the decision may be purely administrative. Some issues will however be more finely balanced or a matter of opinion, and this section will be important in providing an analysis of each option to support the proposal in the recommendations.
- 3.12 Many reports will be of a relatively minor nature, which simply require approval within Council policy and do not involve any great matter of principle. In such reports, this section will be relatively short. In reports simply requiring executive authorisation - for example, approval of a tender - it will not be necessary, as this will be sufficiently clear from the introduction.
- 3.13 In reports on more significant issues, this section will be more narrative in format. It should identify the thought processes gone through in approaching the issue, making clear how the conclusions on alternative approaches have been reached. It should also give an analysis of the situation and how the proposal has been developed in this context. Relevant information, supporting these conclusions, should be provided, identifying any constraints on a particular approach. **In particular, information arising from the work done to develop the proposal (see later sections of these guidelines) should be included, where appropriate.**
- 3.14 This will result naturally in the full implications of each alternative being highlighted, particularly any changes in Council policy or impact on the Council's obligations to other organisations. The overall intention is to clarify fully for councillors how the proposed recommendation has been developed, rather than simply to give stark alternatives that appear unrelated.

- 3.15 No option should be included which is not capable, realistically, of being implemented, or if the consequences of that option would place the Council at risk. In particular, a “no action” option is not permissible when it would result in the Council being in breach of its statutory obligations, and should not be included.
- 3.16 The proper completion of this section will require the careful organisation of information to avoid duplication with other sections.
- 3.17 **Implications for local people and service users** - It is likely that any proposal will have implications for the services the Council provides at a local level, or even impact on all service users. In particular, the prospect of change can have a profound effect on the mental wellbeing of vulnerable individuals, affecting their daily lives. In developing any proposal, consideration needs to be given to what these implications are and how any adverse issues will be addressed. This should include consultation and engagement with local people and service users to minimise the impact on their mental wellbeing.
- 3.18 The relevant ward councillors and, if applicable, parish councils should be consulted on proposals with a specific, identifiable impact their area. The consultation should include clear information on the practical impact of the change, and any views expressed taken into account. Where there is a specific group of service users, it is good practice to consult them on any changes that are proposed. In both cases, the relevant Cabinet Spokesperson needs to be briefed on the issue before this wider consultation takes place.
- 3.19 If the proposal is about a particular site or location, the report will need a **location plan** to identify the area affected. This should set out the layout of the site or area in question, but also enable councillors to place the site within the wider town or settlement.
- 3.20 The report needs to set out the nature and extent of the consultation undertaken and make clear how the proposal deals with the considerations arising from these consultations, so that councillors can judge the overall impact on local people and service users. In particular, where an adverse impact cannot be avoided, councillors will be interested to know how the worst effects will be mitigated. It is also important to identify how any initial proposal has been modified in response to the consultation undertaken, or similarly how any mitigating action has been revised.
- 3.21 The concept of the Key Decision has been mentioned earlier in the guidelines, and is covered in more detail in Appendix 4. There is no longer a requirement to set out in the Forward Plan of Key Decisions arrangements for consulting stakeholders on the proposed decision. However, Senior Management Team has agreed that this information should continue to be included in the Forward Plan, where appropriate. Report authors therefore need to give some thought to the need for consultation at an early stage of their project, and to record the proposed activity in the relevant Forward Plan.
- 3.22 **Financial implications** - The Service Director, Finance, or their staff **must** be consulted on all Cabinet or delegated decision reports at the earliest opportunity. At an absolute minimum, Financial Services will need to be consulted five days before any deadline for submission of reports to Governance and Member Support.

- 3.23 Where the report has no financial implications, the relevant senior Financial Services officer will sign off the report to confirm this. In reports with financial implications, this section will set out the nature of the financial consequences of the decision to be taken, for agreement with Financial Services. Once agreed, a signed "Appendix A" summarising these implications will be provided by the relevant senior Financial Services officer, to be attached to the report. Reports should set out the overall financial position of the service under consideration, rather than simply any additional financial implications that will arise from the proposal, so that councillors are aware of the full financial context.
- 3.24 While primarily about ensuring that councillors are fully informed of the financial implications of decisions they are being asked to take, the process of consultation provides the framework for the effective management and planning of the Council's finances. In particular, early consultation enables the true cost of any proposal to be fully identified, the consideration of all available funding sources (including the minimisation of costs or maximisation of income), and provides for assistance with option appraisal, the consideration of future years' costs, and any exit strategy required.
- 3.25 Where this consultation identifies a shortfall in the funding available to support the financial requirements of the proposal, this will result in an impact on the Council's medium term financial strategy. In these circumstances, the report will not proceed to Cabinet until the Senior Management Team has reviewed the position. **Reports will not be included on any Cabinet agenda until it is clear that the financial implications have been resolved.** Governance and Member Support will liaise closely with Financial Services to ensure that this is the case.
- 3.26 Any project should only be progressed if the VAT and Tax implications associated with the project have been fully assessed, in particular if this is in relation to sale, acquisition, or development of land and/or property transactions. Without this, there could be potentially adverse implications for the Council. Report authors therefore need to liaise with Finance Managers to obtain appropriate VAT and Tax advice for any project, and record this in this section of the report.
- 3.27 **Employee implications** - This section will set out any employee implications arising from the issue and as a result of consultations with the Service Director, Human Resources and Business Support. Where a proposed restructure may result in redundancies, the recommendations of the report **must** make clear that any approval is subject to the completion of any statutory consultation period with the trades unions. Please note that the financial implications of any report must take account of any employee costs arising from the proposals, including in relation to redundancy and/or early retirement, even if these costs are charged to the employment policies budget held by the Service Director, Finance.
- 3.28 Report authors must ensure that the draft report is sent to the designated Human Resources Business Partner, who will advise on the employee implications. Where there are implications for individual posts or proposals to delete, create, re-designate, or otherwise change a post or number of posts, the report author must ensure a recommendations spreadsheet, as used for delegated staffing reports, is completed in agreement with the relevant Service Director and Business Partner. Current and proposed staffing structures should also be included as an appendix, but must not include the names of individual post holders, only the post titles. A

