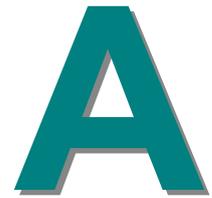




HILLINGDON
LONDON



Executive Scrutiny Committee

Date: THURSDAY, 20 JUNE 2019

Time: 7.15PM OR AT THE RISING
OF CABINET, WHICHEVER
IS EARLIEST

Venue: COMMITTEE ROOM 6 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

This Agenda is available online at:
www.hillingdon.gov.uk or use a smart phone
camera and scan the code below:



To Members of the Committee:

Councillor Henry Higgins (Chairman)
Councillor John Riley (Vice-Chairman)
Councillor Simon Arnold
Councillor Wayne Bridges
Councillor Peter Curling
Councillor Kerri Prince
Councillor Nick Denys
Councillor Peter Money
Anthony Little (Representative Member
for Education Issues)

Published: Wednesday, 12 June 2019

Contact: Mark Braddock

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Putting our residents first

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW

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In the event of a SECURITY INCIDENT, follow instructions issued via the tannoy, a Fire Marshal or a Security Officer. Those unable to evacuate using the stairs, should make their way to the signed refuge locations.



About the Executive Scrutiny Committee

Terms of Reference

Membership

8 Members, appointed on a proportional basis. 2 voting church and 3 voting parent governor representatives when the decision made by Cabinet or any decision called-in that relates wholly or in part to any education functions which are the responsibility of the authority's Cabinet. Attendance by education representatives shall be as set out in paragraph 4 of these rules (see below).

The Committee will normally meet in an informal capacity immediately after the conclusion of a meeting of Cabinet to consider which decisions the Members of the Committee might require further information about or to consider for potential call-in. Although meeting in an informal capacity, should there not be a consensus as to which decisions require such consideration then the matter will be determined by a majority vote of those Members of the Committee present and able to vote (with respect to the normal rules as set out in the Code of Conduct).

Terms of Reference

To exercise the right set out in the Policy Overview, Scrutiny and Select Procedure Rules to call-in and recommend for reconsideration any key decisions made but not yet implemented by the Cabinet, a Cabinet Member, a Council Cabinet Sub-Committee or an officer. This would include any key decision that needs further information from the decision-maker to explain why it was taken.

4. Education Representatives

The Residents, Education and Environmental Services Policy Overview Committee shall include in its membership the following voting representatives:

- (a) 1 Church of England diocese representative;*
- (b) 1 Roman Catholic diocese representative; and*
- (c) Such other representatives of faiths and denominations as may be appointed by the Council subject to a direction being issued by the Secretary of State.*
- (d) 3 parent governor representatives elected by parents.*

These representatives will also be appointed to the Executive Scrutiny Committee when a decision has been made by the Cabinet or any decision called-in that relates wholly or in part to any education functions which are the responsibility of the authority's Cabinet.

Education representatives may only attend (in part) as members of a Committee meeting, for education related items / decisions on the agenda, which they may speak and vote on.

Agenda

- 1** Apologies for Absence and to report the presence of any substitute Members
- 2** Declarations of Interest in Matters coming before this meeting
- 3** To receive the minutes of the meeting held on 30 May 2019 1 - 2
- 4** Exclusion of Press and Public
To confirm that the items of business marked Part I will be considered in public and that the items marked Part II will be considered in private.
- 5** Follow-up: Matters for clarification from the last meeting 3 - 8
To receive the responses on any information requests or clarifications on matters from the previous Cabinet meeting and associated reports.
- 6** Consideration of Executive Decisions Taken and any Call-Ins 9 - 16
To undertake the statutory scrutiny role of executive decision-making by the London Borough of Hillingdon, and in particular to review decisions made by the Cabinet prior to this meeting. Members should consider any other decision taken by a Cabinet Member(s) or key decision taken by an Officer published in the five working days before this meeting.



