



Wigan[♥]
Council

REQUEST 17773

I am interested in both the law and any constitution requirements and delegations regarding making and recording and publishing key and non-key decisions and subsequent obligations re spending and recording those decisions.

May I ask for the recorded information regarding the following

1. The specific laws you follow to decide which decisions are Key and which are non-key and related publication obligations.
2. All instructions/ protocols/ training materials for staff / members re deciding which decisions are key/ non-key and who arbitrates?

RESPONSE

1. The relevant rules and procedures as outlined in the Local Government Act 1972, the Local Government and Housing Act 1989, the Local Government and Public Involvement in Health Act 2007, the Local Democracy, Economic Development and Construction Act (2009), and Localism Act 2011 act and the Council's Constitution are followed in relation to the deciding of which decisions are key and which are non-key, and the related publication obligations. Links to the above, are outlined below:

- [Local Government Act 1972](#)
- [Local Government and Housing Act 1989](#)
- [Local Government and Public Involvement in Health Act 2007](#)
- [Local Democracy, Economic Development and Construction Act 2009](#)
- [Localism Act 2011](#)
- [Wigan Council Constitution](#)

2. Instructions and training materials are attached. Determining what is a key decision / non-key decision is set out in the Council's Constitution (Article 13 Decision Making, 13.03 Types of

Decision). An internal webpage is also available for officers, containing guidance, process notes, useful links etc, in relation to the decision making process, and the Council's Constitution requirements in relation to decisions and decision making.

3. What are the Council specific rules re the value and other criteria of Key decisions and who can make these.

3. The Council's specific rules regarding the value and other criteria of Key decisions and who can make these, are all outlined in the Council's Constitution (link outlined above) and can be found in the sections highlighted below:-

- Section 2: Articles Of The Constitution, Article 13 - Decision Making, 13.03 Types of Decision
- Part 3 - Section 5 Scheme of Delegation
- Part 4 - Rules of Procedure - Access to Information - Procedure Rules

4. Once Key decisions have been made either by Members or Officers what are the obligations in (a) law and (b) constitution to record and publish the initial decision as well as the obligation to record the delegated power and subsequent delegated decision recording?

4. Under UK Law (Local Government Act 2000) and associated regulations key decisions must be publicly notified in advance, typically through a Forward Plan and recorded and published once made, including the reasons for the decision, any alternatives considered and conflicts of interest declared. If decisions are made under delegated authority (by officers) they must also be formally recorded and made available for public inspection. This includes the name of the officer, the decision taken and the legal or constitutional basis for the delegation. Key decisions can be subject to scrutiny and call in by Councillors before implementation.

For Wigan, and as set out in the Council's Constitution all decisions made by the Executive, Council or Officers under delegated authority must be recorded in writing. The record must include the decision taken, the reasons for the decision, any alternative options and any declaration of interest. These records must be published on

the Council's website and made available for public inspection. There are specific timelines and formats for publication, especially for key decisions. The Council's Constitution outlines a scheme of delegation specifying which officers or committees have authority to make certain decisions.

5. Would a simple minute pass for a recorded decision under which circumstances?
 5. Decision notices are published for all Portfolio Holder (Executive Member) / Significant Officer / Low-Level Officer decision. Decisions that are taken by The Cabinet, Regulation / Planning / Licensing Committees are published as part of the meeting minutes.
6. Please supply the recorded decision templates and delegations if not provided above. Which decisions are excluded from these formal decision making and recording and publication protocols?
 6. A copy of the decision notice templates are attached. Decisions below £5K are not published as per the decision-making rules in the Council's Constitution and decisions over £2 million do not have a decision notice, as they form part of the Cabinet minutes. Quasi-judicial decisions such as decisions on planning applications are made at the relevant committee and decisions are published as part of the minutes.
7. If you link recorded decisions to your forward plan and have any numbering system can this be clarified how this is done?
 7. The Forward Plan can be found on the Council's website and lists the items that are yet to be taken, plus some decisions that have more recently been taken. Items are numbered in date order.
 - [Browse plans - Cabinet, 2025](#)All decisions that have been taken can be found on the Council's decisions webpage and are not numbered.
 - [Decisions](#)
8. Where particularly spending as business-as-usual decisions are made how are these identified, delegated and recorded?
 8. All decisions over £5K, are published on the Council's website.