sample recommendations spreadsheet is attached at Appendix 2 and details the post title, evaluated grade, SAP position number, 'effective from' date of the proposed change and the associated job profile.

- 3.29 As referred to at paragraph 2.4 above, most restructures and regradings will be capable of approval using the simplified template at appendix 2, and other available on the HR Intranet, where these are within the delegated limits for officer or Cabinet Spokesperson decision. These templates will form the basis of consultation with the designated Human Resources Business Partner. However, more complex restructures that result from significant service changes will still require Cabinet reports written in the “standard” format set out at appendix 1.
- 3.30 **Legal implications** - The Executive Director, Core Services, must be consulted as any proposal is developed to ensure that there is a legal basis for any significant changes to policies or practices and that the report meets to required standard to support the requested action. This should include the legal powers to take the action proposed, and the proposed approval route.
- 3.31 **Customer and Digital Implications** - In our continued ambition to be a modern; efficient; business minded organisation through planned change, improvement and growth, digital considerations are critical in meeting the demands and expectations of our customers. Clearly, the way in which systems are developed can have an impact on how easily customers can access services. Similarly, IT related purchases made without proper consultation can cause significant issues in supporting solutions when they become part of business as usual. Any proposals that relate to the implementation of a new IT/digital solution, changes to existing technologies or re-engineering services to enable digital ways of working must be discussed with the Service Director, Customer Information & Digital Services, and/or the appropriate Business Relationship manager in order that appropriate advice, support and consultation can be undertaken in advance.
- 3.32 **Communications activity** - This section sets out how the proposals in your report will be communicated with your customers, residents, staff and the media. As most reports are public documents, it's likely that the media will look for potential stories from them and publish articles which could attract public interest. All proposals will need communications support and it's important that this is detailed in your report. This is critical where the implications for your customers and residents or the financial or employee implications are significant. When you're drafting your report, you must contact the Communications and Marketing team who will provide information and guidance to help you identify your stakeholders, key messages, channels and timescales. This should be done at the initial stages of writing the report so that the team have enough time to support you and make sure that a communications plan is in place before the report becomes a public document.

4. Key policy considerations and supporting information and processes

4.1 As referred to in the introduction to these guidelines, a report will often be the culmination of the work done on a project over a number of weeks or months. The conclusions reached in this work will have a bearing on the proposal that is ultimately made, and so information from this needs to be used in support of the proposals in the report. Indeed, these issues may be the key reason why a particular course of action is being recommended, given the other options.

4.2 The following sections set out what these considerations are. It should be noted that not all will apply to the same extent for all proposals, so not all reports will need to include references to them. However, the relevance of the issues that they raise **must** be considered at project initiation stage, so that the outcome of this is taken into account in the recommended course of action. It is also expected that this information should be woven into the narrative of the report, rather than there necessarily being a specific heading in the report for each consideration, although by all means include each heading if it helps the flow of the report. In view of this, what follows is a checklist of these key policy areas, which report authors should use in bringing forward any project for approval.

4.3 The Corporate Plan and the Council's Performance Management Framework

4.4 The [Corporate Plan 2017-20](#) identifies the Council's vision, values, priorities and outcomes it aims to achieve. It sets out our achievements over the previous 3 year period and our challenges and opportunities over the next period. The Corporate Plan aims to position the Council so it is best able to meet those challenges and take the opportunities.

4.5 The Plan includes three overarching priorities for the period 2017-20, with 12 outcomes that the Council aims to realise in the same period:

- **Thriving and vibrant economy:**

- Create more and better jobs and good business growth
- Increase skills to get more people working
- Develop a vibrant Town Centre
- Strengthen our visitor economy
- Create more and better housing

- **People achieving their potential:**

- Every child attends a good school
- Early, targeted support for those that need it
- Children and adults are safe from harm
- People are healthier, happier, independent and active

- **Strong and resilient communities:**

- People volunteering and contributing towards stronger communities
- Protecting the Borough for future generations
- Customers can contact us easily and use more services online

4.6 The Corporate Plan, and the quarterly reporting of performance against the priorities and outcomes in the Plan, form a key part of the Council's performance management framework. Report authors need to be mindful therefore of how their report contributes to the delivery of the Corporate Plan and its associated outcomes. **Indeed, where there is an opportunity for the proposal to make such a contribution, this will be an important factor in justifying it and should be highlighted in this relevant section of the report.**

