

**Report of City Solicitor**

**Report to Corporate Governance and Audit Committee**

**Date: 24<sup>th</sup> June 2016**

**Subject: Annual Decision Making Assurance Report**

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**

This is the annual report to the committee concerning the Council's decision making arrangements. The assurances contained within this report will feature in the draft Annual Governance Statement (to be considered by Committee later in this agenda).

From the review, assessment and on-going monitoring carried out, the Head of Governance Services, Head of Service (Legal Services), Head of Elections, Licensing and Registration and Chief Planning Officer have reached the opinion that, overall, the decision making systems in their respective remits are operating soundly and that arrangements are up to date, fit for purpose, effectively communicated and routinely complied with.

**Recommendations**

Members are requested to consider and note the positive assurances provided in this report in relation to executive decision making, the regulation of investigatory powers, licensing, and planning. Particularly:

In relation to executive decision making:-

- assurance that the Constitution is maintained up to date, relevant, compliant with legislation and fit for purpose;

- assurance that continuous review of delegation and publication arrangements ensure that decisions are made appropriately and transparently;
- assurance that ongoing monitoring takes place in relation to key performance indicators including the publication of agendas, minutes, and forthcoming Key decisions and the availability of decisions to call in; and
- assurance that training in relation to the Council's structures and decision making arrangements ensure that they are understood and embedded in decision making culture and are routinely complied with; and
- assurance that regular reviews of decision making governance arrangements confirm that they are updated as necessary to ensure that they are fit for purpose.

In relation to the regulation of investigatory powers:-

- Assurance that appropriate preparations have been made, including the delivery of training to relevant colleagues, in anticipation of use of powers to acquire communications data by colleagues in Environmental Action;
- Assurance that guidance and procedure documents have been reviewed and updated and that no further changes to Regulation of Investigatory Powers Act policy are recommended by officers at this time;
- Assurance that appropriate steps are taken to embed and enforce good practice; and
- Confirmation that there have been no applications for directed surveillance or CHIS authorisations in the reporting period.

In relation to planning

- Assurance that the framework for determination of planning matters and arrangements for the delegation of planning functions are regularly reviewed;
- Assurance, from internal audit, that decision making arrangements are fit for purpose and routinely complied with;
- Confirmation that ongoing performance monitoring reviews:-
  - Workload;
  - compliance with statutory timescales;
  - appropriate use of agreed extensions of time;
  - decisions against officer recommendation;
  - appeals; and
  - complaints;
- Provision of appropriate training for both officers and Members has taken place; and
- Confirmation that work is ongoing to build and develop relationships with partners and customers.

In relation to licensing to:-

- Note the reports received by Licensing Committee on 9<sup>th</sup> February 2016, and specifically the assurances contained in those reports in relation to licensing decisions, practice and procedure; and
- Note the work undertaken to promote safeguarding in relation to taxi and private hire licensing as outlined in the report received by Executive Board on 16<sup>th</sup> December 2015.

## **1 Purpose of this report**

- 1.1 This is the annual report to the committee concerning the Council's decision making arrangements.
- 1.2 The report provides one of the sources of assurance which the Committee is able to take into account when considering the approval of the Annual Governance Statement.
- 1.3 Members are asked to consider the results of monitoring documented within the body of this report and to note the assurances given by the Head of Governance Services, the Head of Elections, Licensing and Registration and the Chief Planning Officer, that the decision making framework in place within Leeds City Council is up to date, fit for purpose, effectively communicated and routinely complied with.

## **2 Background information**

- 2.1 The Council's decision making framework, which is detailed within the Council's Constitution, comprises of the systems and processes through which decision making is directed and controlled. Whilst a number of these systems and processes are put in place in direct response to primary and secondary legislation, others reflect the implementation of locally adopted definitions and choices made to ensure maximum transparency and accountability within Council practice and procedure.

### Reporting Period

- 2.2 The Committee has received annual assurance reports in respect of executive decision making, Regulation of Investigatory Powers Act, licensing and planning matters. Most recently, the Annual Decision Making Assurance Report was received by committee on 9<sup>th</sup> July 2015.
- 2.3 The Accounts and Audit Regulations 2015 require the Annual Governance Statement (in draft or final format) to be published together with the draft accounts as part of the public inspection documents. This means that the Annual Governance Statement must be prepared by 1<sup>st</sup> July in 2016 and 2017 and by 1<sup>st</sup> June in 2018. For this reason it is proposed to shorten the reporting period in this report to 10 months, so that future years can show like for like reporting periods.
- 2.4 This report therefore reflects decision making arrangements for the period 1<sup>st</sup> June 2015 to 31<sup>st</sup> March 2016, with the intention that future reports will cover each financial year.

## **3 Main issues – Executive Decision Making**

### Amendments to the Decision Making Framework

- 3.5 The council's decision making framework is set out in the Constitution. In accordance with Article 15 the Monitoring Officer keeps the Constitution under review to ensure that its aims and principles are given full effect.

### In Year Amendments

- 3.6 Where necessary throughout the year the monitoring officer has used the authority set out in Article 15 to approve minor amendments to the constitution to ensure that it reflects any legislative change, to give effect to decisions of the council or for the purposes of clarification.
- 3.7 In addition changes have been approved by Full Council following recommendations made by General Purposes Committee. More particularly:-
- 3.7.1 On 8<sup>th</sup> July 2015 Full Council approved amendments to the constitution designed to give effect to the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 in relation to the disciplinary process for relevant senior officers.
- 3.7.2 On 13<sup>th</sup> January 2016 Full Council approved amendments to the constitution to enable cross authority monitoring and enforcement of taxi and private hire activity.

### Annual Review of the Constitution

- 3.8 Article 1 provides that the Council will exercise its powers and duties in accordance with the law and the Constitution. Article 16 requires that the Constitution is published and is available for inspection.
- 3.9 Article 15 'Review and Revision of the Constitution' requires the Monitoring Officer to monitor and review the Constitution to ensure that its aims and principles are given full effect. In particular the Monitoring Officer is required to be aware of the strengths and weaknesses of the Constitution and to make recommendations as to how it could be amended to better achieve its purpose. Where necessary as a result of legislative change, to give effect to decisions of Council or the Executive, or for the purposes of clarification the Monitoring Officer is authorised to amend the Constitution. Other amendments can be made by the Council, the Executive or such other person or body as is indicated in the Constitution itself in relation to each individual document.
- 3.10 Every year the Monitoring Officer undertakes a review of the constitution. In 2016 the review has centred on the Council's decision making governance arrangements. Consultation has taken place with Directors and their staff, seeking feedback in relation to the decision making framework. Officers were particularly asked to comment on whether the arrangements set out are clear and practical to apply in the Council's working environment. As a result the Executive and Decision Making Procedure Rules and the Access to Information Procedure Rules have been reviewed and updated<sup>1</sup> to clarify procedure and to reflect the

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<sup>1</sup> Amendments to the Executive and Decision Making Procedure Rules:-

- clarify responsibility which is now held within each Directorate for publication of decisions;
- confirm that Members will receive notification of items included on the List of Forthcoming Key Decisions and the publication of Key Decisions;
- confirm that approval for a matter to be decided under special urgency provisions will be published with the relevant decision;
- ensure that cross referencing is accurate and up to date; and
- clarify the application of relevant Access to Information Procedure Rules.