9. Regarding awarding of framework spending how are these treated within the law and constitution, including recording and publishing?
9. The award and management of framework agreements are governed by a combination of Wigan Council's internal Contract Procedure Rules (CPRs) and UK procurement law. Framework agreements must either comply with the Public Contracts Regulations 2015, Procurement Act 2023, Wigan Council's Constitution and Wigan Council's Contract Procedure Rules. Wigan Council also have to align all procurement processes / decisions with the National Procurement Policy Statement (NPPS).
10. Please advice if internal audit has reviewed key and non-key decision protocols and actions or recording of officer and member decisions in the last 2 financial years please supply the internal audit.
10. No internal audit has taken place within the last 2 years.



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Decision Making and the Forward Plan

Democratic Services



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What will be covered..?

- Decision Making Structure;
- Types of Decision;
- Key Decisions;
- The Forward Plan;
- Call in;
- Decision Making Flowchart;
- Exemptions; and
- Decision Notices



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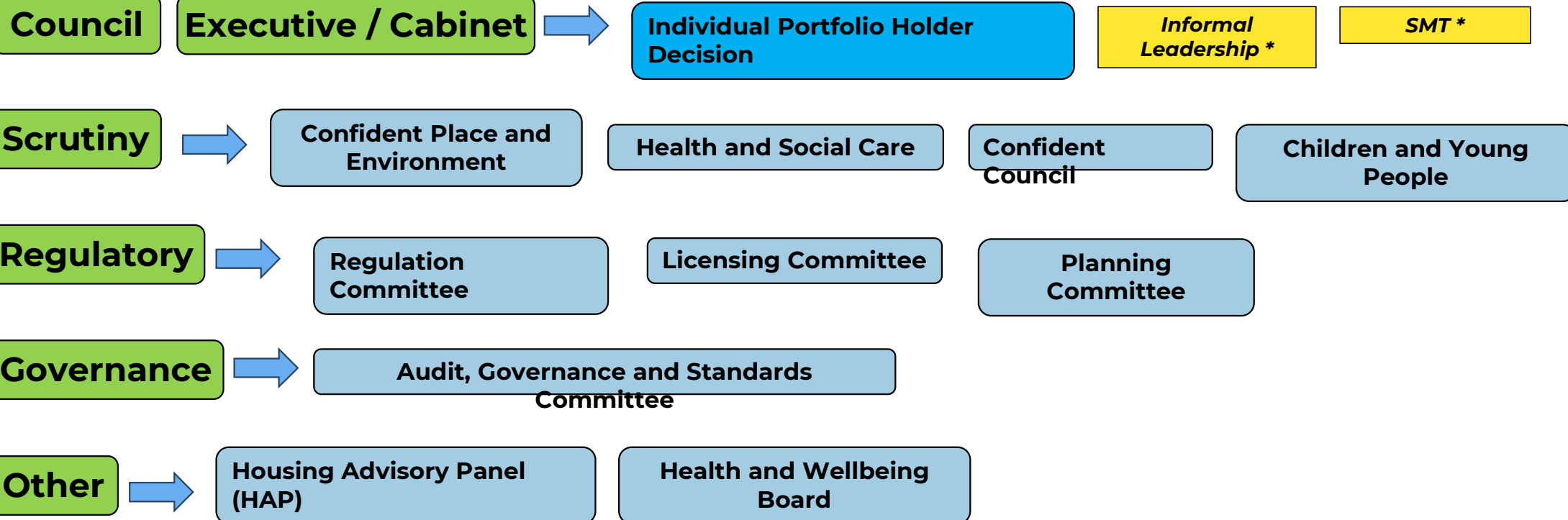


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Decision Making Structure



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The Cabinet



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Councillor D T Molyneux MBE:
Executive Leader and
Portfolio Holder for Economic
Development and
Regeneration



Councillor Keith Cunliffe:
Deputy Leader and Portfolio
Holder for Adult Social Care



Councillor Dane
Anderton: Portfolio
Holder for Police,
Crime and Civil
Contingencies



Councillor Jenny
Bullen: Portfolio
Holder for Children
and Families



Councillor Susan
Gambles: Portfolio
Holder for Housing and
Welfare



Councillor Paul Prescott:
Portfolio Holder for
Planning, Environmental
Services and Transport



Councillor Chris
Ready: Portfolio
Holder for
Communities and
Neighbourhoods



Councillor Nazia
Rehman: Portfolio
Holder for Finance,
Resources and
Transformation

Types of Decisions

- Executive Decisions.
- Non-Executive Decisions.
- Significant Officer Decisions.
- Low Level Officer Decisions.



Key Decisions



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1. 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 (ie. £500K +).
2. to be significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the area of the local authority.



The Forward Plan



- A requirement of Local Government Regulations;
- 28 Days Clear Notice; and
- Published by Democratic Services on an ad hoc basis, at least once a month.

The Forward Plan (cont.)