- 4.7 The narrative in this section should not just be a list of the priorities and the outcomes that the proposal contributes to. It should include specific detail around performance metrics and success measures, how they contribute to the [2020 Outcomes Framework](#) and what governance is in place to oversee and manage their delivery.
- 4.8 Report authors must seek advice from their Business Improvement Advisor at the earliest opportunity, who will provide advice, guidance and support in relation to the performance management implications.
- 4.9 **Promoting equality and diversity, and social inclusion**
- 4.10 The Council has developed an **Equality Scheme** that seeks to embed its legal and moral duty not to discriminate on grounds of race, disability, age, gender, religion, or sexual orientation, in the way that it plans or delivers services. The borough can only benefit fully from the contributions of its diverse communities by ensuring that all of its citizens are able to access its services and enjoy the full benefits of citizenship. There is a need to plan and provide services in such a way that no group or individual suffers discrimination or is otherwise disadvantaged, and the key equality priorities in the Equality Scheme seek to ensure this. In taking decisions, councillors must give consideration to the implications raised by the equality duty, and any report needs to reflect these accordingly.
- 4.11 Therefore, as part of service planning, officers must consider ways in which a proposed service or project can be planned or provided so as to meet the needs of all of our communities and eliminate discrimination.
- 4.12 To achieve this all Cabinet Reports should be prepared having taken the following steps:
- Report authors should ensure that at an early stage an initial assessment has been made of whether there is a potentially significant impact to determine whether or not to an Equality Impact Assessment (EIA) is required.
 - Report authors should seek advice from an Equality and Inclusion Officer at a very early stage to ensure this initial assessment and any subsequent EIA process are proportionate and robust.
- There will be an annual performance assessment of the effectiveness of the EIA process associated with reports submitted to Cabinet which will be reported to the Senior Management Team.
- 4.13 The outcome of the EIA should be recorded on the project file, including how any issues arising from it will be dealt with. The key issues identified from the EIA should be summarised in the report, along with any actions that the report author has identified to address potential inequalities, which should be incorporated in the proposal.
- 4.14 **The Cabinet report therefore needs to set out what issues were raised as a result of the EIA, what consultation was undertaken, and what measures are incorporated into the policy or proposal to take account of these issues and mitigate any adverse impacts.** The full assessments need not be provided with the report, unless they have a critical bearing on the recommendations, but will always be available as background papers.

4.15 Tackling health inequalities

4.16 The Council has a statutory duty to improve the health of their local population and for public health services. The health and wellbeing of our residents is a key priority in all of the work we do.

4.17 There are significant health inequalities between Barnsley and England and within Barnsley. Closing this gap and reducing health inequalities is one of the biggest challenges we face. All services can contribute to tackling health inequalities. Report authors therefore need to consider how their proposed policies or proposals could affect the health and wellbeing of residents and communities and look for opportunities to tackle health inequalities. Further help and guidance is available via the Public Health directorate.

4.18 Reduction of Crime and Disorder

4.19 Section 17 of the [Crime and Disorder Act 1998](#), as amended by the [Police and Justice Act 2006](#), says that, “without prejudice to any other obligation imposed upon it, it shall be the **duty** of each council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and **the need to do all that it reasonably can to prevent, crime and disorder in its area** (including anti-social and other behaviour adversely affecting the local environment), and the misuse of drugs, alcohol, and other substances in the area.”

4.20 In order for the Council to meet its obligations, the prevention and/or reduction of crime and disorder must be one of the key factors bearing on the options for action on a particular issue. Any project must, as part of its conception, consider ways in which **actual** crime and disorder can be reduced. Furthermore, it must be clear that nothing more can reasonably be done, or give reasons why such an approach has not been adopted. **It is unacceptable for this section merely to state the crime and disorder implications of the proposal(s) in the report**, particularly if this is done in theoretical or general terms, or indeed as an afterthought.

4.21 The purpose of this section of Cabinet reports is to make report authors think through how the reduction of crime and disorder can be better achieved through the exercise of those Council functions for which they are responsible, and which are the subject of the particular report. Where all alternatives are otherwise equal, the one which maximises the potential for reducing and/or preventing crime and disorder must be pursued. Alternatively, the report must say why such an approach cannot be recommended.

4.22 Risk management issues

4.23 Within all Cabinet and other decision making reports the threats to the successful delivery or achievement of the proposal should be described and explained. This will also include risks associated with proposals where the Cabinet Report is for consultation or information only.

4.24 The effective consideration of risk within Cabinet reports will:

- Demonstrate that risks associated with proposed policies, programmes, and projects have been identified and assessed; and,

- Provide an opportunity for Cabinet to take both a risk based approach to decision making, and to ensure corporate business risks are being identified and effectively managed.