Amendments to the Access to Information Procedure Rules:-

current working practice of the Council. No substantive changes were required to the rules as a result of the consultation exercise.

### Delegation of Functions

#### Review of Executive Arrangements

- 3.11 In December 2015 a review of the Leader's executive arrangements culminated in a revision of the officer delegation scheme (executive functions), and consequential amendments to the Executive Members Oversight of Officer Executive Delegations. The revised documents made only minor changes to accountabilities in relation to executive functions but sought to promote transparency and accountability in decision making by using plain English and fuller description to provide greater clarity around officer accountabilities as well as executive and scrutiny oversight.
- 3.12 The revised delegations were further considered during the review of decision making governance. Directors indicated that they were satisfied with the executive delegations now in place and proposed no further amendments.
- 3.13 In accordance with the Executive and Decision Making Procedure Rules, the Leader is required to present a written record of her executive arrangements at the Annual Meeting each year. The arrangements presented by the Leader to the Annual Meeting on 19<sup>th</sup> May 2016 have been duly incorporated into Part 3 of the Council's Constitution. The Committee may wish to note the following amendments which were made to those arrangements:-
- Within the Executive Board Portfolios:-
    - Inclusion of international relations with Economy and Culture;
    - Inclusion of sport and active lifestyles with Resources and Strategy;
    - Clarification of the 14-16 skills development function within Employment, Skills and Opportunity;
    - Inclusion of community safety within Communities; and
    - inclusion of sustainable energy and carbon reduction, cemeteries, crematoria, burial grounds and mortuaries, parks and countryside, and countryside management in Environment and Sustainability;
  - a new delegation in respect of the Community Infrastructure levy – neighbourhood fund to Community Committees (to be concurrent with the Assistant Chief Executive (Citizens and Communities so that he is able to take decisions in urgent situations.); and

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- clarify that Members of the Council and officers attending meetings in the course of their employment should not be included in the definition of 'public' when the public are excluded from meetings;
  - remove provision relating to disclosure of confidential information by Members which had been included in the rules under the Council's previous Members' Code of Conduct; and
  - provide clarification in relation to applicability of the rules to executive decision making.

- minor amendments to the officer delegation scheme (executive functions) to reflect and enable the amendments in portfolios detailed above, and to reflect changes in the law.

#### Sub-delegation Schemes

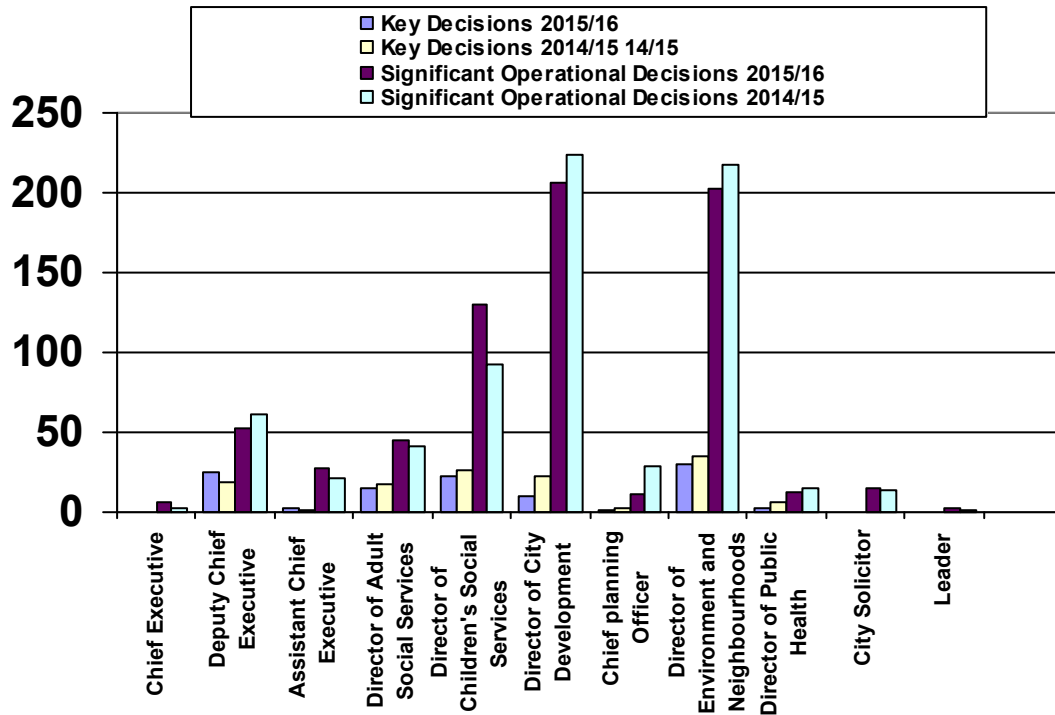
- 3.14 Each Director keeps their own sub delegation scheme under review throughout the year, making changes responsively to ensure that each scheme reflects the decision making authorities in place in their directorate.
- 3.15 Although, for the most part, the Leader's amendments in December 2015, did not alter the responsibilities of each Director, each sub-delegation scheme has been reviewed in order to reflect the amended wording in the new executive arrangements ensuring transparency of officer decision making.
- 3.16 Finally, each Director has reviewed and adopted a new sub-delegation scheme for the 2016/17 municipal year, reflecting the new delegations made by the Leader and by Full Council with effect from the Annual Council Meeting.
- 3.17 Every time a Director renews or amends their scheme the delegated decision is published as a significant operational decision, and the scheme is published in the online library maintained by the Head of Governance Services.

#### Publication of decisions

- 3.18 Each Director remains responsible for the publication of Key and Significant Operational Decisions, taken under their delegated authority, to the Council's website. The chart set out below shows the distribution of published decisions across the directorates and the relative numbers of Key and Significant Operational Decisions taken during this reporting period (2015/16) and also the corresponding 10 month period for the previous municipal year (2014/15).
- 3.19 Members will note the clear pattern as to which directorates take the greater number of decisions requiring publication. When consideration is given to the nature of the functions discharged by each directorate the Head of Governance Services is of the view that this distribution is to be expected.
- 3.20 Similarly the ratio of key decisions to significant operational decisions reflects previous years. The Head of Governance Services is satisfied that only a relatively small number of decisions, those of greatest significance in terms of their financial consequences and their impact on communities, fall within the definition of a Key Decision and trigger the additional controls<sup>2</sup> in place for key decision making, whilst the council promotes its value of being 'open, honest and trusted' by publishing a much greater number of significant operational decisions without delaying the making and implementation of those decisions.

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<sup>2</sup> Inclusion on the list of forthcoming key decisions, prior publication of report, recording of decision and availability for call-in.