Minutes

EXECUTIVE SCRUTINY COMMITTEE

30 May 2019

Meeting held at Committee Room 6 - Civic Centre,
High Street, Uxbridge

	<p>Committee Members Present: Henry Higgins (Chairman), John Riley (Vice-Chairman), Simon Arnold, Wayne Bridges, Peter Curling, Kerri Prince, Nick Denys and Peter Money</p> <p>LBH Officers Present: Mark Braddock (Democratic Services)</p>
3.	<p>APOLOGIES FOR ABSENCE AND TO REPORT THE PRESENCE OF ANY SUBSTITUTE MEMBERS (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Mr Tony Little, Co-opted Member for education.</p>
4.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>No interests were declared by Members present.</p>
5.	<p>TO RECEIVE THE MINUTES OF THE MEETING HELD ON 18 APRIL 2019 (<i>Agenda Item 3</i>)</p> <p>The minutes of the meeting held on 18 April 2019 were agreed as a correct record.</p>
6.	<p>TO RECEIVE THE MINUTES OF THE MEETING HELD ON 9 MAY 2019 (<i>Agenda Item 4</i>)</p> <p>The minutes of the meeting held on 9 May 2019 were agreed as a correct record.</p>
7.	<p>EXCLUSION OF PRESS AND PUBLIC (<i>Agenda Item 5</i>)</p> <p>Items were considered and public and private as set out on the Cabinet agenda.</p>
8.	<p>CONSIDERATION OF EXECUTIVE DECISIONS TAKEN AND ANY CALL-INS (<i>Agenda Item 6</i>)</p> <p>Members gave consideration to the Cabinet reports of the 30 May 2019 meeting and the decisions made by Cabinet on them earlier that evening.</p> <p>On the report relating to the planned new sport and leisure facility in West Drayton, Members requested whether an impact assessment would be undertaken on the loss of the youth club, as being part of the plans.</p> <p>On the report relating to the approval of the new Air Quality Action Plan, Members requested more information on the air monitoring stations across the Borough, where they are placed, how their locations are determined.</p>

RESOLVED: – That the decisions made by the Cabinet at their meeting on 130 May 2019 be endorsed and that no call-in be made.
The meeting, which commenced at 7.40 pm, closed at 7.52 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Mark Braddock, Statutory Scrutiny Officer. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

FOLLOW-UP: MATTERS FOR CLARIFICATION FROM THE LAST MEETING

Contact: Mark Braddock
Statutory Scrutiny Officer
Telephone: 01895 250470

REASON FOR REPORT

To follow-up any clarifications and information requests agreed by the Committee undertaking their role scrutinising the decisions and reports from the last Cabinet meeting. These matters are for noting only and not for call-in. If a particular Member wishes for further clarification on the information provided below, this will be for the Committee to determine.

OPTIONS OPEN TO THE COMMITTEE

That the Committee note the information.

CABINET – 30 MAY 2019

The Committee gave consideration to the reports and the decisions made by Cabinet at this meeting.

On the report relating to the planned new sport and leisure facility in West Drayton, the Committee requested whether an impact assessment would be undertaken on the loss of the youth club, as being part of the plans.

On the report relating to the approval of the new Air Quality Action Plan, the Committee requested more information on the air monitoring stations across the Borough, where they are placed, how their locations are determined.

This information is provided below by Officers.

New sport and leisure facility in West Drayton

Officers advise that should there be a proposed change in service provision an impact assessment will be completed.

Air Quality Action Plan

1 Background

1.1 The current air quality monitoring network has been in place for a number of years, revisions can be considered when new information is made available. The results help inform where pollution levels are highest and where they are the lowest, whether the trends are up, down or static. Depending upon location they can be used to inform whether actions to improve air quality have been successful or whether more action is required. With the updated GLA pollution modelling, the introduction of Air Quality Focus Areas and a new Air

Quality Action Plan 2019-2024 there is a requirement to ensure the monitoring is in the correct locations. With this in mind, the opportunity has been taken to commission an independent review of the monitoring across the Borough.

This information below details the current monitoring and the recommendation for changes to the monitoring network across the Borough.

2 *Resources*

- Automatic stations

2.1 These are specific analysers and data capture units housed in a cabin with the necessary associated electricity supply and air conditioning requirements. Ambient air is pulled through the analysers on a continuous basis. There are specific Quality Control procedures including monthly calibrations, servicing and data ratification. The results from these units can be directly compared to the EU air quality limit values.

Funding for the setting up and running of monitoring stations was originally provided by bids to DEFRA/DfT, this has been discontinued. The continuation of this network for the Hillingdon stations is approximately £35,000 a year.

- Non-automatic monitoring

2.2 Diffusion tubes are small devices mounted on street furniture such as lamp-posts and building facades. They are exposed for a month and sent to an accredited laboratory for analysis. The results are used to obtain an annual figure. The results cannot be used directly compared to the EU air quality limit values but are approved methodology for pollution monitoring and are useful for identification of hotspots, trend analysis and background monitoring.