4.25 Detailed guidance has been provided to Cabinet members as to what to expect with Cabinet reports. Cabinet members are encouraged to consider and apply the four tests detailed in the following tables when considering reports:

Test One:	
HAVE THE SIGNIFICANT RISKS ARISING FROM THE PROPOSAL BEEN IDENTIFIED AND ASSESSED?	
Comment:	Evidence:
Within the report, there should be evidence that significant risks have been identified and considered	<i>The following risks relate to the preferred option...</i>
Risks for consideration will include those relevant to achieving the proposed objective, relevant to the individual options being presented, and also include details of the risks that may manifest as a result of not making a decision	<i>If the recommended option is not approved, Cabinet should be aware of the following consequences...</i>
Are there any residual or remaining risks that may be present, following approval of the proposal	<i>Cabinet should be aware that the following risks will remain... but will be mitigated by...</i>

Test Two:	
WHAT ARE THE CURRENT LEVELS OF RISK?	
Comment:	Evidence:
Details of existing control measures that currently control the risk should be identified and expressed	<i>The risk regarding the existing level of compliance with regulations is controlled by...</i>
Provide Cabinet with the information to enable them to see how the improvements in the Cabinet Report can influence the current levels of risk	<i>By implementing the recommendation, greater level of compliance will be achieved by...</i>

Test Three:	
HAVE APPROPRIATE MITIGATION ACTIONS BEEN IDENTIFIED?	
Comment:	Evidence:
Additional actions to reduce the probability and / or impact of risks	<i>Approving the proposal will positively influence the risk by...</i>
Details of any new risks to consider as result of undertaking mitigation actions	<i>There will be a number of new risks to consider as a result of approving the project to start, such as...</i>

Test Four:	
ARE THE REMAINING RISKS ACCEPTABLE?	
Comment:	Evidence:
Controls and mitigations that are in place should provide assurances that the	<i>There are a number of other risks associated with this proposal that are</i>

remaining risks are tolerable	<i>currently within tolerance, including...</i>
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4.26 Cabinet report authors may wish to demonstrate the consideration of risk within reports by summarising any outcomes of the risk management process, using the following example 'risk register':

Risk Title	Current Assessment	Mitigation(s)	Target Assessment
Failure to comply with legislation leading to censure by central government, complaints and reputational damage	High (Red)	Approval of Cabinet Report to restructure service to ensure a focus on compliance	Low (Green)
Inability to process claims in accordance with new legislation resulting in poor levels of customer service and possible hardship on the part of claimants	Medium (Amber)	Approval to adopt new procedures to facilitate the processing of new claims	Low (Green)
Failure to identify a suitable developer to develop and market the site leading to lost income and funding claw-back	High (Red)	Begin tendering exercise to identify robust development partner The redevelopment project will trigger a number of other project risks regarding the development – these will be managed and reviewed using project management controls	Medium (Amber)

(NB: High Risks – Red; Medium Risks – Amber; Low Risks – Green)

4.27 The purpose of managing risk is to place the organisation in a position to be able to accept innovation and managed risk taking, and not to foster risk aversion.

4.28 A Cabinet report should therefore set out what the likely level of risk is, both currently, and after the implementation of proposed mitigation, in order that the risk inherent in a proposal is fully understood – in order that an informed decision can be taken. In the case of officer decisions, it is equally important to record that these issues have been taken into account when assessing alternative courses of action prior to the decision.

4.29 It is important to ensure that risks described in Cabinet Reports are logged in the appropriate Business Unit or Project risk register, and managed (and ultimately

mitigated) to acceptable levels. Risks that influence strategic decisions made by Cabinet and other decision making bodies are by their nature significant, and therefore require inclusion in risk registers to ensure they are included within corporate risk profiling and reporting to the Audit Committee.

4.30 Health, safety, and emergency resilience issues

4.31 Health and safety and fire safety risks have to be considered and reported in the same way as general risk management issues, and incorporated into decision making processes accordingly. This ensures that there is proper scrutiny of the health and safety implications of policy decisions, and assumed increased importance following the enactment of the [Corporate Manslaughter and Corporate Homicide Act 2007](#).

4.32 To ensure appropriate consideration, significant health and safety and fire safety risks must therefore be reported within this section. This should include an assessment of the health and safety and fire safety implications of organisational changes and the introduction of new processes, working practices, or personnel, dedicating adequate resources to the task, and seeking advice where necessary. Consideration must also be given to the health and safety and fire safety implications of removing/altering/consolidating/outsourcing processes, working practices, or personnel, ensuring that adequate resources remain dedicated to the task and again seeking advice where necessary. The health and safety arrangements of partners, key suppliers, and contractors should also be considered, where appropriate. Similarly, the implications of the Council's ability to respond to and recover from a major incident should be taken into account, particularly those that may affect the Council's ability to fulfil its duties under the [Civil Contingencies Act 2004](#). In addition, the effects on the business continuity arrangements of affected departments should be considered.

4.33 Those involved in the decision-making process must be aware of their health and safety responsibilities/duties, and have sufficient health and safety competence to allow them to fulfil these responsibilities/duties. Any report therefore that proposes organisational change or changes in working practices, appointing new staff, or using new materials or premises, is likely to have health and safety and/or fire safety implications and must identify how these will be dealt with in relation to Council policy. The Health, Safety, and Emergency Resilience Service will advise on how these considerations can be addressed and must therefore be consulted. Contact Simon Dobby, Head of Corporate Health, Safety, and Emergency Resilience, on 772289 for further guidance.

4.34 Compatibility with European Convention on Human Rights

4.35 The Council has a legal duty to act in accordance with the provisions of the [Human Rights Act 1998](#), and in particular the European Convention on Human Rights. In bringing forward projects, report authors should assess the action proposed in relation to its potential impact on the rights of the individual, as set out in the Convention. The specific rights under the Convention are listed at Appendix 5. Decisions of the Council (including decisions taken under delegated powers by Cabinet Spokespersons and officers) are open to challenge if they do not accord with Convention rights.