- 3.21 The Head of Governance Services has undertaken a brief online review of arrangements in place for the recording and publication of decisions by the city councils of Birmingham, Newcastle, Bristol, Manchester, Bradford and Wakefield. Thresholds for Key decisions range from £1,000,000 in relation to capital spending in Birmingham and Newcastle (who set different thresholds for revenue spending) to £250,000 in Wakefield and Bradford, although Manchester have an additional threshold of 10% of any budget heading (provided that figure is not less than £50,000). Only one of the Council's surveyed (Bristol) reflects the significance threshold of impact on one or more ward in place in Leeds, the others all require a significant impact on two or more wards.
- 3.22 It will be seen that there has not been a significant rise in the number of significant operational decisions published despite implementation of the Openness of Local Government Bodies Regulations 2014. Members will recall that the regulations imposed additional requirements on the authority to publish written records of certain council decisions. Arrangements were put in place through amendments to the definition of a significant operational decision, and to the Access to Information Procedure Rules requiring publication of these decisions 'as soon as practicable'. This has enabled the batch publication of high volume decisions ensuring that the authority meets the requirements of regulations effectively whilst not creating an undue administrative burden.
- 3.23 The success of this approach is reflected in the way that it is beginning to be applied to significant operational decisions made in relation to executive functions, for example, the Council's fleet procurement programme is now the subject of one annual decision authorising the necessary expenditure for each municipal year and consequential decisions, to purchase individual vehicles or groups of vehicles, are batched and recorded by publishing as significant operational decisions.



### 3.24 Performance Monitoring

#### Publication of agendas

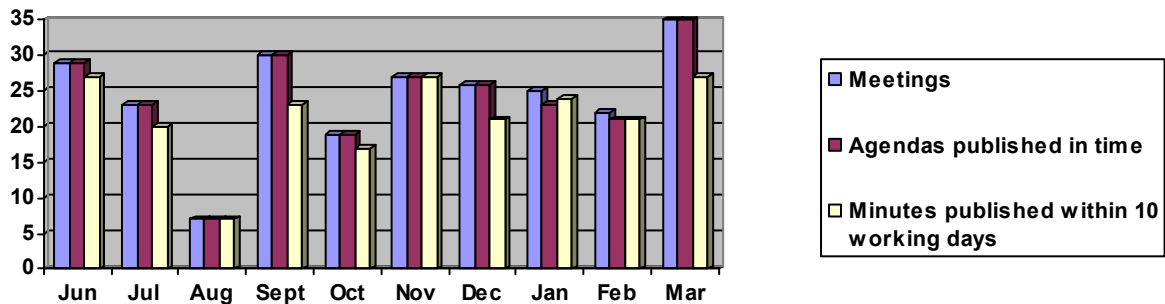
- 3.25 The Council is required to publish agendas and reports for committees five clear working days in advance of a meeting. This requirement is contained within Section 100B of the Local Government Act 1972 for Council Committees and in the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 for Executive committees. Both pieces of legislation also contain exception provisions for meetings to be called at short notice.
- 3.26 The Head of Governance Service has established a target for 99% of agendas to be issued and published within the five day statutory deadline; this being a reasonable measure of timely transparency and an indication of the extent to which exception provisions are utilised to call meetings at short notice.
- 3.27 Of 243 meetings which took place within the reporting period covered by this report, only three agendas were not issued within the 5 clear day deadline. This gives a performance indicator of 99% agendas issued and published within the five day statutory deadline.
- 3.28 Members may wish to note that the three agendas not issued within the five day period were all for meetings of the licensing sub-committee which meets weekly. Clerks to the Licensing Sub-Committee seek to ensure that the agendas are published with all necessary documentation relating to the applications to be heard. On occasions agendas need to be issued with less than five days' notice to enable this to happen. Provision for this is contained within section 101(15) of the Local Government Act 1972 which disapplies the provisions of the section from functions of the Licensing Authority which fall instead to be discharged in accordance with the Licensing Act 2003 and the Licensing Act (Hearing) Regulations 2005.. The Head of Governance Services therefore has no concerns about the late publication of these agendas. Furthermore the Head of Governance Services has decided not to include meetings of licensing sub-committees in this performance indicator in future as it is not unusual or inappropriate that these agendas are issued outside the target timescale.

#### Publication of minutes

- 3.29 There is no statutory framework stipulating the time period for the publication of committee minutes. To enable the decisions of the Council to be accessible and transparent the Head of Governance Service has established a local target; this being for 100% of draft minutes to be published on the Council's internet site within ten working days.
- 3.30 Of 243 committee meetings which have taken place within the period covered by this report, 29 sets of draft minutes were published outside of this locally established target. This gives a performance indicator of 88% draft minutes published within the required period.
- 3.31 Of the 29 minutes published outside the ten day target period, 13 were published within twelve days, and 20 within fifteen days of the meeting. The longest period

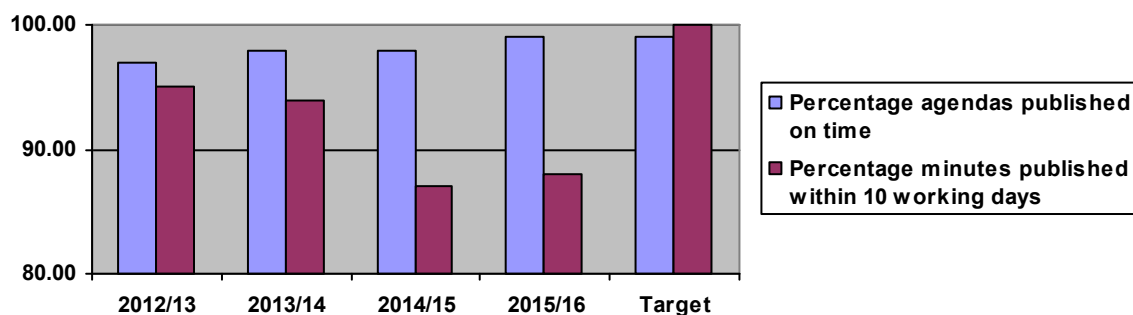
to publication was six weeks in relation to the minutes of one licensing sub-committee meeting. On this occasion the minutes had been written but due to a clerical error had not been published to the Council's public website. It should be noted that the decisions of that sub-committee, as with all licensing sub-committees, would have been notified to the applicants shortly after the meeting.

3.32 The table set out below shows the number of agendas and minutes published in accordance with the appropriate timescales against the numbers of meetings for each month in the reporting period.



3.33 The table below shows performance indicators for agenda and minute publication for the previous 3 years (April to March) measured against the indicator for this reporting period (June to March). Members will see that there has been steady and sustained improvement in the percentage of agendas published in accordance with the statutory requirement. In addition Members may wish to note that minutes for all meetings of Executive Board in the reporting period have been published within the timescale of two working days stipulated by the Executive and Decision Making Procedure Rules, thus allowing prompt availability of Executive Board decisions for call-in and minimising the delay to implementation necessary to allow for the call-in process.

3.34 However there has been a decline in the percentage of minutes published within the locally determined target period. The Head of Governance Services has considered the reasons for delays in publication which include delays in drafting minutes and delays in receiving responses from officers and Members approving draft minutes prior to publication. Paragraph 41 of Schedule 12 to the Local Government Act 1972 requires that the "minutes of proceedings of a meeting of the local authority shall ... be drawn up ... and signed at the same or next suitable meeting of the authority". The Head of Governance Services is aware that some authorities choose only to publish the minutes of a previous meeting as an agenda item for the next meeting at which they will be approved but on balance considers that the earlier publication of draft minutes promotes the Council's value of being 'open, honest and trusted'. It is therefore his intention to maintain this performance indicator as a measure of accountability to the Council's decision making but adjust the target to 90% of draft minutes to be published within the ten day period. The Head of Governance Services will continue to work with committee clerks to identify ways of working which support them in achieving this target.



