

Clacton Town Board – Decision Making Protocol between Board Meetings

Purpose of the report

The recent example of the position concerning Banners on street lamp-posts highlighted that there was not an established protocol for such decisions between meetings of the Board.

This report sets out a protocol that would seek to accommodate decision making between Board Meetings.

Recommendation to the Board

That the proposed protocol be considered and, if appropriate, it be adopted by the Board.

Detail

The proposed protocol would involve:

- (1) Identify the relevant policy/budget provision adopted by the Board.
- (2) Notify Board Members of the previous decision and the proposal to implement/amend the approved position. This notification would include a statement as to why the decision needs to be taken between Board meetings rather than waiting for the next Board meeting.
- (3) Board Members would be invited to express their views on the proposal.
- (4) The expressed views of Board Members and the proposal (including any modification picking up the views of Board Members) are then referred to the Accountable Body's Section 151 Officer and the Board's Chair by the Accountable Body's Deputy Chief Executive. The referral will also set out those Board Members who had not expressed a view.
- (5) The Accountable Body's Deputy Chief Executive will make the formal decision following consultation with the Section 151 Officer and the Board's Chair.
- (6) The decision will be published by the Accountable Body.
- (7) All decisions taken between Board Meetings will be reported to the next following meeting of the Board.

In relation to the above, it would be expected that at least eight Board Members respond (being the quorum for Board Meetings). It would also be expected that Board Members would be given at least seven days to respond.

The use of this protocol will be monitored to ensure that business planning ahead of Board meetings is robust and, consequently, decision making remains primarily a matter for the Board in actual meetings.

Background

In submitting the protocol to the Board, due regard has been given to the “Plan for Neighbourhoods: governance and boundary guidance” published on 12 March 2025 around the role of the accountable body and management of funds.

The guidance confirms that the local authority will act as the accountable body for the funds with responsibility for ensuring that public funds are distributed fairly and effectively, and that funds have been managed in line with the Nolan Principles and Managing Public Money principles. The local authority is also responsible for compliance with legal responsibilities in relation to subsidy control, state aid and procurement. Procurement must now be in compliance with the Procurement Act 2023 requirements.

The guidance states that each local authority should:

- work closely with their [Town] Board to develop and embed appropriate processes and controls for funding;
- develop mechanisms that will empower the [Town] Board in realising their role and driving forward a community-led vision for change
- facilitate the development of a place’s plan and its delivery while recognising the role of the [Town] Board as decision-making forum

The protocol seeks to ensure that the Board’s wishes are actioned through the seeking of views of Board Members and for the Board Chair to be apprised of the views expressed before reaching a final position to be adopted by a published decision of the officer of the accountable body. The decision would also take account of the responsibilities of the accountable body by involving that body and, specifically, its Section 151 Officer (Chief Finance Officer).