2.3 Funding for the setting up and running of diffusion tube networks were originally provided by bids to DEFRA and this has been discontinued. The continuation of this network for 40 tube locations is approximately £8,000-10,000 a year.

3 *Current monitoring network*

3.1 There are 10 automatic continuous monitoring sites within Hillingdon, these are identified in Map 1, the mapped concentrations shown are for 2017.

3.2 Passive diffusion tube monitoring of NO₂ is carried out at several locations across the Borough, supplementing the information generated by the more expensive automatic network. These are identified in Map 2, the mapped concentrations shown are for 2017.

3.3 The monitoring report to cover 2018 is currently being prepared for submission to the GLA.

4 *Review of the monitoring network*

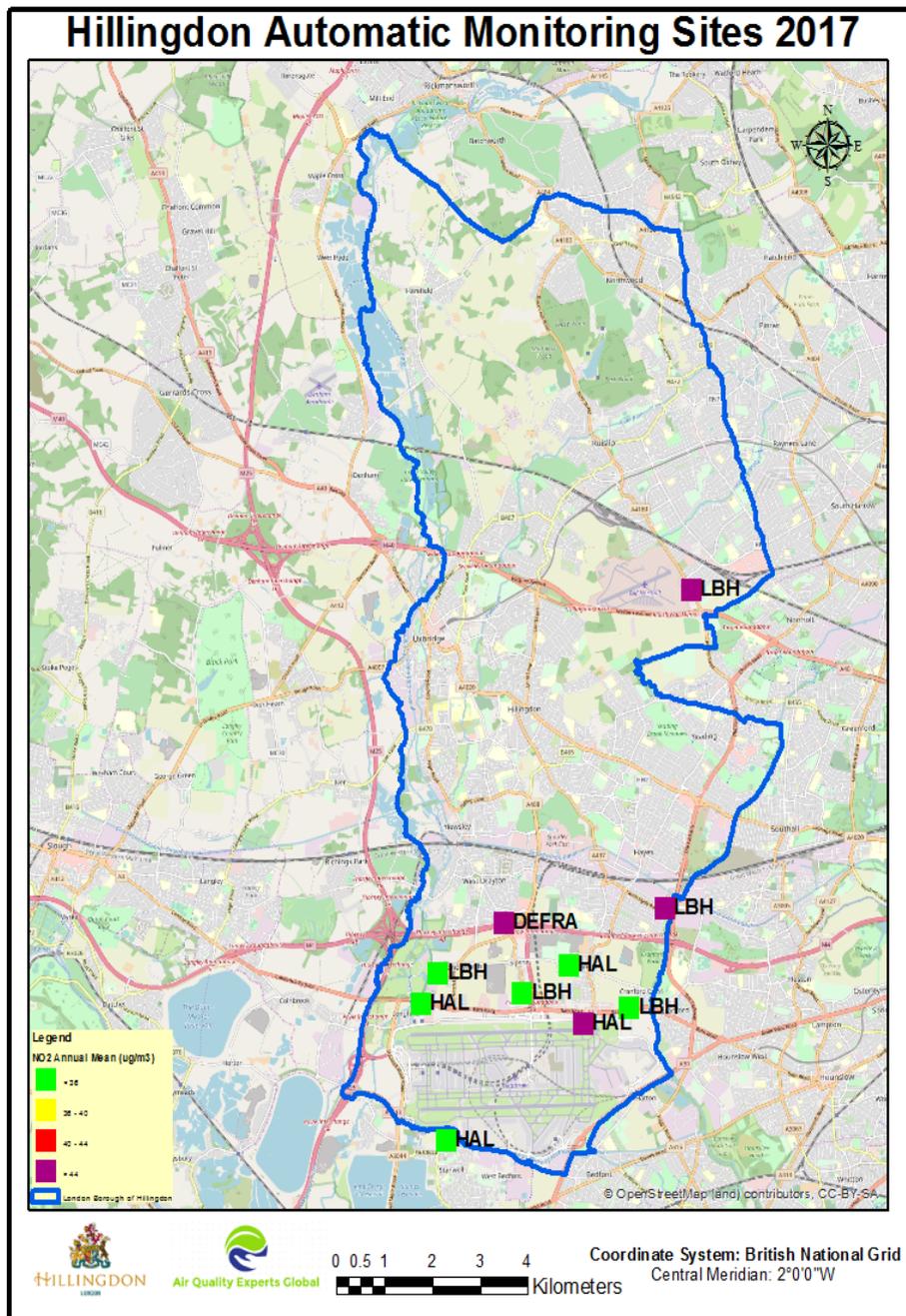
4.1 The RESPOC recommended in their Review of the Air Quality in Hillingdon report that a review of the air quality monitoring networks across the Borough would be useful to ensure there was appropriate coverage particularly in the Air Quality Focus Area.