### Key Decisions on List of Forthcoming Key Decisions

- 3.35 As Members are aware, a significant element of the decision making framework concerns requirements surrounding the pre-notification of an intention to take a Key decision. These provisions seek to ensure transparency of decision making and allow representations from and engagement with Members, partners, stakeholders and the general public.
- 3.36 Regulations require that a Key decision is included on the List of Forthcoming Key Decisions for no less than 28 clear calendar days prior to the decision being taken. The Head of Governance Services has set a local target of 89% of Key Decisions to be included on the List of Forthcoming Key Decisions, and monitors inclusion of Key Decisions on this list..
- 3.37 During the period covered by this report, of 105 Key decisions taken by officers, 7 were not included on the List of Forthcoming Key Decisions as appropriate, and of 61 Key decisions taken by Executive Board 2 were not on the List. This gives a total performance indicator of 95% Key decisions on the List of Forthcoming Key Decisions.

### General Exception

- 3.38 The General Exception is a statutory provision which permits a decision to be taken at shorter notice where it is impracticable to delay the decision until such time as 28 clear calendar days have elapsed. Such decisions must be the subject of five clear working days' notice, and must give the reason why it is impracticable to delay. As all Members receive notification by email of all Key Decisions taken the statutory requirement that the relevant Scrutiny Chair is notified of General Exception decisions prior to the decision being taken is complied with.
- 3.39 Of the nine Key Decisions which were not on the List of Forthcoming Key Decisions for the required 28 day period, five (three officer and two Executive Board decisions) were taken under the General Exception<sup>3</sup>. The reasons given for using the General Exception in each case are set out in the table below.

<sup>3</sup> The remaining four were taken under Special Urgency provisions as detailed below.

Officer Decisions	
August 2015 D42642	This decision was planned as a significant operational decision consequential on a previous authority to spend and procure, however the tender price was more than £250,000 below the estimate given in that previous key decision necessitating a new key decision. At this stage in the process it was impracticable to delay the project pending a further 28 period with the decision on the List of Forthcoming Key Decisions.
October 2015 D42758	This decision related to arrangements for the resettlement of Syrian refugees. The Council received detailed information relating to government requirements during the week commencing 5 <sup>th</sup> October which had to be actioned by the week commencing 19 <sup>th</sup> October.
November 2015 D42849	This decision relates to a secondary call off from a four year framework contract for mixed dry recyclables processing. The secondary bids received represented a significant financial pressure for the council and considerable time elapsed in exploring clarification issues with contractors meaning that it was necessary to take the decision within the 28 day period for publication to the List of Forthcoming Key Decisions in order to re-procure before expiry of the existing contract.
Executive Board Decisions	
July 2015 Minute 34	This decision related to an offer from Yorkshire County Cricket Club to repay a loan relating to the purchase of Headingley cricket ground. Given the significant time involved in establishing the relevant financial details it was impracticable to include the decision on the List of Forthcoming Key Decisions and to take a timely decision in relation to the offer of repayment.
December 2015 Minute 104	This decision related to proposed consultation and next steps in accordance with the Delivering Better Lives Strategy. Due to an administrative error this decision was included on the List of Forthcoming Key Decisions one day late. 27 clear calendar days' notice were give of the Council's intention to take this decision.

3.40 Members may wish to note that officers are encouraged to include forthcoming decisions in the list as soon as they are contemplated, even though the precise details of those decisions may not yet be known. This early publication of notice should help to reduce still further the number of decisions which need to be taken using the General Exception, and provide greater transparency over other decision making arrangements.

## Special Urgency

- 3.41 Special Urgency is an alternative statutory provision which can be used where the decision must be taken with less than five clear working days' notice. The decision taker must demonstrate that the decision is urgent and either the authority or the public would be prejudiced by any delay in the decision being taken. The consent of the relevant Scrutiny Chair must be obtained prior to a decision being taken under the Special Urgency provisions. This written consent is published alongside the report and delegated decision notice relating to the decision.
- 3.42 In accordance with Rule 2.6.2 of the Executive and Decision Making Procedure Rules<sup>4</sup>, the Head of Governance Services, on behalf of the Leader, is able to confirm that, of the nine Key Decisions which were not on the List of Forthcoming Key Decisions for the required 28 day period, four were taken under Special Urgency.
- 3.43 All four special urgency decisions related to the provision of financial relief following Storm Eva, and each was taken with the consent of the relevant Scrutiny Chair. All four consents were published alongside the relevant decision.

## In Summary

- 3.44 The table below sets out numbers of Key decisions taken in the reporting period

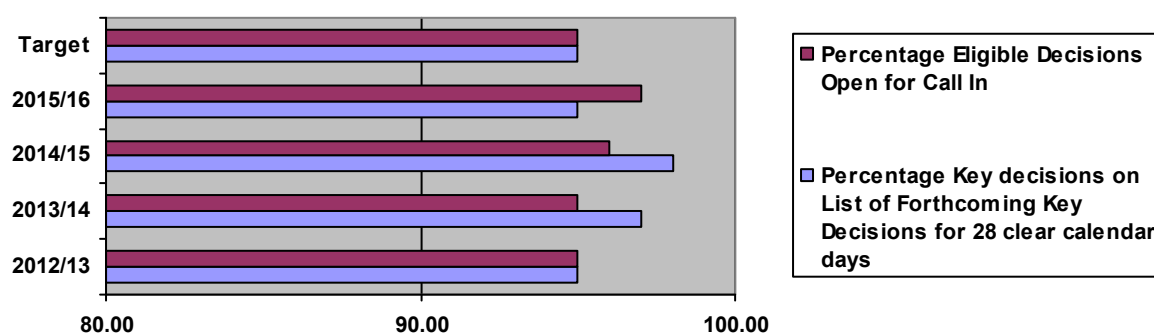
Key Decisions on List of Forthcoming Key Decisions			
	Officer Decisions	Executive Board Decisions	Total
28 clear calendar days' notice given	98	59	157
General Exception	3	2	5
Special Urgency	4	0	4
Total	105	61	166

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<sup>4</sup> Regulation 19 Executive Arrangement Regulations 2012

### Eligible Decisions open for Call In

- 3.45 The Council has established arrangements for significant Executive decisions<sup>5</sup> to be available for Call In. This allows for Overview and Scrutiny Committees to request that a decision, which has been taken, but not yet implemented, be considered by the relevant Scrutiny Committee. This mechanism is an important element of democratic accountability arrangements in place at Leeds and is monitored by the Head of Governance Services, with a target of 95% of all eligible decisions being available for Call In.
- 3.46 Of 222 eligible decisions taken during this reporting period seven (six decisions taken by officers and one taken by Executive Board) were not open for call in. This gives a performance of 97% Key decisions being available for Call In. The Head of Scrutiny and Member Development has confirmed that there have, however, been no decisions called in during the current reporting period.
- 3.47 The table below shows performance indicators for decisions on the List of Forthcoming Key Decisions and eligible decisions open for Call In for the previous 3 years (April to March) measured against the indicator for this reporting period (June to March).



- 3.48 The committee's attention is drawn to the increase in the percentage of eligible decisions open for Call In.
- 3.49 The fact that legislation provides mechanisms for general exception and special urgency decisions is indicative that from time to time decisions need to be made responsively and it would not be appropriate to comply rigidly with the requirements for prior publicity in relation to those decisions. Whilst the Head of Governance Services notes that a lesser percentage of Key decisions were included in the List of Forthcoming Key Decisions than the preceding two years<sup>6</sup>, he is satisfied that there were good reasons why those decisions were not included in the List and that they represent an appropriate use of the relevant statutory mechanisms.