4.36 To an extent, this will be a balancing act between individual rights and the public good. In summary, **all** decisions need to follow the following sequential process:

- Does the decision potentially interfere with Convention rights? If so:
 - is the interference with Convention rights authorised by law?
 - does the measure giving rise to that authority serve a legitimate purpose in a democratic society?
 - is the interference with the rights of the individual under the Convention justified in the wider public interest?
 - is the impact of the measure and the interference arising from the decision in the case in question proportionate to the object it is seeking to achieve, compared to the extent of the impact which it has on the individual concerned and their Convention rights?

4.37 However, this assessment is by no means straightforward. The Executive Director, Core Services **must** be consulted for advice where the decision potentially interferes with Convention rights.

4.38 **Conservation of biodiversity**

4.39 Section 40 of the [Natural Environment and Rural Communities Act 2006](#) says that “every public authority **must**, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.” This relates to native species of plants and animals, plus the habitats that may support them. **Ignoring this requirement leaves the Council vulnerable to the risk of legal challenge.**

4.40 In order for the Council to meet its obligations, conserving biodiversity must be a factor bearing on the options for action on any issue that might affect a significant biodiversity resource. Clearly, this is most likely to result from proposals that affect the use of land, particularly where this will result in the loss of open space. However, any project must as part of its conception consider if there is an impact on biodiversity and, if so, how that impact might be mitigated. Report authors can consult the Biodiversity Planning Officer for guidance (ext. 2646).

4.41 The Act provides the caveat that any consideration of biodiversity should be balanced with the exercise of the Council’s other functions. However, if there might be an adverse impact, the report must be clear that nothing more can reasonably be done to prevent it. **It is unacceptable for any report merely to state the likely impact on biodiversity, without setting out any mitigating measures or balancing factors.** Guidance on the public authority duty to conserve biodiversity is available on the [Gov.uk website](#).

5. Consultations

5.1 It is the responsibility of report authors to ensure that all interests are properly covered in the reports they write. This means that consideration must be given to which services might have the greatest professional responsibility or expertise on any issue raised by the report. It might also mean considering the views of other organisations or individuals outside the Council, particularly where this has been identified as a result of an Equality Impact Assessment (see paragraphs 4.25-4.30 above). **Having decided to consult, the onus is then on the report author to ensure that the consultee has had a full opportunity to respond.** In particular, it should not be assumed that no response to an email is agreement with the proposal. It then falls to Executive Directors and Directors, in clearing the report, to challenge report authors about whether full consultation has been completed satisfactorily.

5.2 The following provides a checklist of possible consultations which may be required for a report to be complete. It is not intended that an annex of consultations should be provided, although a list of who has been consulted should be included in the report. It should then be made clear in the relevant sections of the report what comments were received from whom and how these has been taken into account in the proposal. Particularly, it needs to be clear why any comments received have not influenced the proposal, and how any such issues have been resolved with the consultee.

5.3 It needs to be remembered that the whole point of consultation is to get the views of people who can add value to the advice being given to councillors in the report. If this raises potential obstacles to taking the issue forward, these need to be addressed fully with the consultees and any disagreements worked through and resolved before the report comes before councillors. If an amicable resolution cannot be reached, the issue may need to be discussed further by the Senior Management Team.

5.4 Financial Implications

5.5 As referred to at paragraphs 3.21 to 3.25 above, the Service Director, Finance, must be consulted on reports with financial implications, and an "Appendix A" detailing these must be attached to the report. Given the significance of this aspect of any report, the outcome of this consultation must be recorded in the body the report.

5.6 Employee Implications

5.7 Again, as referred to at paragraphs 3.26 to 3.28 above, the Service Director, Human Resources and Business Support, must be consulted on reports with employee implications, and the outcome recorded in the body of the report. This includes employee pay and conditions, working arrangements, existing human resources policies, staff structure, or grading issues, and the results of consultation with the relevant trades unions. **It is the responsibility of service managers to consult trades union representatives on "local" service issues.** The Service Director, Human Resources and Business Support, will ensure that consultation takes place on issues of corporate or strategic significance, and comment to the report author for relevant information to be included in the report. Where a proposed restructure may result in redundancies, the recommendations of the

report must make clear that any approval is subject to the completion of any statutory consultation period with the trade unions. The financial implications of reports must take account of any employee costs arising from the proposals, including in relation to redundancy and/or early retirement, even if these costs are charged to the employment policies budget held by the Service Director, Finance.

5.8 Implications for local people/service users

5.9 Consultation should be undertaken where there is a specific impact on a particular identifiable local area or group of services users, as distinct from a change that affects everyone in the borough equally, and particularly where any issue has been identified by an Equality Impact Assessment. As referred to at paragraph 3.17 to 3.21 above, any comments will be included in the section on the implications for local people and service users.

5.10 Communications activity

5.11 As referred to at paragraph 3.31, all proposals will need communications support at some level and it's important that, at an early stage, you contact the Communications and Marketing team who will provide information and guidance to help you identify your stakeholders, key messages, channels and timescales. This is especially important where there are implications in any of the three preceding areas (5.4 to 5.9). Early consultation with the Communications and Marketing Team will ensure that they have enough time to support you and put a communications plan in place before the report becomes a public document.

5.12 Legal implications

5.13 The Executive Director, Core Services, must be consulted to ensure that there is a legal basis for any proposal for significant changes to policies or practices. This should include the legal powers to take the action proposed, and the proposed approval route.

