

Committee: General Purposes Committee

Date: 10 March 2016

Wards: All

Subject: Review of non key delegated executive decisions

Lead officer: Paul Evans, Assistant Director Corporate Governance

Lead member: Councillor Peter McCabe, Chair, General Purposes Committee

Contact officer: Julia Regan, Head of Democracy Services

Recommendations:

- A. To discuss and comment on the review of the new process for recording and publishing non-key delegated executive decisions that was implemented in November 2014
- B. To recommend that no changes are made to the processes for recording and publishing these decisions at present
- C. To recommend that, should he identify concerns or a need for change in future, the Assistant Director Corporate Governance should bring a further review report to the Committee.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The purpose of this report is to advise General Purposes Committee of the findings of the review of the processes for recording and publishing non-key delegated executive decisions that were introduced in November 2014.
- 1.2. The Openness of Local Government Bodies Regulations 2014 requires local authorities to record and publish non-key delegated executive decisions. Following recommendations made by Standards Committee and General Purposes Committee, Council agreed that those decisions should be subject to call-in so that they are treated in the same way as non key delegated executive decisions taken by a cabinet member.
- 1.3. General Purposes Committee reviewed the implementation of the new process in March 2015 and requested a further update in 12 months.

2 DETAILS

- 2.1. The Head of Democracy Services has attended each of the departmental management teams at least once to brief them regarding the new processes. Guidance notes have been provided and published on the intranet to help with the definition of what should be included. The template form to use for recording such decisions was also published on the intranet.
- 2.2. In March 2015 it was reported to this Committee that a total of three non key delegated executive decisions had been published since November 2014:

- London contracts & supplies joint agreement - contract for supply & delivery of office stationery 2014 to 2018 – 25 November 2014 – Director of Corporate Services
 - Cricket Green expansion 2015 appointment of design consultants– 20 February 2015 - Director of Children Schools and Families
 - Travellers’ site – Annual review of weekly licence fee –24 February 2015 – Director of Corporate Services
- 2.3. Between 13 March 2015 and 23 February 2016 a further nine non key delegated executive decisions were published:
- Disabled parking bay, 10 Hogarth Crescent – 13 March 2015 – Head of Sustainable Communities
 - Grant of a lease of the kiosk, South Park Gardens – 4 April 2015 - Director of Environment and Regeneration
 - Contract award – school admission IT systems – 15 May 2015 – Director of Children Schools and Families
 - Disposal of freehold interest in the land rear of 8 Ellerton Road – 26 June 2015 – Director of Environment and Regeneration
 - Safer Schools Officers’ Contract 2015-18 – 1 September 2015 – Director of Children Schools and Families
 - Contract award for replacement self service technology to the library and heritage service – 18 September 2015 – Director of Community and Housing
 - Award of contract for pensions investment services – 17 November 2015 – Director of Corporate Services
 - To purchase freehold interest in Farm Road Church – 17 November 2015 – Director of Environment and Regeneration
 - Award of contract for payment processing and cash receipting systems – 17 November 2015 – Director of Corporate services
 - Travellers’ site – Annual review of weekly licence fee –24 February 2016 – Director of Corporate Services
- 2.4. None of these non key delegated executive officer decisions have been called in.
- 2.5. The Head of Democracy Services has advised that the work associated with these decisions, including advising officers, assisting with documentation, publishing the decisions and communication with councillors has not added significantly to the team’s workload.
- 2.6. It is therefore recommended that no changes be made to processes for recording or publishing these decisions at present. It is further recommended that the Assistant Director of Corporate Governance should alert the Committee, by way of a review report, should he become aware of any concerns in future.

3 ALTERNATIVE OPTIONS

- 3.1. The Council is legally required to record non-key delegated executive decisions and publicise them on line. Subjecting such decisions to call-in is discretionary.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Directors have been consulted on the proposals within the report.

5 TIMETABLE

- 5.1. None.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. Processes will be followed within existing resources.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The Council has a statutory duty to comply with legislation and not doing so may result in the validity of decisions being subject to legal challenge.

- 7.2. The 2014 Regulations require the decision making officer to produce a written record of any decision that:

“would otherwise have been taken by the relevant local government body, or a committee, sub-committee of that body or a joint committee in which that body participates, but it has been delegated to an officer of that body either:

- 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 that relevant local government body’s financial position”*

- 7.3. The 2014 Regulations also require that, as soon as practicably possible after the record is made, to make it available for inspection by members of the public on the website and at council offices for a period of six years from the date of the decision. Any background papers must be retained and made available for inspection for a period of four years from the date of the decision. These requirements do not apply to confidential or exempt information.

- 7.4. It is an offence for an officer to intentionally obstruct or refuse to provide written records or background papers.

- 8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**
- 8.1 The Council has a statutory duty to comply with legislation around openness and transparency that meets the values and needs of all its residents. Not doing so could leave the council open to legal challenge.
- 9 CRIME AND DISORDER IMPLICATIONS**
- 9.1. N/A
- 10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**
- 10.1. N/a
- 11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**
- 12.1 None
- 12 BACKGROUND PAPERS**
- None