<sup>5</sup> All decisions of Executive Board and all Key decisions of officers are eligible for Call In provided that they have not been the subject of a previous call in.

<sup>6</sup> In 2013/14 of 242 key decisions 231 were included in the list (97%), in 2014/15 of 179 key decisions 173 were included in the list (98%)

- 3.50 In addition the Head of Governance Services notes that if the four decisions taken under the Special Urgency provisions following Storm Eva are set aside then 97% of key decisions taken during 2015/16 were included in the List of Forthcoming Key Decisions for a minimum of 28 clear calendar days as required.

Decisions not treated as Key

- 3.51 Rule 6 of the Executive and Decision Making Procedure Rules provides for the scrutiny of decisions which appear to have been wrongly treated. This provides a mechanism by which Members are able to challenge the categorisation of decisions which they feel should have been treated as Key. Although it does not prevent implementation of the decision, the mechanism ensures that the executive is required to account for the categorisation of the decision.
- 3.52 During the reporting period there have been no instances of Members requesting scrutiny of decisions which appear to have been wrongly treated.

Embedding the decision making framework

- 3.53 The Head of Governance Service takes a number of steps to ensure that the decision making framework is embedded and routinely complied with. For example:-
- Advice is provided to officers across the council as and when required in relation to their particular decision making questions. This can relate to the categorisation of decisions, the application of the decision making framework, the planning of a project approach to large decisions, and the need and means by which to expedite urgent decisions;
  - Key decisions published on the council's website are routinely checked to ensure that published dates are accurately calculated and any necessary provisions in relation to decisions taken under General Exception or Special Urgency are complied with;
  - Regular training sessions are provided in relation to Council Structures and Decision Making with training having been provided to 113 staff during the reporting period. The course sessions, which are open to all Council employees, are well attended and feedback is very good, the following comment is representative of those received:-  
*"This was really useful training and although a dry subject it was made interesting by the good delivery and enthusiasm of the trainer. The training is key to my understanding and governance processes and confirmed and added to my existing knowledge. This will be put into practice on a regular basis managing programme office and projects where decisions are required at all levels."*
- This and other comments indicate that the training delivered relates well to day to day decision making as it is undertaken in the authority and enables delegates to understand their roles within the framework in place, and within the context of working in a political environment.
- Work has been undertaken with colleagues in human resources to provide bespoke input into the Graduate Programme.

- 3.54 Internal Audit carried out two decision making audits in the 2015/16 year. Members received feedback in relation to these two audits in the last report. The Head of Governance Services is advised that further decision making audits are planned for the 2016/17 year. Members will be provided feedback in relation to these in the 2017 decision making assurance report and within the routine update reports provided to committee from Internal Audit.

#### Looking Forward

- 3.55 Members will recall that consultation had taken place in relation to updating and amending the Local Government (Functions and Responsibilities Regulations) (England) 2000. The resultant amendment to the regulations is still awaited.

#### Decision Making Governance Assurance Statement

- 3.56 From the review, assessment and on-going monitoring carried out, the Head of Governance Services, has reached the opinion that, overall, decision making systems are operating soundly and that arrangements are up to date, fit for purpose, effectively communicated and routinely complied with.

### **4 Main Issues – Regulation of Investigatory Powers Act**

- 4.1 Since the June 2015 meeting, colleagues in Environmental Action have indicated that they may wish to make use of the powers to acquire communications data, and therefore full training has been provided for potential applicants in relation to these powers. In anticipation of these powers being used, arrangements have also been made with National Anti-Fraud Network for provision of SPoC (Single Point of Contact) services, as required by the relevant Code of Practice. In addition, refresher training on all the RIPA (Regulation of Investigatory Powers Act) powers has been provided to the Council's authorising officers, and to the network of practitioners which covers all Council services. Training has also been provided to Internal Audit, and refresher training will shortly be provided to the City Solicitor who acts as Senior Responsible Officer, and who can act as authorising officer in exceptional circumstances.
- 4.2 Also since the June 2015 meeting, the Guidance and Procedure document issued by Legal Services has been updated. In addition, considerable work has been undertaken with colleagues in Environment & Housing in relation to updating the LeedsWatch Code of Practice. Although efforts were made in 2015 to raise awareness generally about the legal rules governing surveillance, by placing an item in 2 editions of "Essentials", this has not led to an increase in queries about these powers. Members will recall that in relation to any surveillance being carried out by Directorates which cannot be authorised under RIPA, practitioners have been asked to ensure that the proper auditable process set out in the Guidance and Procedure document is being followed, namely that Human Rights Audit forms are being completed, and that any such surveillance is only carried out where it is necessary and proportionate, and where it is for the purpose of one of the permitted grounds of interference with the right to private and family life, in Article 8. Guidance in relation to how the RIPA rules could impact on use of social



media, prepared by Legal Services, has been approved by Information Management Board, and disseminated to practitioners.

- 4.3 There have been no applications for directed surveillance or CHIS (Covert Human Intelligence Source) authorisations, since the June 2015 meeting. There has been no use of the powers to obtain communications data, over the same period. Given that the grounds for authorising surveillance are limited to preventing or detecting serious crime, and approval by a Justice of the Peace is now also required in both cases, it is unlikely that the use of directed surveillance or CHIS authorisations will increase. It is possible that Environmental Action may use the powers to acquire communications data in some serious cases, and preparations have been made so as to ensure that the Council is fully compliant with the RIPA rules and the relevant Code of Practice.
- 4.4 Members are asked to consider whether they require any changes to the RIPA policy appended to this report. No changes are recommended at this time. Although there is little use of these powers currently, officers will continue to update Members periodically on their use, and on any changes in policy or procedure which may be required as a result of legislation, or relevant Codes of Practice.

## **5 Main Issues – Planning Matters**

- 5.1 The Chief Planning Officer has responsibility to ensure that the council's arrangements for dealing with and determining planning matters are up to date, fit for purpose, effectively communicated, routinely complied with and monitored.
- 5.2 Planning Services has internal arrangements in place to provide assurance in the decision making process and to mitigate any potential risk of challenge on the grounds of partiality or bias. The service is firmly committed to a programme of continuous improvement, ensuring that processes take into account best practice and from learning from past errors. A number of actions and improvements have taken place over the last year and these are described below.

### Decision making framework for planning matters

- 5.3 The framework for decision making in relation to planning matters in England and Wales is plan-led. This involves the authority preparing plans that set out what can be built and where. All decisions on applications for planning permission should be made in accordance with the Development Plan unless material planning considerations indicate otherwise.
- 5.4 The decision on whether to grant permission is within the context of the development plan and other material considerations which includes national and local planning policy and guidance. Material considerations cover a wide variety of matters including impact on neighbours and the local area.

