

MINUTE EXTRACT

CABINET

24 JUNE 2019

7 EXECUTIVE DECISION MAKING PROCESS

Councillor Pat Hackett introduced a report which provided details of amendments he had made as the Leader of the Council, to the Scheme of Delegation of Executive Functions, effective immediately in and from 1 September 2019.

The Cabinet was reminded that the Council had adopted a Leader and Cabinet executive form of governance. Following the end of the term of office of the Member holding the position of Leader (every fourth year or less), the Council had elected the Leader of the Council at its Annual Meeting. At the last Annual Meeting of Council, Councillor Pat Hackett had been elected as Leader for the period ending with the Annual Meeting of May 2023 (subject to the provisions of the Constitution and any change in the Council's governance arrangements that may affect it).

The Cabinet was also reminded that the Leader must appoint a Deputy Leader and up to eight other Members to form the Executive, in respect of which the Council used the term 'Cabinet'.

It was noted that Article 7.06 (The Cabinet) of Part 2 of the Council's Constitution concerned the responsibility for functions. This provided that:

- “(i) The Leader may discharge any executive function, or
- (ii) may arrange for the discharge of any of those functions –
- (a) by the Cabinet;
- (b) by any Cabinet Member;
- (c) by a committee of the Cabinet;
- (d) by area committee; or
- (e) by an officer of the authority.”

The means by which these functions were allocated were set out in a Leader's Scheme of Delegation. The current Scheme was published as Table 3 of Part 3 of the Council's Constitution, together with a schedule of delegation of functions to individual Cabinet Members (3k - Schedule 5) and to individual officers (3j - Schedule 4B).

Appended to the Cabinet report was a replacement Leader's Scheme of Delegation and Procedure. This included, at Appendix C, the named appointments of Deputy Leader and the remaining Members of the Cabinet and a description of their Portfolios of responsibility. This was of immediate effect.

The Cabinet noted that the key changes between the existing Scheme and this were:

- (a) The introduction of a clear hierarchy of decision making through the setting of financial limits to delegated decisions, which in summary was that:
- (i) officers may only take decisions up to a financial value of £1.5M; beyond which
 - (ii) individual Cabinet Members may only take decisions up to a financial value of £5M; and all other decisions beyond that must be taken by the Cabinet as a collective meeting.
- (b) Individual Cabinet Member decisions were to be subject to a set of rules regarding how and when they may take those decisions, including what advice and material must be before the Cabinet Member at that time. Existing rules concerning the reporting of those decisions, including that all such decisions were normally subject to call-in, were included for ease of reference.
- (c) Cabinet decisions were likewise subject to those rules, but additionally would include the intention of the Leader to request the establishment of:
- all-party policy advisory groups; and
 - Member workshops

by which the Cabinet could approach Members outside of the Cabinet to help it develop major policies and the budget and in making decisions on major projects.

- (d) Officer executive decisions made at a lower level than at present would be subject to a requirement to publish that decision, and their reasons for making it, on the Council's website. This would apply to all decisions, other than ordinary business such as the provision of children's and social care packages, of a value above £250,000. Whilst these would not be subject to call-in, any key decision made by an officer would be subject to the same rules as for Cabinet Member decisions and would be subject to call-in.

The Scheme was of immediate effect. This was with the exception of the final provisions relating to officer decisions (paragraphs 6.4 and 6.5 of the Scheme and Procedure), which would not be implemented until September 2019 to allow for implementation and training.

It was normal practice for the Leader to give notice of amendments to their Scheme of Delegation to the proper officer, the Director of Governance and Assurance, for the changes to be included in the Constitution and for the changes to also then be reported to a meeting of the Cabinet, and the Council.

Councillor Hackett informed that this was a very important report about making sure that decisions were taken in an open and transparent manner and were able to be challenged and scrutinised. He promised to make the Council more inclusive in its decision-making and was of the view that agreeing the recommendations would help with this. The changes would open up the Council and enable Members from each Political Group to become more involved and have more influence in the decisions that affect their constituents.

Councillor Tony Jones informed that he was in full supported the report's contents. He informed that the main goal of the Executive was to open up all decision-making and make the Town Hall more inclusive for Members and residents. Councillor Jones considered the report to be a really positive step of which he assured that there would be more to come.

Councillor Anita Leech drew attention to the fact that the Administration was a minority Administration and informed that this should not be allowed to paralyse it. It would have to continue with business as usual and would have to find a way of working cross party and to open discussion and debate to allow this to happen.

Councillor Chris Jones considered the proposal to publish officer decisions with the same level of scrutiny and openness and transparency as Member decisions was a perfect illustration and proof of the Administration's commitment to be open and inclusive. She fully supported the recommendations set out in the report.

RESOLVED: That

- (1) the amended Leader's Scheme of Delegation and Procedure which is of immediate effect, except the provisions relating to executive decisions taken by officers (paragraphs 6.4 and 6.5 of the Scheme and Procedure), which will not be implemented until September 2019, be noted and**
- (2) the Council be informed of the amended Leader's Scheme of Delegation and Procedure at its meeting scheduled for 15 July 2019.**