



**COUNCILLOR
PAT HACKETT**

CABINET

24 JUNE 2019

EXECUTIVE DECISION MAKING PROCESS

Councillor Pat Hackett, said:

“Ensuring good governance, openness and transparency in all decision making, is vital. These principles will underpin how this new Administration works. I believe the proposals within this report serve to increase oversight and visibility of every decision the Cabinet and Council makes, making sure all Members and every resident can hold us to account.”

REPORT SUMMARY

This report provides details of amendments made by the Leader of the Council to their Scheme of Delegation of Executive Functions, effective immediately in and from 1st September 2019.

RECOMMENDATION/S

Cabinet is requested to

- (1) note 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, and
- (2) inform the meeting of Council on 15 July 2019.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Leader is required to:
- (a) appoint members of Cabinet, including a Deputy Leader; and
 - (b) maintain a Scheme of Delegation of executive functions.
- 1.2 In doing so, the Leader has expressed a desire to increase participation of Members outside of the Cabinet in decision making and to increase transparency in the process and reporting of decisions by Cabinet members and by officers.
- 1.3 Part of the Scheme's associated procedure (paragraphs 6.4 and 6.5) will require additional time for implementation, training and embedding in the Council's processes.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The amendments to the Leader's Scheme of Delegation, provided they are lawful in accordance with the Local Government Act 2000 (as amended), are required to be published and implemented.

3.0 BACKGROUND INFORMATION

- 3.1 The Council has adopted a Leader and Cabinet executive form of governance. Following the end of term of office of the Member holding the position of Leader (every fourth year or less), the Council elects the Leader of the Council at its Annual Meeting. At the most recent Annual Meeting of Council, Councillor Pat Hackett was newly 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 Council's governance arrangements that may affect that).
- 3.2 The Leader must appoint a Deputy Leader and up to eight other members to form the Executive, in respect of which Wirral Council uses the term 'Cabinet'.
- 3.3 Article 7.06 (The Cabinet) of Part 2 of the Council's Constitution concerns the responsibility for functions. This provides 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.”
- 3.4 The means by which these functions are allocated are set out in a Leader's Scheme of Delegation. The current Scheme is 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).

- 3.5 Appended is a replacement Leader's Scheme of Delegation and Procedure.
- 3.6 This includes, at Appendix C, the named appointments of Deputy Leader and remaining members of Cabinet and a description of their Portfolios of responsibility. This is of immediate effect.
- 3.7 The key changes between the existing Scheme and this are:
- (a) The introduction of a clear hierarchy of decision making through the setting of financial limits to delegated decisions, which in summary is 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 Cabinet as a collective meeting.
- (b) Individual Cabinet member decisions are 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 are normally subject to call-in, are included for ease of reference.
- (c) Cabinet decisions are likewise subject to those rules, but additionally will include the intention of the Leader to request the establishment of:
- all-party policy advisory groups; and
 - Member workshops
- by which the Cabinet can 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 will be subject to a requirement to publish that decision, and their reasons for making it, on the Council's website. This will 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 will not be subject to call-in, any key decision made by an officer will be subject to the same rules as for Cabinet member decisions and will be subject to call-in.
- 3.8 The Scheme is of immediate effect. This is with the exception of the final provisions above (paragraphs 6.4 and 6.5 of the Scheme and Procedure), which will not be implemented until September 2019 to allow for implementation and training.

3.9 It is 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 Cabinet, and Council.

4.0 FINANCIAL AND RESOURCE IMPLICATIONS

4.1 The changes concerning reporting and publication of decisions will require an increased officer input.

5.0 LEGAL

5.1 The Local Government Act 2000 (as amended) sets out requirements of the Council in operating under an executive form of governance and a Leader and Cabinet form of executive arrangements.

5.2 The Act also requires the Council to adopt a Constitution. The contents of the associated Regulations and Direction under the Act require the Council to set out its executive arrangements. A form of those executive arrangements applying to the Cabinet (also known as cabinet standing orders or executive procedure rules) are included in the Scheme of Delegation and Procedures appended to this report.

6.0 RELEVANT RISKS

6.1 The changes concerning reporting and publication of decisions will create a risk of challenge should those procedures fail to be complied with when decisions are made.

6.2 This is balanced by the decrease in risk associated with a better audit trail, increased transparency and the application of greater quality control associated with implementing those procedures.

7.0 EQUALITY IMPLICATIONS

7.1 There are no equalities implications

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APPENDED Leaders Scheme of Delegation and Procedures