### Delegation and sub delegation schemes

- 5.5 The Chief Planning Officer is authorised to carry out specific functions on behalf of the council. All planning applications are considered to fall within the delegation scheme and will be determined by officers under the sub-delegation scheme, unless they fall into defined exceptional categories which were detailed in previous reports to this Committee. The Chief Planning Officer's delegation scheme was last reviewed and approved by Full Council in May 2016.
- 5.6 The sub delegation scheme sets out which functions have been sub-delegated by the Chief Planning Officer to other officers and any terms and conditions attached to the authority sub-delegated by the Chief Planning Officer. The latest sub delegation scheme was approved on 20th May 2016.
- 5.7 The Chief Planning Officer's sub-delegation scheme ensures that decision making is undertaken at the appropriate level of seniority and experience. For example, only officers at planning team leader level and above have the authority to determine major applications. Other applications can only be signed off by officers at PO4 level and above. No officer can 'sign off' their own applications and therefore an appropriate level of external scrutiny is brought to bear on each proposal before it is finally determined.

### Audit of decision making

- 5.8 Internal Audit undertook a review of the processes and systems in place for undertaking planning decisions in February 2016. The scope of the review was to obtain assurance that there was a robust system in place to ensure decisions in respect of planning applications were taken promptly and in accordance with all relevant legislation and guidance and that appropriate levels of income are collected and recorded. The audit concluded that Substantial Assurance was provided for the control environment.

### Planning performance April 2015-March 2016

- 5.9 The service collects a range of information and data to monitor its performance. The majority of the information is collected on a quarterly basis, therefore there is a disconnect between the reporting period covered in this report to Corporate Governance and Audit Committee and the in service datasets available. Therefore, in the interests of clarity, the time period of each dataset will be clearly stated and wherever possible comparisons will be made between the same period the previous year in order to identify trends.
- 5.10 In 2015-16, April 2015 to March 2016, there were 4,692 applications received by the local planning authority (LPA) a 4% increase from the previous year. There were 4,384 decisions made between April 2015 to March 2016, this is an increase of 6% from the previous year where 4,119 decisions were made. Most decisions are made by officers under the delegation scheme and in 2015-16, 97.8% of all decisions on applications were made by officers.

5.11 The method of calculating the number of applications deemed to be in time changed under the provisions of The Growth and Infrastructure Act. Applications are counted as being in time if they meet the statutory determination timescales for different categories of applications; major applications in 13 weeks, minors and others in 8 weeks or where an extension of time agreement is in place. An extension of time agreement needs to be agreed by both the applicant and local planning authority and can be a useful tool for project managing larger and more complex applications, in order to ensure greater certainty of timescales. Extensions of time agreements were brought in in 2014-15 and the table below shows performance over the last few years, including the financial year 2015-16.

	% Majors in time	% Minors in time	% Other in time
2015-16	96.6%	90.6%	93.5%
2014-15	88.7	85.1	91.8
2013-14	73.3	70.3	83.3
2012-13	61.3	77.4	88.9

5.12 Clearly, there has been a significant improvement in performance of applications determined in time across all categories of applications. Overall 93% of the total application workload is determined within agreed timescales. The latest national figures covering the period October to December 2015 showed that LPAs had decided 81% of major applications in 13 weeks or the agreed time. Therefore not only is Leeds performance continuing to improve, it is also significantly above the national average determination rate.

5.13 Members heard last year about the planning guarantee where applications over six months old submitted after 1 April 2013, where there is no extension of time agreement, can have the planning fee refunded. Since 1st October 2013 when fee returns became liable, a total of £14,399 has been refunded, £8,280 of this was refunded between April 2015 and March 2016 and relates to four schemes. Whilst this is a relatively small amount officers have been instructed to try to negotiate extension of time agreements for those applications reaching six months old, wherever possible, to mitigate the risk of returning the fees.

Plans Panel decision making- decisions contrary to officer recommendation

5.14 From time to time, especially where decisions are finely balanced, the Plans Panels may attach different weight to the potential planning considerations and may take a decision which is contrary to the officer recommendation. Where this occurs there is the need to provide a robust and defensible basis for taking an alternate view, so that as far as possible, it will be capable of surviving a legal challenge or appeal. A high number of decisions taken that are contrary to the officer recommendation may give the appearance that elected members and officers are not working well together, which has the potential to show a lack of confidence in the planning system in Leeds.

- 5.15 In 2015- 16, the three Plans Panels decided 127 applications. Four decisions were contrary to officer recommendation, two at North and East Panel and two at South and West Panel. Of those decisions two have led to appeals-one where the decision is not yet known and one where the appeal was allowed. A third case is awaiting the outcome of a public inquiry which has just taken place in March 2016.
- 5.16 The reduction in the number of decisions contrary to officer recommendation in 2015-16 is a significant improvement from the position last year where 14 decisions were contrary to officer recommendation. The table below shows progress over a number of years:

Year	Decisions	Overturns (% overturns)	Appeals Against Refusal	Dismissed	Allowed	Costs awarded
2015-16	127	4 (3%)	2	0	1	0
2014-15	191	14 (7%)	9	4	5	0
2013-14	136	7 (5%)	0	0	0	0
2012-13	127	8 (6%)	3	0	3	2
2011-12	171	11 (6%)	5	1	4	0

- 5.17 The continuing improvement year on year is significant, especially in the context of 2006-7 performance, where a quarter of decisions made at Panel were contrary to the officer recommendation with 67% of those decisions allowed at appeal.

#### Appeals and complaints

- 5.18 The service uses several indicators to determine the quality of decision making: number of lost appeals, number of ombudsman complaints received and numbers upheld.
- 5.19 The table below shows that performance on the number of appeals dismissed has improved in the period April 2015 to March 2016 compared to the previous year. A continuous review of appeal decisions takes place to ensure that any common themes are highlighted and measures put in place to mitigate the risk of appeals occurring on similar grounds. However, there is a careful balance to be made between refusing an application with the risk of a subsequent appeal and maintaining design quality, without being unreasonable.

Year	Appealed Decisions	Dismissed	Costs awarded against Council	Costs awarded to Council
2015-16	231	74.1%	3 partial, 1 full	1 partial, 1 full
2014-15	237	66%	5	0
2013-14	251	71%	4	0
2012-13	187	67%	3	0
2011-12	254	69%	7	2

- 5.20 In financial year 2015-16 appeal costs of just over £12,500 have been paid on four claims. The Council has gained two cost awards in 2015-16; one settled at £385, the other following the withdrawal from a public inquiry is still under negotiation, but the latest offer from the appellant to settle is £37,500.

#### Ombudsman

- 5.21 In the reporting period from April 2015 to March 2016, the LPA received notification that the Local Government Ombudsman (LGO) had investigated 22 complaints on planning matters.
- 5.22 Seventeen of these cases arrived closed with the Council being informed by the Ombudsman that no further action was required. From the enquiries made by the Ombudsman they were satisfied there was no evidence of an injustice being caused.
- 5.23 Five cases required a written response from the LPA. Two cases were subsequently closed by the LGO, finding no maladministration. On three cases the LGO, after considering information submitted by the LPA, concluded there was evidence of maladministration causing an injustice, suggesting a settlement in each case. Like appeal decisions, complaints are continuously reviewed and analysed; appropriate procedural changes are put in place to mitigate the risk of reoccurrence and such changes are fed back to planning officers to ensure consistency of approach.

#### Embedding the framework for planning matters

##### Officer training

- 5.24 As mentioned in previous reports to this Committee, the service places emphasis on ensuring that planning officers are up to date with current legislation, best practice and government initiatives. This ensures the decision making process is based on the most current and accurate information possible.
- 5.25 The governments planning reform agenda shows little sign of a slowdown. Fixing the Foundations report, July 2015, the November Autumn Statement and The Housing and Planning Bill 2015-16 all contain a number of planning measures. The Housing and Planning Bill in particular, which is currently working its way through the legislative process, has significant implications both in terms of technical detail, but also in challenging the way development management services are delivered by local authorities.