4.2 This study has been commissioned with the aim to examine whether sites should be retained, whether they could be withdrawn, whether the current locations should be re-considered to ensure it was in the best place for monitoring public exposure. Particular attention was to be given to ensuring the network included relevant coverage in Air Quality Focus Areas.

4.2 The recommendations of the Review are currently being finalised, Map 3 includes the suggested changes to the diffusion tube network, this gives suggested coverage in the areas to the north of the Borough where the pollution maps suggest more investigation on pollution levels would be useful.

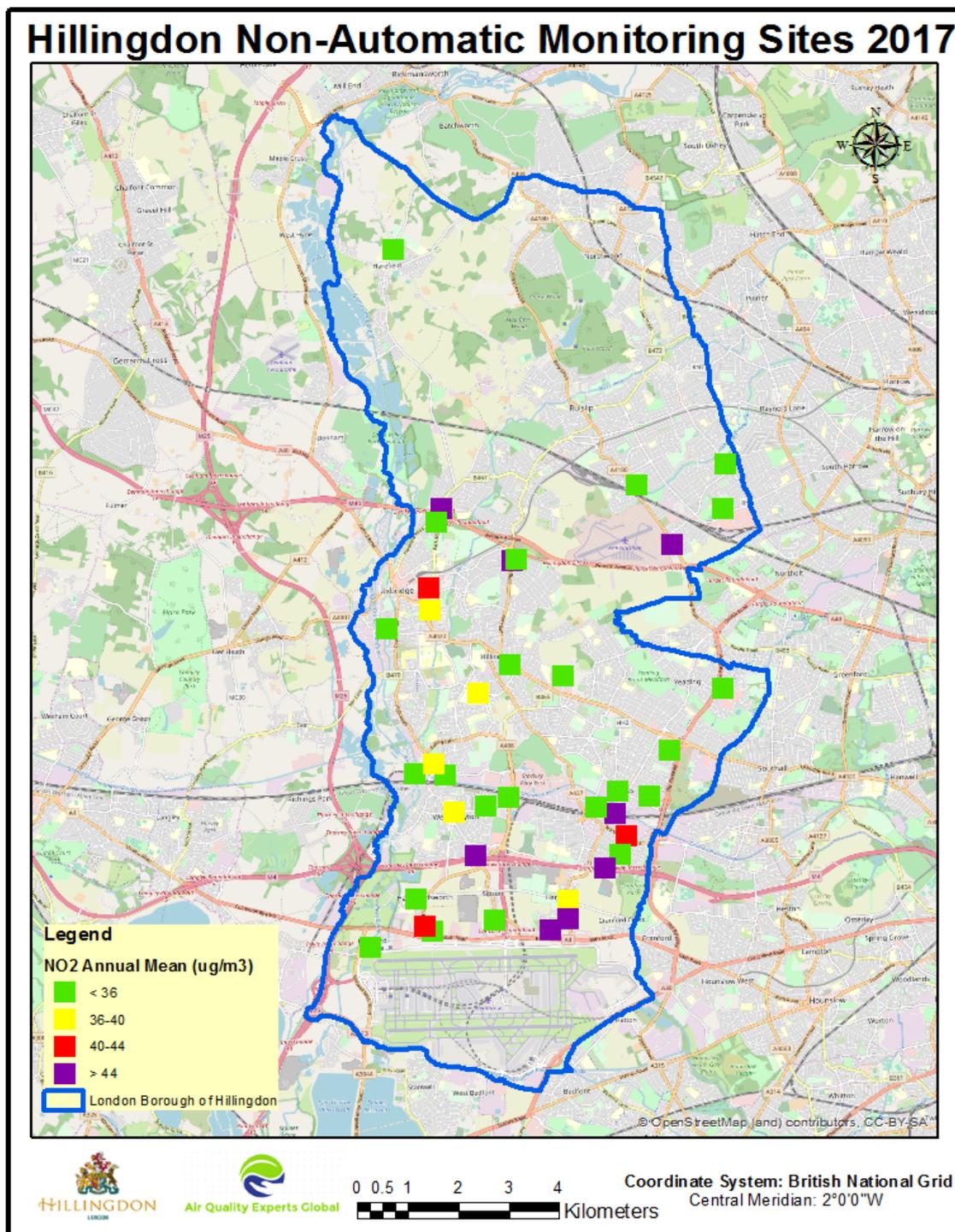
4.3 In addition, a recommendation to move an automatic monitor from the south of the Borough, where the readings have been consistently below the limit, to a hotspot in the north of the Borough will be considered. If this option is taken forward, it will require funding in terms of relocation due to the requirements for hard standing and electrical connections.

