

Committee: General Purposes Committee

Date: 12 March 2015

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 the Head of Democracy Services works with each departmental management team to fully embed the new processes and brings a further review report to the meeting of General Purposes Committee in March 2016

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 new processes for recording and publishing non-key delegated executive decisions.
- 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 agreed to review the implementation of the new process, particularly in regard to the impact on the work required by democratic services officers and potential delays to the decision making process.

2 DETAILS

- 2.1. The Head of Democracy Services has attended each of the departmental management teams to alert and brief them regarding the new processes. Discussion centred on the definition of these decisions and what should be included. Guidance notes were provided to help with this and were published on the council's intranet, alongside a template form to use for recording such decisions.
- 2.2. A total of three non key delegated executive decisions have 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. No non key delegated executive officer decisions have been called in.
- 2.4. The Head of Democracy Services has consulted the Directors regarding how well embedded the new processes are and whether the first six months has been a true reflection of the future expected number of non key delegated executive decisions.
- 2.5. The Directors have advised that it would be helpful to have more detailed discussion at their management team meetings in order to identify which decisions should be published in future.
- 2.6. It is therefore recommended that the Head of Democracy Services should work with Directors to ensure that all relevant staff are fully briefed. It is further recommended that a period of a further twelve months elapse without further changes being made to the requirements prior to a further review being undertaken and considered by General Purposes Committee.

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. It is proposed to bring a further review report to General Purposes Committee on 10 March 2016.

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

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