- 5.26 It has therefore been a time of significant change and necessary to ensure that officers are up to date and have received training to support decision making. Officers have received training and updates at the planning case officers' meeting which takes place every 6 to 8 weeks. The Head of Development Management provides a regular update of government reforms and changes that will impact on the way officers work. Guest speakers are also invited who provide information on planning and planning related information. The meetings facilitate two way communications to ensure agreement is reached on operational issues and a consistent approach is adopted across the service.

#### Member Training

- 5.27 In order to sit on the Plans Panel, members are required to receive compulsory training, as per the requirements in Article 8 of the Council's Constitution. In the reporting period, all members have undertaken the compulsory annual planning update session.
- 5.28 A further member training session was provided by planning services in February 2016 on health and planning, where the contribution of development management in combatting health inequalities was considered.

#### Joint Members Officer Working Group (JMOWG)

- 5.29 JMOWG is a cross party and council officer working group which meets to discuss and find solutions to operational matters relating to planning. The group has not met for a number of years, but was reformed in December 2015, to consider several issues which had arisen at the Plans Panel meetings and needed to be worked through. Two meetings have taken place and are proving to be an effective forum for discussing issues and finding workable solutions. Further areas to be dealt with are viability discussions at Panel meetings- should they continue to be held in camera or with public participation, consideration of site visits and effective ward member notifications and communications. A further meeting will be scheduled for after the Council elections in May.

#### Public Speaking protocol

- 5.30 Public speaking at the Plans Panels has been a feature of the decision making process in Leeds for a number of years and the Council has adopted a Public Speaking Protocol, which is within part 5, Codes and Protocols of the Council's Constitution.
- 5.31 An issue arose at the North and East Plans Panel, which highlighted that some types of items requiring a decision, on Panel agendas were not currently covered by the public speaking protocol. In order to maintain transparency and probity in dealing with matters at Panel meetings, the service felt this needed addressing in terms of adopting a consistent approach. The service also took the opportunity to review the whole of the protocol, which had not been reviewed since the last significant changes in 2013. The Joint Member Officer Working Group undertook work on behalf of the Joint Plans Panels and made a number of recommendations for the consideration of the Joint Plans Panel at its meeting in January 2016.

- 5.32 The working group recommended changes three main areas; increased speaking time on matters for determination or on any matter requiring a decision to four minutes from three minutes, reducing the time for pre-application presentations and speaking to 10 minutes and introduce a new speaking opportunity on position statements for both the applicant or supporters and objectors, allowing a maximum of four minutes each side.
- 5.33 It was agreed that a limit on the time available was necessary to avoid excessively lengthy meetings, running the risk of affecting the quality of decision making. However, the changes will continue to ensure that there is equal time to those wishing to speak for or against a proposal, ensuring fairness and parity of the approach. The Joint Plans Panel agreed to all the recommended changes which took effect from March 2016.

#### Relationship with partners and customers

##### Household agents' conference

- 5.34 As part of the proactive work with customers to improve the planning process in Leeds, a household agents' conference was held in Leeds in October 2015. The top fifty agents (in terms of numbers submitted) were invited to the conference. Topics for discussion included reducing the number of invalid applications, use of the Planning Portal for more efficient submissions, permitted development changes and ensuring high quality design. Additionally there were round table discussions on what customers and the LPA can do to make the planning process more effective and deliver high quality outcomes.
- 5.35 The conference was well attended and feedback has been very positive. From the session an action plan is now being delivered to address the highlighted issues.
- 5.36 It is anticipated that this will become an annual event, providing ongoing dialogue with the agents who submit these types of applications.

##### Parish and Town Council electronic working

- 5.37 The service had a statutory requirement to notify Parish and Town Councils (PTC) of new applications in their area. In the past the service has gone beyond what is statutorily required by sending large format hard copy plans and application forms, by first class post to PTC. This has been provided at no charge to PTC, although the true cost in terms of staff time, consumables and postage has been significant.
- 5.38 Following the annual review of the planning supplement to the Council's Charter in 2015, the service recommended to move to electronic working. This would mean that instead of the service sending hard copy plans and documents, PTC would receive an email notification of new applications, with a link to the application on Public Access. The move to electronic working has the benefit of speed, currency and ease of communicating about schemes; it also generates operational and financial efficiencies.

- 5.39 Some concerns about this move were expressed by the PTC and therefore a working group with representatives from the PTC was established to work through the issues. The working group recommended a solution where small applications would be notified electronically, but plans and applications forms for major and minor applications would still be sent in hardcopy, but in a reduced format- A3 and A4. It was agreed to run this process as a pilot.
- 5.40 In January 2016, the pilot was reviewed and the PTC were consulted through an email survey. There was a 32% response rate to the survey. Many PTC indicated there were few problems, others indicated there were issues about printing their own large format plans. However, the review concluded that the service should move to full electronic working. The service hosted a conference with the PTC in early April 2016 and demonstrated Public Access and shared the rationale of the move to electronic working. The new notification process will commence in July 2016 and the service will monitor its implementation.

#### Pre-application review

- 5.41 Following the implementation of the new pre-application changes in February 2015, it was agreed that a review would be conducted after six months operation. This took place over the summer of 2015 and comprised analysis of the volumetric data and wide scale consultation with customers who had used the new service and with council officers and internal consultees.
- 5.42 The outcome of the review resulted in a number of changes to make the pre-application process more efficient by providing greater clarity of the service and timescales and also the removal of the free services. Better communication and interaction with applicants was also required and a commitment to improve the content on the Council's website allowing customers to self-serve more easily by providing the relevant information for applicants, if they choose not to pay for a pre-application enquiry. These recommendations were agreed by the Executive Board member and Plans Panel Chairs and have been in place since 1 January 2016. Pre-application fees are becoming an increasingly valuable income stream and the service will continue to monitor and periodically review the pre-application enquiry service.

#### CSE reaccreditation

- 5.43 The customer services section within planning services has been the holder of the Customer Services Excellence standard (CSE) since 2009. This is a national government standard awarded to organisations which demonstrate that they are a customer centric organisation. The scope was broadened to include the wider planning service and the whole service was awarded CSE in 2014. CSE is not a one-off activity as the standard has been designed to drive continual improvement.
- 5.44 In March 2016, the service was reassessed against two categories of the standard and was rewarded the CSE standard with no non-compliances. The service will continue to be externally assessed on an annual basis.



## Web refresh

- 5.45 Following consultation with customers, elected members and officers, about the content on the planning webpages on the Leeds City Council, a refresh of the pages is now in progress. The service is working closely with the corporate web team to ensure that the content is organised and arranged in the most effective way possible.
- 5.46 There will be further testing work with focus groups prior to going live, to ensure the content is easily understandable and accessible.