Map 1 (green is below the air quality limit, yellow close to the limit, red and purple above the limit)



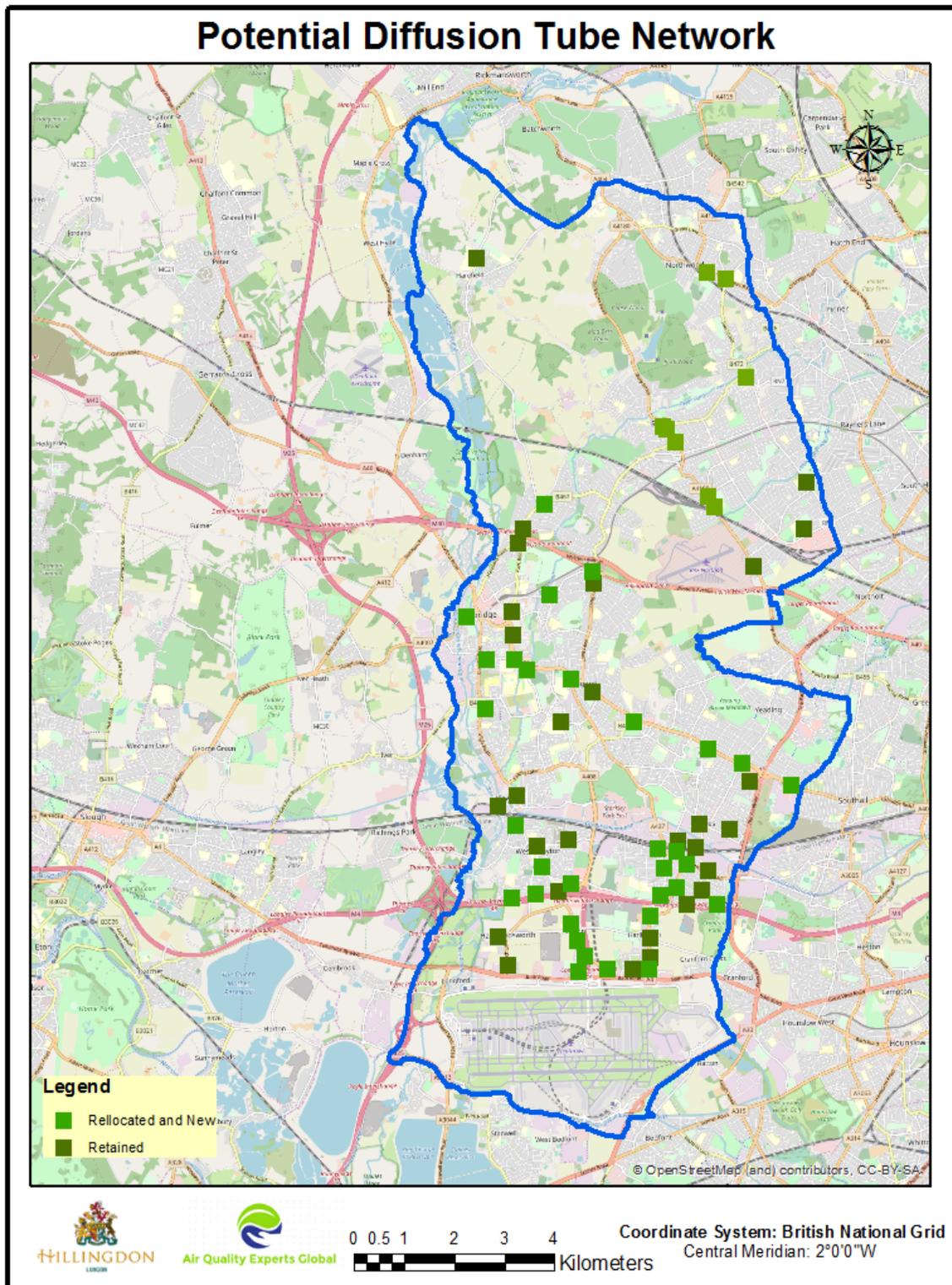
- The LBH monitors in the south were originally sited to monitor the spread of emissions from Heathrow Airport, the monitor in Harmondsworth in relation to the Grundons incinerator, additional sites were added in South Ruislip and Hayes associated with agreements from planning developments.
- DEFRA - the monitor is 30m north of the M4 in West Drayton.
- HAL operated monitoring network - these include an on-airport monitor, one in Longford to the north-west (the south west monitor is in Spelthorne) plus Harlington playing fields as a background site.

