

West Yorkshire Combined Authority (WYCA) Written record of an Officer decision^a	
Relevant Director^b	(Post-title)
Subject^c	
Is this a Key decision?^d	Y/N
For a Key decision, the date^e on which notice of the decision was published, before the decision was made	
Can this decision be called-in?^f	Y/N
Date decision published^g	<i>Democratic Services to insert</i>
Deadline for call-in by Members of Overview and Scrutiny Committee^h	<i>Democratic Services to insert</i>
If the decision is a Key decision but not open for call-in, state why the decision is urgentⁱ	
Details of the decision^j	
Reasons for the decision	
Other Options (if any) considered and rejected^k	
Option 1	
Option 2	
Option 3	
Consultation^l	
Background papers^m	
Confidential informationⁿ not available to the public	

This written record contains confidential information (in a separate appendix) ^o	Y/N
Background papers contain confidential information	Y/N If yes, relevant background papers:
Exempt information^p not available to the public	
This written record contains exempt information (in a separate appendix) ^q	Y/N If yes, <ul style="list-style-type: none"> • description of exempt information: • the reason why in public interest to maintain the exemption:
Background papers contain exempt information	Y/N If yes, <ul style="list-style-type: none"> • relevant background papers: • category of exempt information: • reason why in public interest to maintain exemption:
Decision-making Officer^r:	
Name	Post title
Date of decision^s	
Contact Officer^t	Name: Telephone number: E-mail:
Authority for decision^u - complete below	
WYCA or WYCA committee gave a specific express authorisation to relevant Director ^v Or	Y/N If yes, <ul style="list-style-type: none"> • WYCA/committee^w: • date of meeting: • item number or minute number of committee decision^x: • name of any Member who declared a conflict of interest in relation to the decision:
Officer Delegation Scheme authorises relevant Director ^y	Y/N If yes, identify relevant provision ^z
Relevant Director sub-delegated authority to decision-making Officer ^{aa}	Y/N If yes, identify relevant provision ^{bb}

^a Guidance to WYCA Officers

Please forward this form to **Angie Shearon Acting Democratic Services Manager** when completed, as soon as possible, but at the latest

- for **Key decisions** which may be **called-in, within 2 working days** of making the decision, **to be received by midday on the second working day;**
- for decisions which are not open to call-in, **within 5 working days.**

The Openness of Local Government Bodies Regulations (SI 2014/2094) requires you to make a **written record** of every decision you make which could have been taken by WYCA or one of its committees or sub-committee, but has been delegated to an officer:

- a. under a **specific express authorisation**; or
- b. under a **general authorisation** to officers to take such decisions, and the effect of the decision is to -
 - I. grant a **permission or licence**;
 - II. affect the **rights of an individual**; or
 - III. award a **contract** or incur **expenditure** which, in either case, **materially affects WYCA's financial position** (for this purpose, the WYCA require you to record any contract or expenditure over **£500,000**).

WYCA's officer delegation scheme also require you to also **record and publish any Key decision** you make on this form, whether or not it is outside the criteria set out above. This promotes transparency. It is also necessary because **any Key decision is potentially open to call-in**, and this is the mechanism to keep Overview and Scrutiny Members informed about such decisions. You will not be able to implement any Key decision open for call-in until midday on the 6th day after it has been published as a written record of officer decision – so it is in your interests to **publish as promptly as possible.**

You may also record and publish any other decision if you consider this to be in the **public interest.**

The written record and any background papers must be made available for **public inspection** as soon as reasonably practicable, subject to exceptions in relation to **confidential** and **exempt** information - see below.

It is a **criminal offence** to

- intentionally obstruct any person exercising a right to inspect written records and background papers; or
- refuse any request to provide written records or background papers

without reasonable excuse.

^b Insert the **post title** of the Director taking the decision or who authorised another officer to take the decision on their behalf. In this context, the term Director should be construed as a reference to any officer to whom the relevant functions are directly delegated, whatever that officer's post title.

^c Insert **brief title**. Usually this will have the same as the title of any relevant report that was considered by a Director before making the decision (a “request for decision” report).

^d The **definition of a Key decision**, is set out in the Access to Information Annex to the Procedure Standing Orders, and includes any decision to spend or save **over £1 million**. There is guidance on MINT about Key decisions.

^e If you are making a Key decision, you **must** have published the decision 28 days in advance, **or** followed an exception procedure. See further guidance on MINT.

^f A decision taken by an officer is **eligible to be called-in** if it is a **Key decision**, as defined in the Access to Information Annex to the Procedure Standing Orders. See above.

^g To be completed by Democratic Services. This is the **start of the call-in period**.

^h To be completed by Democratic Services. The call-in period will end on 4pm on the fifth working day following publication. The Scrutiny Officer will notify you if the decision is called-in.

