



THORNHILL
Estate

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THOA PROCEDURE FOR EXERCISING DISCRETION

Original Issue 'A'	Name	Signature	Date
Prepared:	Gov Committee	<i>ORIGINAL</i>	09/06/2014
Authorised for Issue: THOA Chairman:	Ian Boxall	Signed <i>I. Boxall</i>	05/09/2014

REV	DESCRIPTION	DATE	CONTENT APPROVED	AUTHORISED
A	Issued	09/06/2014	THOA Board 05/09/2014	Ian Boxall 05/09/2016
B	Changed Estate Manager to Operations Manager	16/02/2016	THOA Board 29/09/2016	Steve Burrow 29/09/2016

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Introduction

Unfettered discretion is considered dangerous in that it can set a precedent and give rise to unintended consequences. The rules and regulations governing activities on the Estate are comprehensive so the decision to exercise discretion in modifying or subverting them should not be taken lightly. When it is deemed necessary to deviate, it must be done through due process and be recorded.

The process for the exercise of discretion is as follows:

1 **Proposal**

Any request or proposal for a discretionary waiver to any rule or regulation should be set out in writing as a "request," using the relevant general complaint form (Addendum 10.1 on the THOA website "Governance"), also obtainable from the Estate Office. This request can be submitted by any member or by a committee or sub-committee member and should set out a clear motivation for the deviation.

2. **Consultation**

At least three members of the Board of Trustees or relevant sub-committee must jointly consider the request and determine its reasonableness: who is likely to be affected and how; whether an undesirable precedent will be created and whether any unintended consequence is likely to emerge. The requestor and anyone else likely to be affected shall be consulted at this time, if deemed necessary.

3 **Decision**

Any decision to agree to a change must be made by consensus (of the three) and recorded. Thereafter it shall be, ratified by the Board and authorised by the chairman.

4 **Recording and Feedback**

The decision must be conveyed to the requestor and set out in writing with a rationale giving reasons for approval or rejection. Records of all changes shall be kept on file with the Operations Manager.

5 **Right of Appeal**

Should a request be rejected, the requestor will have the right to appeal to the full Board of Trustees. In such case, a majority of the committee, inclusive of the Chairman, will consider the decision made and ratify or reverse as the case may be. For cases with the potential to generate controversy, legal advice may be sought at this stage.