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The Forward Plan

FP Pro-forma



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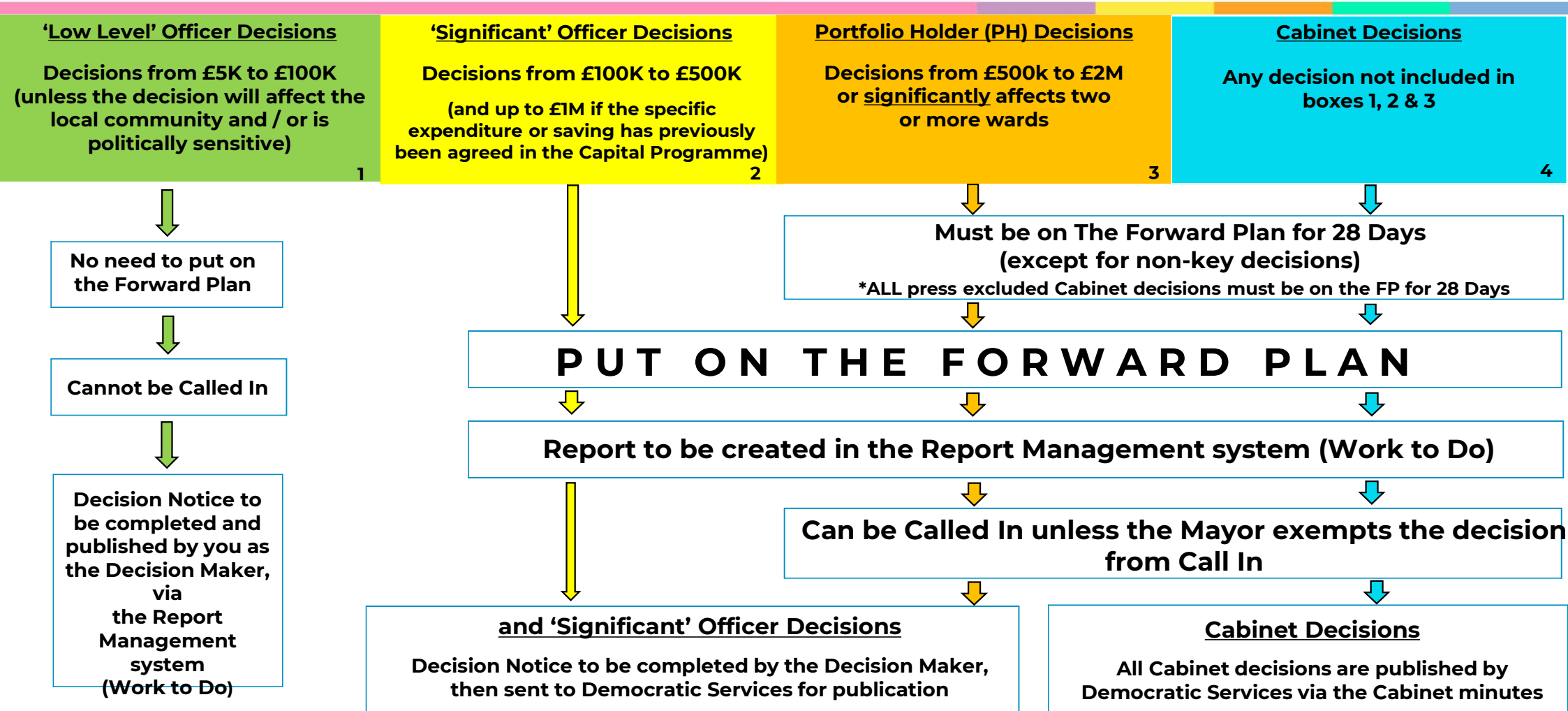
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How Decisions are Taken



Call-in



- Lasts 5 working days from the publication of the decision;
- Chair/V-C of the relevant Scrutiny Committee OR 6 members of the Council's four Scrutiny Committees;
- All Cabinet and Individual PH whether Key or Non-Key;
- Call-in process;
- Exemption from the Call-In period can be granted by the Mayor; and
- If a decision is exempt from Call-In – this needs to be stated on the front sheet of the report and on the decision notice.

Exemptions



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- General Exceptions
- Special Urgency

Decision Notices



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Decision Notice Template

Questions so far..?



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Following completion of your training course, please scan the barcode below to leave feedback.



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Who Makes The Decision?