## **6 Main Issues – Licensing Matters**

- 6.1 The annual work programme for Licensing Committee includes the submission of performance reports for both sections of the Council's Licensing Service (Entertainment Licensing and Taxi and Private Hire Licensing.) The information submitted to Licensing Committee is identical to that which has in the past been detailed in this report, but for a different date range. In order to avoid duplication of work by officers the Chair of Licensing Committee has agreed with the Chair of this committee that licensing performance information will be submitted to Licensing Committee annually in respect of a January to December reporting period, with these two reports being available to Members on request to support this annual decision making assurance report.
- 6.2 Minutes for Licensing Committee held on the 9<sup>th</sup> February 2016 show that both reports were discussed in detail.
- 6.2.3 The Section Head for Taxi and Private Hire Licensing responded to questions and queries in relation to:
- The number of licences issued;
  - Refusal and revocation decisions;
  - Suspension decisions;
  - Complaints received;
  - Appeals received;
  - Changes to policy; and
  - Annual DBS
- 6.2.4 The Section Head for Entertainment Licensing responded to questions and queries in relation to:
- Licensing Act 2003: application statistics
  - Licensing Act: reviews
  - Licensing Act: appeals
  - Statement of licensing policy
  - Gambling Act 2005: application statistics
  - Gambling Act 2005: Statement of licensing policy
  - Large casino
  - Sexual establishments
  - Update of the Liaison and Enforcement Team
  - Outdoor Events.

6.3 Licensing Committee resolved to note the contents of both reports.

#### Safeguarding in Taxi and Private Hire Licensing

6.4 Safeguarding continues to be a priority for Taxi and Private Hire Licensing and the service submitted an update report to Executive Board on 16 December 2015 in regard to further improving safeguarding arrangements in Taxi and Private Hire Licensing. Furthermore, the report also recommended the approval of a new policy in respect of the 'fit and proper' person assessment for applicants born outside of the EU.

6.5 Executive Board Members received further information on the key aspects of the submitted report and welcomed the ongoing work which was being undertaken with West Yorkshire Police in order to address concerns following the introduction of the Common Law Police Disclosure guidance.

6.6 In conclusion, the Chair of the Executive Board thanked those officers and Elected Members involved for the considerable work which had been undertaken in this crucial area of safeguarding.

6.7 Executive Board resolved:-

- (a) That the direction officers and Members of Licensing Committee are taking with regard to improvements for safeguarding in Taxi and Private Hire Licensing, be noted and endorsed;
- (b) That the new 'fit and proper' person character assessment policy, as recommended to Executive Board by Licensing Committee, and as outlined within the submitted appendix 3, be approved; and
- (c) That it be noted that such matters will be implemented immediately (following the conclusion of any eligible 'Call In' timeframes) by the Section Head of Taxi and Private Hire Licensing.

#### Licensing Assurance Statement

6.8 From the review, assessment and on-going monitoring carried out and detailed in the reports received by Licensing Committee, the Head of Elections, Licensing and Registration has reached the opinion that, overall, decision making systems in relation to licensing are operating soundly and that arrangements are up to date, fit for purpose, effectively communicated and routinely complied with.

## **7 Corporate Considerations**

### **7.1 Consultation and Engagement**

7.1.5 The information contained in this report has been shared with the Corporate Leadership Team and with the Executive Board Co-ordination Group in order that information can be further disseminated as appropriate within directorates.

7.1.6 Further consultation which has taken place in relation to particular matters is detailed as appropriate within the body of this report.

## **7.2 Equality and Diversity / Cohesion and Integration**

7.2.1 There are no implications for this report.

## **7.3 Council policies and Best Council Plan**

7.3.1 The Best Council Plan maintains the Council's ambition to become the best Council in the UK, using a civic enterprise leadership style, in which the council is more enterprising, businesses and partners more civic, and the citizens of Leeds more actively engaged in the work of the city.

7.3.2 The appropriate use of the systems and processes in place to govern decision making, RIPA, planning and licensing secure appropriate sharing of information and engagement with Members, officers, partners and public in the Council's significant decisions.

## **7.4 Resources and value for money**

7.4.1 Given the assurances made by the Head of Governance Services, the Head of Elections, Licensing and Registration and the Chief Planning Officer as a result of the implementation and monitoring of the Council's decision making framework it is considered that the systems and processes in place continue to represent an appropriate use of resources and good value for money.

## **7.5 Legal Implications, Access to Information and Call In**

7.5.1 The Head of Governance Services, Head of Elections, Licensing and Registration and Chief Planning Officer are satisfied that the arrangements put in place through the Council's decision making framework meet all legal requirements.

7.5.2 The decision making framework seeks to ensure that Leeds City Council is open, honest and trusted. Access to information is promoted with all efforts being made to ensure that information withheld from the public domain is either confidential, or passes the public interest test for the restriction of exempt information.

## **7.6 Risk Management**

7.6.1 The Head of Governance Services, Head of Elections, Licensing and Registration and Chief Planning Officer give assurance that the systems and processes that form part of the Council's decision making framework are functioning well and that there are no risks identified by this report.

## **8 Conclusions**

8.1 From the review, assessment and ongoing monitoring carried out the Head of Governance Services has reached the opinion that, overall, decision making systems are operating soundly and that there are no fundamental control weaknesses.

## 9 Recommendations

9.1 Members are requested to consider and note the positive assurances provided in this report in relation to executive decision making, the regulation of investigatory powers, licensing, and planning. Particularly:

a. In relation to executive decision making:-

- assurance that the Constitution is maintained up to date, relevant, compliant with legislation and fit for purpose;
- assurance that continuous review of delegation and publication arrangements ensure that decisions are made appropriately and transparently;
- assurance that ongoing monitoring takes place in relation to key performance indicators including the publication of agendas, minutes, and forthcoming Key decisions and the availability of decisions to call in; and
- assurance that training in relation to the Council's structures and decision making arrangements ensure that they are understood and embedded in decision making culture and are routinely complied with; and
- assurance that regular reviews of decision making governance arrangements confirm that they are updated as necessary to ensure that they are fit for purpose.

b. In relation to the regulation of investigatory powers:-

- Assurance that appropriate preparations have been made, including the delivery of training to relevant colleagues, in anticipation of use of powers to acquire communications data by colleagues in Environmental Action;
- Assurance that guidance and procedure documents have been reviewed and updated and that no further changes to Regulation of Investigatory Powers Act policy are recommended by officers at this time;
- Assurance that appropriate steps are taken to embed and enforce good practice; and
- Confirmation that there have been no applications for directed surveillance or CHIS authorisations in the reporting period.

c. In relation to planning

- Assurance that the framework for determination of planning matters and arrangements for the delegation of planning functions are regularly reviewed;
- Assurance, from internal audit, that decision making arrangements are fit for purpose and routinely complied with;
- Confirmation that ongoing performance monitoring reviews:-
  - Workload;
  - compliance with statutory timescales;
  - appropriate use of agreed extensions of time;
  - decisions against officer recommendation;

- appeals; and
    - complaints;
  - Provision of appropriate training for both officers and Members has taken place; and
  - Confirmation that work is ongoing to build and develop relationships with partners and customers.
- d. In relation to licensing to:-
- Note the reports received by Licensing Committee on 9<sup>th</sup> February 2016, and specifically the assurances contained in those reports in relation to licensing decisions, practice and procedure; and
  - Note the work undertaken to promote safeguarding in relation to taxi and private hire licensing as outlined in the report received by Executive Board on 16<sup>th</sup> December 2015.

## **10 Background documents<sup>7</sup>**

10.1 None

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<sup>7</sup> 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.