5.14 Customer and Digital Implications

5.15 In our continued ambition to be a modern; efficient; business minded organisation through planned change, improvement and growth, digital considerations are critical in meeting the demands and expectations of our customers. Clearly, the way in which systems are developed can have an impact on how easily customers can access services. Similarly, IT related purchases made without proper consultation can cause significant issues in supporting solutions when they become part of business as usual. Any proposals that relate to the implementation of a new IT/digital solution, changes to existing technologies or re-engineering services to enable digital ways of working must be discussed with the Service Director, Customer Information & Digital Services, and/or the appropriate Business Relationship manager in order that appropriate advice, support and consultation can be undertaken in advance.

5.16 Local councillors/parish councils

5.17 Consultation should be undertaken where there is a specific impact on a particular locality or parished area. As referred to at paragraphs 3.17 to 3.21 above, any

comments will be included in the section on the implications for local people and service users.

5.18 **Health, safety, and emergency resilience considerations**

5.19 The Health and Safety Commission has indicated that decisions taken by organisations need to reflect the intentions set out in the health and safety policy statement. Any report that proposes changes in working practices, appointing new staff, or using new materials or premises, is likely to have health and safety implications and must therefore identify how these will be dealt with in relation to Council policy. The Strategic Health and Safety Unit will advise on how these considerations can be addressed and therefore must be consulted. **Even if the conclusion reached is that a report has no such implications, authors must record on the project file the nature of the risk assessments undertaken so that there is documentary evidence available in the event of an incident leading to an inspection.** Any issues raised must be recorded in the body of the report.

5.20 **Property implications**

5.21 Any report that proposes changes in the number or location of staff employed will have implications for office and/or other accommodation. The Corporate Assets Manager must therefore be consulted on such reports to ensure the property implications of the proposal can be properly assessed and recorded in the report.

5.22 **Implications for other services**

5.23 None of the Council's business units and services operate in isolation. It is therefore important that authors consider possible overlaps between their proposals and the work of other services, and ensure that all appropriate Executive and/or Service Directors are consulted.

BARNSLEY METROPOLITAN BOROUGH COUNCIL

This matter is/is not* a Key Decision within the Council's definition and has/has not* been included in the relevant Forward Plan [* Delete as appropriate – see Appendix 3 for further guidance]

**NOT FOR PUBLICATION UNTIL
[INSERT DATE]**

Exempt Information
Local Government Act 1972
Schedule 12A Part 1 Paragraph [Insert
number] [See Appendix 2 for further
guidance on this matter]

**Report of the [insert name of
Executive Director / equivalent]**

[Title]

1. **Purpose of report**
2. **Recommendations**
3. **Introduction**
4. **Proposal and justification**
5. **Consideration of alternative approaches**
6. **Implications for local people / service users**
7. **Financial implications**
8. **Employee implications**
9. **Legal implications**
10. **Customer and Digital implications**
11. **Communications activity**

11. **Consultations**

[List who has been consulted, and incorporate their comments into the relevant sections of the report]

Note: The following headings may be included in sequence, if there is considerable relevant detail to include (i.e. a list of headings with the comment “none” is not generally required). Otherwise, any information relevant to these issues may be incorporated in the above sections, with appropriate references:

12. **The Corporate Plan and the Council’s Performance Management Framework**

13. **Promoting equality, diversity, and social inclusion**

14. **Tackling health inequalities**

15. **Reduction of crime and disorder**

16. **Risk management issues**

17. **Health, safety, and emergency resilience issues**

18. **Compatibility with the European Convention on Human Rights**

19. **Conservation of biodiversity**

20. **Glossary**

[Only to be included if there are any terms or acronyms to explain]

21. **List of appendices**

22. **Background papers**

[Details of background papers **MUST** be included]

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made.

Report author: [Name only; contact details **not** required]

Up-	Financial Implications / Consultation <i>(To be signed by senior Financial Services officer where no financial implications)</i>
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BARNSLEY METROPOLITAN BOROUGH COUNCIL

Report of Director of (Insert Business Unit)

Insert Report Title

Implementation Date:

1. Authorisation

<p><u>Author</u></p> <p>Author Contact:</p> <p>Date:</p> <p>Signed by Head of Service:</p>	
<p>Certification by Service Director:</p> <p>Date:</p>	<p>Cabinet Spokesperson (for items over £250,000):</p> <p>Date:</p>
<p>Authorisation by the Service Director, Human Resources and Business Support:</p> <p>Date:</p>	<p>Comments- Pay and Reward</p> <p>Date:</p>

2. Introduction/Background

This section should seek to put the issue into context.

3. Proposal and Justification

Brief Proposal and Options that have been considered before coming to the recommendations.

4. Employee Implications

Provide a brief explanation of any employee implications.

5. Financial Implications (previously Appendix A)

	<u>2018/19</u>	<u>2019/20</u>	<u>2020/21</u>	<u>Later</u>
	(£)	(£)	(£)	Years
	(£)	(£)	(£)	(£)
Capital Expenditure	0	0	0	0
To be financed from:				
	<u>2018/19</u>	<u>2019/20</u>	<u>2020/21</u>	<u>Later</u>
	(£)	(£)	(£)	Years
	(£)	(£)	(£)	(£)
Revenue Effects	0	0	0	0
To be financed from:				

If required provide a brief explanation of any financial implications that may be incurred.

