
Report of Principal Corporate Governance Officer

Report to Head of Governance Services

Date: 12th August 2014

Subject: The Openness of Local Government Bodies Regulations 2014 – Follow Up Constitutional Amendments

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| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of main issues

1. On 23rd July 2014 the City Solicitor approved constitutional amendments to take effect on 6th August to give effect to the Openness of Local Government bodies Regulations 2014 (“the Regulations”).
2. Following further consultation with Directors and consideration of the practical arrangements for the publication of decisions, the Principal Corporate Governance Officer recommends a slight further amendment to the Access to Information Procedure Rules, to enable the regular publication of high volume decisions in relation to Council functions which are caught by the Regulations.

Recommendations

3. The Head of Governance Services is requested to approve the amendment to Rule 6.2 of the Access to Information Procedure Rules as set out at paragraph 3.4 of this report.

1 Purpose of this report

- 1.1 This report proposes a slight amendment to the Access to Information Procedure Rules, intended to enable the systematic and regular reporting of high volume decisions in relation to council functions.

2 Background information

- 2.1 The report of Head of Governance Services dated 23rd July 2014, sets out the background to the constitutional amendments which were approved by the City Solicitor on that day with effect from 6th August.

3 Main issues

- 3.1 Head of Governance Services will recall that Regulation 7 of the Openness of Local Government Bodies Regulations 2014 provides that the decision making officer must produce a written record of any decision which would otherwise have been taken by the relevant Local Government body (in this case Leeds City Council), or a committee, sub-committee or joint committee, but it has been delegated to an officer 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.

- 3.2 The Regulations require that the decision is recorded "as soon as reasonably practicable" after the decision is made, and further published "as soon as reasonably practicable" after the record is made. Neither the regulations nor guidance specify any timescale beyond this. Rule 6.2 of the Access to Information Procedure Rules currently provides for a written record to be made and published "as soon as reasonably practicable, and in any event within 2 working days" after a significant operational decision has been taken.

- 3.3 Having had the opportunity of further consultation with Corporate Directors it has become clear that there are a number of high volume areas of decision making caught by the requirement to record and publish the decision; for example those in relation to taxi and private hire licensing. It is impracticable to expect that each of these decisions is published individually, and instead it is proposed that a schedule of such decisions should be published monthly, which will detail the information required to be published.

3.4 In order that this proposal, which accords with the requirements of the Regulations, does not breach the Access to Information Procedure Rules it is recommended that the words “and in any event within 2 working days” are removed from the first sentence of Rule 6.2 of the Access to Information Procedure Rules.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The Head of Governance Services continues to work with Corporate Directors to identify the implications of the Regulations and to ensure that the arrangements made to meet the requirements set out are practicable. This proposal is a direct result of this ongoing consultation.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There are no implications for this report.

4.3 Council policies and City Priorities

4.3.1 This proposal ensures that the Council is able to implement practicable arrangements to continue to observe its ongoing value of being “open, honest and trusted”.

4.4 Resources and value for money

4.4.1 The proposed approach to systematic and regular publication of high volume decisions will enable the Council to meet the requirements of the Regulations within the resources available.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The proposed approach to systematic and regular publication of high volume decisions is in accordance with the requirements of the Regulations.

4.6 Risk Management

4.6.1 There are no implications for this report.

5 Conclusions

5.1 The Regulations impose requirements to publish records in relation to a number of high volume decisions. The proposed approach allows the systematic and regular publication of these decisions within the resources available to the Council. The proposed amendment to the Access to Information Procedure Rules ensures that the proposed approach, which meets the requirements of the Regulations, does not breach local codes and protocols.

6 Recommendations

6.1 The Head of Governance Services is requested to approve the amendment to Rule 6.2 of the Access to Information Procedure Rules as set out at paragraph 3.4 of this report.

7 Background documents¹

7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.