Map 2 (green is below the air quality limit, yellow close to the limit, purple above the limit)



The diffusion tubes are cheaper and easier to locate and can therefore provide a larger coverage across the Borough. They are placed in pollution hotspots and also in residential areas to assess the spread of pollution.

Map 3



The review of the diffusion tube network indicates areas where the network could be enhanced. Where potential sites are identified close to each other these will be considered in more detail and the site chosen that is the most appropriate in terms of understanding public exposure. It is anticipated this will be in place by August 2019.

CONSIDERATION OF EXECUTIVE DECISIONS TAKEN & CALL-IN

Contact: Mark Braddock
Statutory Scrutiny Officer
Telephone: 01895 250470

REASON FOR REPORT

To provide information to Committee Members on their statutory scrutiny responsibilities and their power to call in decisions made by Cabinet and recent key decisions by Cabinet Members and Officers.

OPTIONS OPEN TO THE COMMITTEE

First meeting (directly after Cabinet)

That the Committee either:

1. Review the decisions taken and agree no call-in be made;
2. Consider the potential for any call-in, by requesting further information, which will be provided by midday the following Monday. At this point, a majority of the Committee (informally) would decide whether to call-in to a second meeting.
3. Resolve at the meeting, through a majority, to formally call-in a decision with relevant reasons and agree to hold a second meeting to hear the matter to determine whether it be referred back to the decision-maker.

Second meeting (if required)

If Members agree to Call-In an item, another formal meeting of the Committee will take place on the Tuesday (or the Thursday at the latest) of the following week after Cabinet, where relevant officers and the relevant Cabinet Member, if appropriate, will be invited to discuss the called-in item.

The options open to the Committee when considering a Called In decision is to:

- i. Refer it back to the Cabinet or Cabinet Member (whoever made the decision) for reconsideration, setting out in writing the nature of the Committee's concerns, or;
- ii. Refer the matter to full Council, but only in the circumstances set out in the rules of procedure (i.e. if it is contrary to the Council's policy framework or budget, or if it was a "key decision" that was not dealt with as such by the Cabinet or Cabinet Member), or;
- iii. Decide not to refer back the decision based on the information or assurances received. If the Committee wishes, it may give advice or feedback to the decision-maker and/or officers instead.

INFORMATION

Criteria and process for deciding a call-in

1. Advisory criteria agreed by the Committee for deciding whether or not to call in a decision are attached in Annex 2. If a decision is called in, the criteria will be referred to in the call-in notification, to give reasons for the Committee's decision.
2. The advisory criteria may be amended at any time, if the Committee feels they do not adequately reflect the range of reasons for calling in decisions.
3. Additionally, technical criteria is given on what can and cannot be called-in as per the Council's Constitution and also national guidance and regulations.
4. On areas where Members request further information or clarification prior to any potential call-in, officers will be asked to provide a response to the Committee queries by **midday on the following Monday 24 June 2019**.
5. These responses will be sent to Members of this Committee by email, and based on this information, Members will be asked to email or telephone Democratic Services on whether they are content with the information supplied or whether they recommend the calling –in of the particular item. The majority of the Committee Members will have to agree to the call-in request for it to proceed. The Chairman will then advise the Head of Democratic Services.
6. The full procedure is set out in Annex 1.