Signed
 On behalf of the Service Director, Finance

Externally funded posts (remove if not applicable)

Which posts are externally funded?	Who provides the funding	When does the funding cease?

6. Consultation

List by name who has been consulted (including dates) and incorporate their comments in this section e.g. Trade Unions, Service Director, Human Resources and Business Support, Service Director, Finance etc

7. Recommendations:

Please complete the [recommendations excel list](#) and return along with this report.

8. List of Appendices

To include:

Up-dated May 2018

1. Current Structure
2. Proposed Structures.
3. Recommendations excel list

Recommendations Spreadsheet (from Excel) (Previously Appendix B):

<i>Post Number (if new position write 'new position')</i>	<i>Current Directorate and Service Area</i>	<i>Proposed Directorate and Service Area (if applicable)</i>	<i>Current Post Title</i>	<i>Current Grade</i>	<i>Current Hours</i>	<i>Current Reporting Line Manager</i>	<i>Deletion y/n</i>	<i>Proposed Post Title</i>	<i>Proposed Grade</i>	<i>Proposed Hours</i>	<i>Job Profile Number</i>	<i>Proposed Reporting Line Manager</i>
<i>Examples; 50017198</i>	<i>CYPF Strategic Services</i>	<i>N/A</i>	<i>Admin Assistant</i>	<i>Grade 3</i>	<i>37</i>		<i>N</i>	<i>Clerical Assistant</i>	<i>Grade 2</i>	<i>18.5</i>	<i>50023456</i>	
<i>50085904</i>	<i>CYPF Strategic Services</i>	<i>N/A</i>	<i>Business Admin</i>	<i>Grade 4</i>	<i>37</i>		<i>Y</i>					
<i>New position</i>		<i>CYPF Social Care</i>					<i>N</i>	<i>Manager</i>	<i>Grade 10</i>	<i>37</i>	<i>50015693</i>	

Restrictions on the publication of reports considered by meetings within the Council

The Cabinet and other Council meetings are generally required to consider all reports in public. However, the facility exists to consider a report in private if it contains certain categories of information. The relevant legal provisions are in [Schedule 12A to the Local Government Act 1972](#), as amended by regulations issued in 2006 and 2012.

This note gives practical guidance on how exemptions from publication can be “claimed” and what qualifications to this apply. However, on a general note, any information that gives rise to an exemption must be specific, not theoretical, and must be relevant to the decision being sought from councillors. The whole intention of the Freedom of Information Act is to ensure the availability of information, including reports, to the public. The starting point therefore is that all reports will be made available for publication.

A further restriction on the consideration of issues by Cabinet in private meetings arises from the [2012 regulations](#). These state that the reason for any private meeting must be the subject of a notice 28 days before the meeting, allowing anyone to make representations about why the issue could be considered in public. A further notice must be given five clear days before the meeting on any representations received and the response to the representations.

Report authors are encouraged to contact the Governance and Member Support business unit for assistance and advice in applying these provisions, in particular so proper notice can be given.

Exempt Information under the Terms of the Local Government Act 1972, Schedule 12A (as amended)

Council meetings may consider reports following the exclusion of the public and press from the meeting if they contain some types of information, other than personal information, as described above. These categories of so-called exempt information are set out in [Schedule 12A to the Local Government Act 1972](#), which has been amended to be consistent with the Freedom of Information Act.

The categories of exempt information are given below and report authors need to consider these when seeking an exemption from publication, having regard to the qualifications that apply to each of the exemptions.

A particular issue that report authors need to bear in mind is the application of the public interest test included in the Freedom of Information Act. This means that a report cannot be exempt from publication unless, in all circumstances of the case, the public interest in maintaining confidentiality outweighs the public interest in disclosing the information. Even so, the exemption from publication may be time limited: For example it may not be in the public interest to publish the budget allocation for a particular contract, as this might affect the tender bids received; however, once the contract has been let there is no reason for this report to continue to be withheld from publication. Therefore, where there is a valid public interest justification for withholding the

publication but this is time limited, report authors should include this information in the report.

To identify that a report contains exempt information, report authors should arrange for the inclusion of a “box” in the top left hand corner of the first page of the report, as follows:

<p>NOT FOR PUBLICATION UNTIL [INSERT DATE]*</p> <p>Exempt Information Local Government Act 1972 Schedule 12A Part 1 Paragraph (insert number)</p>

* The date of release will not be appropriate in all cases but report authors are encouraged to consider whether or not this would serve the public interest. It might be that information can be released immediately after the meeting at which the report was considered.

The categories of exempt information are as follows:-

**Paragraph Number/
Information Type**

Qualification

Paragraph 1

Information relating to any individual.

Information falling within this paragraph is subject to the public interest test referred to above. Exemption from publication will also generally be time limited, requiring report authors to consider the date on which the public interest will no longer be served by withholding publication.

Information in this paragraph is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Paragraph 2

Information which is likely to reveal the identity of an individual.

Information falling within this paragraph is subject to the time-limited public interest test referred to above.

Information in this paragraph is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Paragraph 3

Information relating to the financial or business affairs

Information falling within this paragraph is subject to the time-limited public interest test referred to above.

of any particular person, including the local authority holding the information.

