

OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

To: **Constitution and Ethics Committee**

Meeting Date: **4th February 2016**

From: **LGSS Director of Law, Property & Governance and Monitoring Officer**

Electoral division(s): **All**

Purpose: **The Committee is asked to review the threshold of £250,000 to determine materiality under the Openness Regulations.**

Recommendation: **The Constitution and Ethics Committee is invited to:**

- **confirm the threshold of £250,000 to determine materiality under the Openness Regulations.**

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1. BACKGROUND

- 1.1 At its meeting on 28 April 2015, the Committee received a report which set out the requirements of the Openness of Local Government Bodies Regulations 2014. In particular, the report noted that the requirements within the Regulations in respect of reporting by the public to determine materiality of meetings had already been incorporated within Rule 17, Part 4.4 of the Constitution (Photography and Audio Recordings of Meetings).
- 1.2 However, it was also necessary to amend the Constitution to reflect new requirements within the Regulations in relation to the recording and inspection of certain officer decisions. Particular reference was made to the requirement to record decisions under a general authorisation where the effect of the decision was to award contracts or incur expenditure which materially affected the body's financial position. In that context, it was noted that authorities had some discretion as to the financial value of the decisions to be recorded and that the Strategic Management Team had recommended that the figure of £250,000 should be set as the appropriate level to determine materiality.
- 1.3 During discussion of the report, it was noted that where decisions were already required to be published by any other legislation, they did not need to be recorded again, provided the record included the date and reasons for decision.
- 1.4 At the meeting, it was debated whether the figure of £250,000 was the appropriate materiality level or should be reduced to £50,000. The desirability of minimising the bureaucratic impact of the new duty to record decisions was explained and it was accordingly accepted that the suggested threshold of £250,000 should be adopted and then reviewed again in six months' time in the light of experience.
- 1.5 Council agreed the Committee recommendation, as follows, at its meeting on 12 May 2015:
 1. That the requirement for a written record to be made of any decision taken by an officer of the Council:-
 - (a) under a specific express authorisation; or
 - (b) under a general authorisation where the effect of the decision is to:
 - (i) grant permissions or licences;
 - (ii) affect the rights of individuals;
 - (iii) award contracts or incur expenditure over £250,000be reflected in the Council's Constitution.

2. RECORDING DECISIONS

- 2.1 Following Council's decision, officers received guidance on recording decisions and a copy of the decision note template to be published on the Council's website. There is a section on the Council's website, as part of Committee Agendas and Minutes, for delegated decisions. The Council has so far published 12 decisions (breakdown as follows – Economy & Environment -1, General Purposes – 5, and Highways and Community Infrastructure – 6).

- 2.2 Consultation with other authorities regarding materiality in relation to decisions to be recorded under the above regulations and the number of notices published has identified the following:
- the levels of materiality are the same as those requiring a Cabinet decision under the Council's financial regulations. In this way it follows that there are no decisions taken by officers to award a contract or incur expenditure which, in either case, materially affect this local government body's financial position.

3. CONCLUSION

- 3.1 There is still a desire to minimise the bureaucratic impact of this duty to record decisions. Given the information available from other authorities, it is therefore suggested that the threshold of £250,000 should be remain.

Source Documents	Location
Agenda & Minutes of Council 12th May 2015	http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Committee.aspx?committeeID=12
Agenda & Minutes of Constitution and Ethics Committee 28th April 2015	http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Committee.aspx?committeeID=59