Officer Decisions (Non-Key Decisions)	Portfolio Holder (PH) Decisions (Key / Non-Key Decisions)	Cabinet Decisions (Key / Non-Key Decisions)
<p>1) All decisions relating to the everyday business of the Council relevant to their areas of responsibility and all operational decisions necessary to ensure the smooth running of the Council's business incurring expenditure up to £500K</p> <p>2) Any special matters delegated by Cabinet</p>	<p>Any decision which is within the Individual Portfolio Holder's area of Responsibility incurring expenditure up to £2 million.</p> <p>Information on Individual Portfolio Holder roles and responsibilities can be found on the Council's website in the 'Cabinet' section of 'Councillors and Committees', or via Democratic Services.</p> <p>Each Individual Portfolio Holder is responsible for the development of policy and strategy in their area of activity and have delegated power to approve and implement changes to policy and strategy, provided that it does not:</p> <ul style="list-style-type: none"> • amount to creating a new policy or strategy • withdraw or modify a service to the public • incur expenditure for which there is no approved budget • affect adversely or otherwise another area of the Council's activities, or which is the responsibility of one of the Council's Committees / Panels. <p>If any of these exceptions apply, or if the matter concerns a new policy or strategy, it shall form a recommendation to Cabinet (and Council if necessary).</p>	<p>1) Significant decisions affecting the Budget and Policy Framework anything that must be referred to Council.</p> <p>2) Any decision needing the approval of 3 or more Lead Members shall be referred to Cabinet.</p> <p>3) The Cabinet may also determine to reserve decisions about particular matters to itself.</p>
<p style="text-align: center;"><i>(For information on what a Key Decision is - see page 3)</i></p>		

How Decisions Are Taken

'Low Level' Officer Decisions

Decisions from £5K to £100K
(unless the decision will affect
the local community and / or is
politically sensitive)

1

'Significant' Officer Decisions

Decisions from £100K to £500K
(and up to £1M if the specific
expenditure or saving has previously
been agreed in the Capital Programme)

2

Portfolio Holder (PH) Decisions

Decisions from £500k to £2M
or significantly affects two
or more wards

3

Cabinet Decisions

Any decision not included in
boxes 1, 2 & 3

No need to put on
the Forward Plan

Decision Notice to
be completed and
published by you
as the Decision
Maker, via
the Report
Management
system
(Work to Do)

Cannot be Called In

Must be on The Forward Plan for 28 Days
(except for Non-Key Decisions)

*ALL press excluded Cabinet decisions must be on the Forward Plan for 28 Days

PUT ON THE FORWARD PLAN

Report to be created in the Report Management system (Work to Do)

PH and 'Significant' Officer Decisions

Decision Notice to be completed by the Decision Maker,
then sent to Democratic Services for publication

Cabinet Decisions

All Cabinet decisions are published by
Democratic Services via the Cabinet minutes

Can be Called In, unless the Mayor exempts the decision from Call In
(this includes ALL Cabinet and Key PH / Officer Decisions)

13.03 TYPES OF DECISION

(a) Decisions reserved to full Council. Decisions relating to the functions listed in [Article 4.02](#) will be made by the full Council and not delegated.

(b) Key decisions.

(i) The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 state that a Key Decision means an Executive decision which, is likely:-

1. 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
2. to be significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the area of the local authority.

A decision will be considered financially significant if it results in incurring expenditure or making savings of £500,000 or greater; unless the specific expenditure or savings have previously been agreed by full Council.

In determining whether a decision is significant in terms of its effect on communities consideration should be given to:-

- (a) the number of residents/service users that will be affected in the wards concerned;
- (b) whether the impact is short term, long term or permanent;
- (c) the impact on the community in terms of the economic, social and environmental well-being.

(ii) A decision taker may only make a Key Decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of the Constitution.

Record of Individual Executive Decision made by an Officer

Decision Maker	Decision Type	Date
Director/Assistant Director - *** <i>Include D/AD full title – do not include their name</i>	Individual Officer Decision	*** <i>This date should be the same as the date at the bottom of this form</i>

(Title of Decision)

(Insert title of the decision)

Decision(s):

*(Insert detail of the decision taken. Please begin your decision “The Director/Assistant Director - *** (job title) authorises/approves:-)*

Reasons for decision(s):

(Please include information as to whether the work has been approved within the Council’s Capital Programme.

This should be the reason the decision is required – not the reason a specific contractor has been selected)

Alternative options considered:

(This section is compulsory – if there are no alternative options, please give the reasons why)

Progress With Unity and Procedural Compliance:

Describe how this decision helps deliver either or both of the Council’s Progress with Unity Missions:

- **Mission 1: Create fair opportunities for all children, families, residents & businesses.**
- **Mission 2: Make all our towns and neighbourhoods flourish for those who live and work in them.**

(Leave in the mission to which this decision relates, delete a mission if it does not apply to this decision (note that only one mission may be deleted)

Commissioners of below-threshold procurements should make every effort to seek a bid from at least one local supplier, in line with our Commissioning and Procurement Strategy)

What is the value of this decision in total inclusive of VAT?