Paragraph 3 (cont/d...)

Financial or business affairs includes contemplated, as well as past or current activities.

Information falling within this paragraph is not exempt information by virtue of that paragraph if it is required to be registered under:

- a. The Companies Act 1985
- b. The Friendly Societies Act 1974
- c. The Friendly Societies Act 1992
- d. The Industrial and Provident Societies Acts 1965 to 1978
- e. The Building Societies Act 1986 or
- f. The Charities Act 1993

Information in this paragraph is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Paragraph 4

Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority.

Information falling within this paragraph is subject to the time-limited public interest test referred to above. Note that it is therefore likely that, once the consultations or negotiations are concluded, the information is no longer exempt from publication.

In this context, "Labour relations matters" means (a) any of the matters specified in paragraphs (a) to (g) of Section 218(l) of the Trade Union and Labour Relations (Consolidation) Act 1992 (i.e. matters which may be the matter of a trade dispute within the meaning of that Act) or (b) any dispute about a matter falling within paragraph (a) above.

Information in this paragraph is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Paragraph 5

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Information falling within this paragraph is subject to the time-limited public interest test referred to above.

Information in this paragraph is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Paragraph 6

Information which, if disclosed to the public, would reveal that the authority proposes:

(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

(b) to make an order or direction under any enactment.

Information falling within this paragraph is subject to the time-limited public interest test referred to above.

Information in this paragraph is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Paragraph 7

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.

Information falling within this paragraph is subject to the time-limited public interest test referred to above.

Information in this paragraph is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Identification and recording of Key Decisions

The Local Government Act 2000 requires local authorities to publish a document identifying Key Decisions it is likely to take over the next 28 days, known as the 'Forward Plan of Key Decisions'.

The aim of the Forward Plan is to ensure that people know what Key Decisions are planned and how they can influence those decisions. Report authors need to identify in their reports whether or not an issue is a Key Decision, as defined. In doing so, report authors should reflect on:

- Who needs to be or has been consulted on the action that is proposed in the report (particularly those external to the Council)
- How and when those people, groups, and organisations will be or have been consulted
- What background papers will be or have been used in preparing the report

Clearly, this should be done before the report is written and all of this information must be recorded in the Forward Plan of Key Decisions, using whatever procedures exist within the Directorate in question. It is unacceptable to record something in the Forward Plan unless these issues have been properly thought through and appropriate action taken. Equally, it is unacceptable not to include an item in the Forward Plan that has been identified as a Key Decision. **Failure to do so could ultimately result in the validity of the decision being subject to a legal challenge.** It is important that each report identifies whether or not an item is a Key Decision and if it has been included in the relevant Forward Plan(s), in order that appropriate action can then be taken in line with the Council's constitution.

This information will have to be provided up to four months in advance, where possible. However, once completed, it is possible that the situation with regard to background papers or consultations will change, as well as the date on which Cabinet might consider the report. **It is the responsibility of the report author to ensure that the information recorded in the Forward Plan is updated accordingly, until the item in question has been approved by the Cabinet (or Council, where appropriate).** Procedures exist within each directorate to do this and report authors **must** ensure that they know what these procedures are.

The following **definition of a Key Decision** has been agreed by the Council and therefore all issues falling within this definition need to be treated as described above:

- a) Any decision relating to the approval of or variation to the Council's budget or policy framework which is reserved in the Council's constitution for determination by full Council on a recommendation from Cabinet, subject to the application of virement limits; or
- b) Any decision which will result in income, expenditure, or savings with a gross full year effect of £500,000 or greater, whether or not the item has been included in the relevant approved budget and including the provision by the Council of loans to third parties, with the exception of:

- decisions that are a direct consequence of implementing a previous Key Decision, and where it was in the contemplation of councillors when they made the original Key Decision;
- bids of £500,000 or greater for funding made by the Council to third parties, where a further report will be submitted for approval of the scheme should the bid be successful;
- expenditure that is inevitable (as defined by the Director of Legal and Governance) for the day to day provision of services (e.g. day to day supplies, payment of energy bills etc.), provided that such expenditure was in the contemplation of councillors when the revenue budget was approved or is necessary to comply with the requirements of contracts won by the Council in competitive tender.

or

- c) Any decision that is likely to have a significant positive or negative impact (e.g., in environmental, physical, social, or economic terms) on people living or working in communities in two or more wards. However, matters will not be Key Decisions simply because the result would be that work would be carried out in two or more wards, for example following the approval of a borough-wide programme of works.

**EUROPEAN CONVENTION ON HUMAN RIGHTS
KEY PROVISIONS**

Article 2:	Right to Life
Article 3:	Prohibition of Torture or Inhuman or Degrading Treatment or Punishment
Article 4:	Prohibition of slavery and Forced Labour
Article 5:	Liberty and Security of the Person
Article 6:	Right to a Fair Trial
Article 7:	Freedom from Retrospective Criminal Offences and Punishment
Article 8:	Right to respect for Private and Family Life
Article 9:	Freedom of Religion
Article 10:	Freedom of Expression
Article 11:	Freedom of Assembly and Association
Article 12:	Right to Marry and Found a Family
Article 14:	Prohibition of Discrimination in Enjoyment of Convention Rights
First Protocol:	
Article 1:	Protection of Property
Article 2:	Right to Education
Article 3:	Right to Free Elections