

Part 2: Articles of the Constitution (Article 12.03)

12.03 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
In this Constitution, a “Key Decision” shall mean an Executive decision which is likely:
 - i. to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the City Council’s budget for the service or function to which the decision relates;
 - ii. to be significant in policy or strategic terms as regards its effects on communities living or working in an area comprising two or more wards or electoral divisions in the City; or
 - iii. to have a particularly significant impact on any community as experiencing social exclusion or discrimination, whether that community is defined by geography or interest and even if that community is only located in one ward or electoral division in the area of the local authority.

Notes

1. *In relation to paragraph (i) above, the term “significant” shall be construed as meaning £500,000 (except that this does not apply to (i) care packages where the value of the care package exceeds £500,000. For the purposes of this paragraph, the term “care package” is defined as a package of personal care, support or education purchased as a consequence of an assessment of a child’s needs within the Children Act 1989, Children (Leaving Care) Act 2000 and the Education Act 1981 and the relevant guidance is contained in the Special Education Needs Revised Code of Practice. The decision to provide the care package is for the duration of the individual’s childhood, up to the age of 18 years, 19 years or 21 years according to the relevant legislation or guidance (ii) proposals and decisions under the Property Acquisition Strategy of whatever value) (iii) **proposals and decisions of Council appointed representatives (officer and elected member) acting in their capacity as Board Members or Shareholder Representatives as individual decision makers or as part of decision making Boards or meetings of a Local Authority Trading Company owned or operated by Southampton City Council.***
2. *In relation to paragraph (ii) above, the Council will, unless it is impracticable to do so, treat as if they were Key any decisions which are likely to have a significant impact on communities in one ward or electoral division. Where a decision is only likely to have a significant impact on a very small number of people in one ward or electoral division, the decision-maker should ensure that those people are nevertheless informed of the forthcoming decision in sufficient time for them to exercise their right to see the relevant papers and make an input into the decision-making process.*
3. *In considering whether a decision is likely to be significant, a decision-maker will also need to consider the strategic nature of the decision and*

whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number or people living or working the locality affected. Regard should again be given to the underlying principles of open, transparent and accountable decision-making of this Constitution to ensure that there is a presumption towards openness.

4. *In interpreting after the event whether or not a decision should or should not have been classified as a Key Decision, the following will be taken into account:*

- a. *the issue must be assessed on the basis of the information which could reasonably have been available to the decision-maker at the time;*
- b. *the “de minimus” rule will be applied;*
- c. *the level and nature of advice sought by the decision-maker. The Monitoring Officer and Chief Financial Officer will have significant roles to play in this.*

c. A decision-taker may only make a Key Decision in accordance with the requirement of the [Executive Procedure Rules](#) set out in Part 4 of this Constitution.

d. No treasury management decisions, as defined by the Service Director: Finance & Commercialisation, shall be deemed to be Key Decisions.

Note: “De minimus” means that (in this context) this rule does not apply to trifling, minor or insignificant variations, departures or breaches.