(N.B. the value is the totality of the contract period value. If this is not applicable to your decision, please enter 'N/A')

How has the provider been procured?

(Please delete the non-relevant options, leaving your relevant option)

- Framework
- Single Quote
- Three Quotes
- Open Tender

Not applicable because:-

(If this does not apply please explain why)

Decision made pursuant to:

General Delegation 4 of the Council's Scheme of Delegation

Signed (Officer):

(Insert electronic signature of the decision taker, and their title)

Date:

(Date needs to match the date at the top of the decision notice)

If your decision is in relation to a contract/procurement and you require advice in relation to the above, please contact Procurement@wigan.gov.uk

Please delete all the red text, once the decision notice has been completed.



Record of Individual Executive Decision made by an Officer

Decision Maker	Decision Type	Date
Director/Assistant Director *** <i>Include D/AD full title</i>	Individual Officer Decision	***

(Insert Title of Report)

Decision(s):

Insert detail of decision taken. It should match the recommendations outlined the report (unless it contains exempt information).

Reasons for decision(s):

Please include information as to whether the work has been approved within the Council's Capital Programme

Alternative options considered:

This section is compulsory – if there are no alternative options please give the reasons why

Exempt/Confidential report:

Yes/No

Key Decision:

Yes/No

Decision made pursuant to:

Please delete which is not necessary

Express authorisation of Cabinet dated – Minute xx refers **OR**
General Delegation 4 of the Council's Scheme of Delegation

If the decision was made pursuant to a specific express authorisation from the Executive, a Committee, Sub Committee or Joint Committee, please give details of any conflict of interests declared by members at that meeting:
(Please delete if not applicable)



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Please give details of any interests declared by relevant members and any dispensations granted by the Head of Paid Service. (Please delete if not applicable)

The following wording to be used only if the decision is to be exempt from call in otherwise delete this wording:-

The officer has advised that pursuant to the Call-in procedures the Mayor had agreed that the issue could be regarded as urgent in that the interest of the Council could be prejudiced by delaying the implementation of the proposals. The Officer confirmed that, under the Call-in Procedure Rules, the decision in this item was urgent.

or

The officer has advised that pursuant to the Call-in procedures the (insert name of scrutiny committee) Scrutiny Committee had considered and endorsed the recommendations in the report at its meeting on (insert meeting date) (minute (insert minute number) refers), therefore the decision is exempt from Call-in.

Signed (Officer):

Date:

***PLEASE DELETE ALL THE RED TEXT ONCE THE
DECISION NOTICE HAS BEEN COMPLETED***



Record of Individual Executive Decision made by a Portfolio Holder

Decision Maker	Decision Type	Date
Portfolio Holder for ***	Executive Member Decision	***

(Insert Title of Report)

Decision(s):

Insert detail of decision taken. It should match the recommendations outlined the report (unless it contains exempt information).

Reasons for decision(s):

Please include information as to whether the work has been approved within the Council's Capital Programme

Alternative options considered:

This section is compulsory – if there are no alternative options please give the reasons why

Exempt/Confidential report:

Yes/No

Key Decision:

Yes/No

Decision made pursuant to:

Please delete which is not necessary

Express authorisation of Cabinet dated – Minute xx refers **OR**
General Delegation 3 of the Council's Scheme of Delegation

If the decision was made pursuant to a specific express authorisation from the Executive, a Committee, Sub Committee or Joint Committee, please give details of any conflict of interests declared by members at that meeting:
(Please delete if not applicable)



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Please give details of any interests declared by relevant members and any dispensations granted by the Head of Paid Service. (Please delete if not applicable)

The following wording to be used only if the decision is to be exempt from call in otherwise delete this wording:-

The officer has advised that pursuant to the Call-in procedures the Mayor had agreed that the issue could be regarded as urgent in that the interest of the Council could be prejudiced by delaying the implementation of the proposals. The Officer confirmed that, under the Call-in Procedure Rules, the decision in this item was urgent.

or

The officer has advised that pursuant to the Call-in procedures the (insert name of scrutiny committee) Scrutiny Committee had considered and endorsed the recommendations in the report at its meeting on (insert meeting date) (minute (insert minute number) refers), therefore the decision is exempt from Call-in.

Signed (Councillor):

Portfolio Holder for

Date:

***PLEASE DELETE ALL THE RED TEXT ONCE THE
DECISION NOTICE HAS BEEN COMPLETED***