Calling in Cabinet decisions

7. All Members of this Committee are on the electronic and hard copy mailing list to receive copies of the Cabinet meeting agendas and decisions in order to scrutinise the decisions made. The Committee may only call in the specific formal resolutions made by the Cabinet, i.e. the recommendations in the report (or tabled or amended subsequently) that were agreed at the meeting. Any resolutions by the Cabinet "to note" or "to receive" or similar cannot be called in, as there is no technical decision taken. Cabinet resolutions on policy and budget framework documents that are referred direct to full Council cannot be called in. More detail is provided in Annex 2.

Education decisions

8. Co-opted representative Members for Education may only sit on the Committee and speak and vote on education (or part education items where a resolution made specifically relates to education). On any other business, such co-opted members are welcome to remain in the room as an observer during Part 1 items / discussion only. For the benefit of the co-opted member, the agenda may be adjusted to allow education items first.

Cabinet Member and officers decisions

9. The Forward Plan, as far as possible, lists planned Cabinet Members' decisions and may be used to guide scrutiny of Cabinet Members' decisions. All Members of this Committee also receive an e-mail copy of all requests for Cabinet Members' decisions. All Councillors receive e-mail copies of Cabinet Members' decisions when made, which may be published at any time. Call-in on these decisions can only take place within 5 working days of the decision being published and only if they are deemed "key decisions" as outlined in Annex 2.
10. The Committee may also call-in any key decisions taken by officers (where they have been previously delegated to officers by Cabinet) and will be notified of such decisions. However, such decision-making by officers is extremely rare and key decisions are usually taken by Cabinet or Cabinet Members.
11. To call-in Cabinet Member and Delegated Officer Key Decisions, this requires the agreement of the Chairman of the Committee within 5 working days of the decision being published by Democratic Services on the formal decision notice. These Members shall inform the Head of Democratic Services of the reasons for the call-in. The Executive Scrutiny Committee will meet within 5 days of the Head of Democratic Services being notified to consider the decision.
12. The Committee is advised that day-to-day administrative executive decisions by officers are excluded from the scrutiny call-in powers of the Committee. There is no central record of such decisions, but officers should act in accordance with their relevant Departmental Scheme of Delegations, which is published.

APPENDICIES AND BACKGROUND PAPERS

Annex 1 – Policy Overview, Scrutiny and Select Committee Procedure Rules [extract of Council Constitution]

Annex 2 - Criteria for call-in as agreed at the first meeting of the Committee in 2006, with supplementary technical notes.

Members should bring their copies of the Cabinet agenda and decisions and the Forward Plan to the meeting.

Annex 1 – Policy Overview, Scrutiny and Select Committee Procedure Rules [extract of Council Constitution]

Call-In by the Executive Scrutiny Committee

- (a) When a decision is made by the Cabinet, an individual Member of the Cabinet or a Committee of the Cabinet, or a Key Decision is made by an officer with delegated authority from the Cabinet, or under joint arrangements, the decision shall be published, including by electronic means, and shall be available at the Civic Centre normally within 2 working days of being made.
- (b) The notice of the decision will bear the date on which it is published and notified to all Members of the Council and will specify that the decision will come into force, and will then be implemented, on the expiry of 5 working days after the publication of the decision, unless the decision is called-in by the Executive Scrutiny Committee.
- (c) The Committee will meet immediately after the conclusion of a meeting of Cabinet to consider which decisions the Members of the Committee might require further information about or to consider for potential call-in. At this meeting Members will review the decisions taken at the Cabinet meeting and give consideration to the potential for call-ins of items. On areas where further information or clarification is sought, officers will be asked to provide a response to the Committee queries by midday on the following Monday.
- (d) These responses will be sent to Members of the Committee by email, and based on this information, Members will be asked to email or telephone the Chairman on whether they are content with the information supplied or whether they recommended the calling –in of a particular item. The majority of the Committee Members will have to agree to the call-in request for it to proceed. The Chairman would then advise the Head of Democratic Services.
- (e) If an item is called in, another formal meeting of the Committee will take place by the Tuesday (or the Thursday at the latest) of the following week after Cabinet, where relevant officers and the relevant Cabinet Member, if appropriate, will be invited to discuss the called-in item.

Decisions made by an individual Member of the Cabinet or a Key Decision made by an officer with delegated authority from the Cabinet, can be called-in by agreement of the Chairman of the Committee and the lead representative of the majority party on the Committee within 5 working days of the decision being published. These Members shall inform the Head of Democratic Services of the reasons for the call-in. The Executive Scrutiny Committee will meet within 5 days of the Head of Democratic Services being notified to consider the decision.