ⁱ You must **delay implementing** any decision eligible for call-in, unless it is **urgent**. You must give the reason why it is urgent in this record. A decision will be urgent “if any delay likely to be caused by the call-in process would prejudice WYCA’s, Constituent Councils’ or the public’s interest” (Scrutiny Standing Order 13.1.2), so you need to explain in what way any likely delay would do this. There is guidance about the call-in process on MINT.

^j Set out the **substance** of your decision (for example “To award a contract to X to provide (services) for the sum of (£) and for a period of X”). The wording should reflect any recommendations in any request for decision report, amended as necessary to reflect the actual decision.

^k If you considered other **options**, set these out together with the reasons why each option was not favoured. Instead, you could attach any request for decision report to this written record, and refer to the relevant paragraphs. However, if you do this, you should ensure that confidential and exempt information in the request for decision report are clearly identified, and contained within a separate appendix, since any attached report will be published as part of the written record. See further footnote h and i below.

^l Set out details of who was **consulted**, (which may include individual Members, Committees, Officers or external advisers), the date of any consultation, and any information about the outcome. Again, you may choose simply to refer to any request for decision report attached to the written record – see footnote e above.

^m List all **background documents** here. These are documents other than published works that

- a. **relate to the subject matter** of the decision or part of the decision, and
- b. in the opinion of the Head of Legal and Democratic Services,
 - i. disclose any facts or matters on which the decision or an important part of the decision is based; and
 - ii. were **relied on** to a material extent in making the decision.

The Decision-making Officer must **retain any background papers** and make them available for public inspection for **4 years** from the date of the decision. Background papers may include any relevant report that was considered by the Director before the decision was taken.

ⁿ The Regulations about written records **do not** authorise or require you to disclose confidential information in breach of the obligation of confidence.

“Confidential information” means:

- a. information provided to WYCA by a government department on terms (however expressed) which forbid the disclosure of the information to the public; or
- b. information the public disclosure of which is prohibited by or under any enactment or by order of a court.

^o Any information which is required to be included in the written record but which is **confidential** should be attached to the written record as a **separate appendix**. The appendix should be **headed** “NOT FOR PUBLICATION – CONFIDENTIAL INFORMATION” and should identify why the information is confidential, by reference to a. or b. above. This appendix will not be published.

^p You may choose not to disclose to the public or make available for public inspection any document or part of a document, if, in the opinion of the Head of Legal and Democratic Services, that document or part of a document contains or is likely to contain **exempt** information. “Exempt information” means information specified in Schedule 12A Local Government Act 1972. This will be information coming within **specified descriptions, and** if in all the circumstances of the case, the public interest in maintaining the exemption outweighs the **public interest**. You can find the specified descriptions of exempt information in the Access to Information Annex to the Procedure Rules.

^q Any information which is required to be included in the written record, but which is **exempt** should be attached to the written record as a **separate appendix**. The appendix should be **headed** “NOT FOR PUBLICATION – EXEMPT INFORMATION” and should state the **description** of the exempt information and confirm that in all the circumstances of the case the **public interest** in maintaining the exemption outweighs the public interest in disclosing the information. This appendix will not be published if the Head of Legal and Democratic Services considers that it contains exempt information.

^r Insert the name of the Officer making the decision. This will either be the **relevant Director** if they made the decision, or **another officer** if the relevant Director has sub-delegated authority under their sub-delegation scheme or otherwise in writing.

^s The Acting Democratic Services Manager will ensure that this written record, together with any background papers, is made available for inspection **as soon as reasonably practicable –**

- a. at all reasonable hours, at the offices of the WYCA;
- b. on the WYCA’s website; and

by such other means that WYCA considers appropriate.

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^t Insert the name and details of a **contact officer** who may be contacted by Members or the public about the decision. This may be the decision-making Officer or another officer on their behalf.

^u Explain how the decision-making Officer was **authorised** by the WYCA to make the decision. This may be by a specific authorisation, or under the Officer Delegation Scheme to a relevant Director. A relevant Director may also sub-delegate authority to another Officer.

^v That is, if WYCA or a WYCA Committee has, at a formally convened meeting, specifically and expressly authorised an officer to make this decision.

^w Delete as applicable. Insert name of any relevant committee.

^x Specify the **minute number** for the relevant resolution, where this is available. You can find this from the approved minutes of meetings, which are published on WYCA's website. If there are as yet no approved minutes, please specify the item number for the relevant report.

^y The **Officer Delegation Scheme** is approved by WYCA. You can find it on WYCA's website.

^z Identify the **relevant function** that has been delegated to the relevant Director under the Officer Delegation Scheme.

^{aa} Each relevant Director will have a **sub-delegation scheme**.

^{bb} The relevant provision should be identified by reference to the relevant Director's sub-delegation scheme.