- (e) If, having considered the decision, the Executive Scrutiny Committee are still concerned about it, then it may:

- refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or
- refer the matter to full Council, but only in the circumstances set out below.

A decision will not be referred to full Council unless either the Committee believes it to be contrary to the Policy Framework or Budget, or considers that it was a Key Decision that was not dealt with as such by the Cabinet. If it is referred to the decision maker they shall then reconsider within a further 5 working days, amending the decision or not, before adopting a final decision.

- (f) If following an objection to the decision, the Executive Scrutiny Committee does not hold the two meetings within 10 working days of the date of the Cabinet meeting, the original decision shall take effect at the end of the 10-day period.
- (g) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below.
- (h) If the Council does object, it has no authority to make decisions in respect of a Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a Committee of it, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.
- (j) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

1. CALL-IN under urgent circumstances (urgency or special urgency)

The call-in procedure set out above shall not apply where the decision being taken by the Cabinet or executive member is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests or could lead to an (increased) risk of damage to people or property. The record of the decisions, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.

The Chairman of the Executive Scrutiny Committee (or Vice-Chairman in their absence) must be informed that the decision will be implemented immediately upon him/her agreeing that the decision is reasonable and to it being treated

as a matter of urgency. In the absence of the Chairman or Vice-Chairman then the Mayor (or Deputy Mayor if required) can take this decision. Decisions taken as a matter of urgency must be reported to the next available meeting of Council, together with the reasons for urgency.

Annex 2 – Criteria for call-in agreed by the Executive Scrutiny Committee

Mandatory

- a. A majority of the Committee agrees to call-in the decision (this is required by the Constitution)

Advisory

- b. The expenditure or savings resulting from the decision are £25,000 or greater (to stop trivial call-ins)

and one or more of the following:

- c. The recommendations that lead to the decision do not adequately reflect the evidence contained in the report.
- d. There is evidence that does not appear to have been considered in reaching the decision.
- e. There is a high level of public interest or concern, perhaps evidenced by many complaints or a petition to Councillors.
- f. The decision appears to be contrary to an Auditor's or an Inspector's recommendation.
- g. Cabinet has not accepted a recommendation from a Policy Overview or Select Committee.

Supplementary Technical Notes from Democratic Services:

What decisions can be called-in?

1. Cabinet decisions (key and non-key decisions)
2. Cabinet Member decisions (key and non-key decisions)*
3. Officer decisions (key decisions only, i.e. when delegated by Cabinet)

**The law only requires key decisions can be called-in by Cabinet Members, however, Hillingdon's Constitution extends this to non-key decisions, for increased accountability.*

If a decision above is considered contrary to any strategic policy or the approved budget (that are part of the Council's policy and budget framework) - or if it was a "key decision" that was not dealt with as such by the Cabinet or Cabinet Member, then the Committee may consider referral of the matter to full Council instead.

Decisions that cannot be called in include:

- Any decision relating to a non-executive (Cabinet) function, e.g. licensing or planning decision;
- Non-key decisions delegated by Cabinet to Council officers (e.g. operational, i.e. to implement the Cabinet's decision);
- Decisions taken under urgency or special urgency provisions (where the Chairman of the Committee has already waived the scrutiny call-in period);
- A decision that has already been the subject of a call-in during the previous 6 months;
- Any decision that is required to be taken by the full Council (e.g. Annual Budget, Policy Framework documents, or reports to Cabinet making recommendations to full Council);
- Decisions that are not technically decisions, i.e. "to note" or "to receive";
- Previously taken decisions by Cabinet Members that are later 'ratified' by Cabinet.

KEY DECISIONS DEFINITION (Article 7, Council Constitution)

1. Developing proposals that require the Council to amend its policy framework.
2. Decisions resulting in cost/savings outside of existing budget that exceed the following thresholds:-
 - 10% of the annual revenue budget for a service or any proposals in excess of £500,000.
 - variations to capital schemes on programmes in excess of £250,000 in any one year.
3. Decisions which have a significant impact on two or more wards as defined below:-
 - where the outcome will have a significant impact on the well-being of the community or the quality of service provided to a significant number of people living or working in an area.
 - Where 'Communities of Interest' as well as geographic areas are affected significantly, e.g. young people by the closure of a youth centre.