

Report of City Solicitor

Report to Corporate Governance and Audit Committee

Date: 29th June 2020

Subject: Annual Decision Making Assurance Report.

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<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
Will the decision be open 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

1. Main issues

- This is the annual report to the Committee concerning the Council's decision making arrangements and provides assurances that the Council's arrangements are up to date, fit for purpose, effectively communicated and routinely complied with.
- The assurances contained within this report will feature in the Annual Governance Statement when reported to the Committee for approval.

2. Best Council Plan Implications (see the [latest version of the Best Council Plan](#))

- The arrangements set out in this report support the Council's values.

3. Resource Implications

- The systems and processes in place to meet the requirements of the decision making framework do so from within existing resources.

Recommendations

Members are requested to:

- consider and note the positive assurances provided in this report given by the Head of Democratic Services;
- comment on the proposal that the target for inclusion of key decisions in the List of Forthcoming Key Decisions should be increased to 95%.

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 In giving their assurance statement in respect of the Council's decision making arrangements, this report considers four aspects. This report sets out evidence to confirm the positive assurances given that decision making arrangements are:-
 - up to date,
 - fit for purpose,
 - effectively communicated; and
 - embedded and routinely complied with.

2. Background information

- 2.1 The Council's decision making framework, which is detailed within the Council's Constitution, includes 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.
- 2.2 The last annual assurance report in relation to the Council's decision making arrangements was presented to Committee in June 2019 and related to the reporting period from April 2018-March 2019. The report included information in relation to executive decision making; planning; licensing and the regulation of investigatory powers (RIPA). This report relates to executive decision making arrangements over the period from April 2019 to March 2020.
- 2.3 Arrangements in relation to licensing have been reported through the Annual Licensing Report to Licensing Committee and to Full Council. Arrangements in relation to planning will be reported to this Committee at a later meeting. Arrangements in relation to RIPA are now incorporated within regular and annual reports received by this Committee in relation to internal audit.

3. Main issues

Up to Date and Fit for Purpose

Review of Constitution

- 3.1 Article 15 requires that the Monitoring Officer monitors and reviews operation of the Constitution to ensure that its aims and principles are given full effect.

- 3.2 Each year the Monitoring Officer conducts a review of the Constitution in order to identify any necessary changes. Changes made to give effect to changes in legislation, or decisions of council or the executive, or changes made for clarification only, are made by the Monitoring Officer under her delegated authority. Other changes are approved by full Council on the recommendation of General Purposes Committee, or by the Leader when setting her executive arrangements.
- 3.3 In addition, the Monitoring Officer makes arrangements for such changes that are necessary to ensure that the Constitution is maintained up to date and fit for purpose throughout the Municipal Year. In the 2019/20 Municipal year 28 minor amendments have been made to the Constitution. In addition to minor amendments to reflect title changes, these have included:
- Clarification that the Constitution is to be read, construed and applied in accordance with legislation in force;
 - Amendment to the Officer Delegation Scheme (Council Functions) giving authority in respect of preliminary stages to make, amend and review byelaws;
 - Amendment to Executive and Decision Making Procedure Rules providing clarification regarding acceptance of digital signatures for call in;
 - Three changes to the Contracts Procedure Rules following review and clarification; and
 - Three amendments to the members allowances scheme (giving effect to recommendations of the Independent Remuneration Panel, reflecting a change in the title of the Climate Emergency Advisory Committee, and giving effect to the annual uplift)

Effectively Communicated and Embedded

Changes to Decision Making Thresholds

- 3.4 The Committee will recall that through the Annual Council Meeting in May 2019, changes were approved to the decision making thresholds set out in Article 13 of the Constitution ensuring that arrangements remain up to date and fit for purpose.
- 3.5 In accordance with the communication plan described in the last annual assurance report, a number of approaches were taken to publicise and communicate the changes including:-
- Attendance at each directorate leadership team to brief on the changes;
 - Delivery of eleven face to face briefing sessions prior to the new thresholds taking effect, and monthly sessions thereafter. These sessions set out the political and structural context of the council's governance arrangements; detailed the decision making, procurement, capital and revenue thresholds; and set out the relevant controls in place in relation to executive decision making. Registers show that a total of 264 colleagues across all directorates attended these sessions. Feedback received from one attendee said

I somewhat enjoyed (in a strange way) the Council Structures and Decision Making course this morning and it has given me a better insight in how and why things are done the way they are. It has also given me a greater appreciation for the actual work the Councillors do for the constituents they represent and what they can bring to the schemes I work on and City of Leeds.;

- The decision making toolkit, available to officers on Insite, provides easy access to relevant templates and up to date information and guidance;
- A news item was included in Essentials (digital messaging circulated to all officers) on 27th June, and a tile included on the Insite homepage for a two week period – both linking to the toolkit and to the infographic setting out the change on a page;
- A new guide for officers has been developed titled How to Take a Decision. The guide sets out an explanation of the thresholds and controls relating to executive decision making; with examples of how they should be applied in practice and details of the forms and templates to be used at each stage. Feedback on the guide has been excellent including comments such as:-

“this is exactly the kind of thing any member of staff should be able to see and it clearly has them in mind”

3.6 The corporate templates for preparation of reports and publication of information have each been updated to ensure each supplies the information necessary to support the governance objectives listed above.

- The Committee will recall that the Request to Add a Key Decision to the List of Forthcoming Key Decisions has been updated to be clearer as to the ward, procurement and financial implications.
- The Corporate Report Template, and associated guidance were updated to ensure that reports are clear as to the financial and procurement implications of operational decisions, whilst also setting out implications for the climate emergency the contribution of each decision to the Best Council Plan.
- The Delegated Decision Notice (DDN) enables officers to capture reasons for late publication of reports should this be necessary under the new procedures introduced via amendments to the Executive and Decision Making Procedure Rules in November 2018.

3.7 There are a range of officers who are able to offer advice and guidance in relation to decision making governance; and to ensure that our decision making arrangements are fully embedded and result in decisions which comply with statutory requirements and are both transparent and robust.

3.8 Directorate support managers act as gate-keeper for governance arrangements in directorates and are able to:

- provide advice and guidance in relation to practice and procedure for officer decision making both corporately and within directorates;
- arrange for the publication of relevant notices and documents in line with statutory and Constitutional requirement;
- maintain the directorate record of administrative officer decisions;
- liaise with staff in Democratic Services in relation to Committee agendas, reports and minutes;
- provide check and challenge in relation to the use of corporate templates and sufficiency of information.

- 3.9 Colleagues with expertise from legal, finance and procurement and commercial services provide a further network of support and are able to:
- give advice and guidance; and
 - provide timely check and challenge
- in relation to matters within their remit.
- 3.10 It is recognised that the value to be added to the governance of decision making through the provision of advice is dependent on report authors engaging with these professionals in a timely manner.
- 3.11 Work is ongoing to develop use of the functionality of the council's publication app Modern.gov to arrange for writing, checking and publication of decisions in one end to end process. This will enhance and support oversight and guidance in relation to decision making by relevant professionals and governance staff.
- 3.12 In order to best benefit from the expertise available, work is ongoing to develop a culture in which advice is sought early, with decision makers engaging during the development of ideas to ensure opportunities are not missed (e.g. in relation to consultation; equalities, climate emergency) as well as being incorporated into the routine sign off of reports for Committee or officer decision making.

Routinely Complied With

Performance Monitoring

- 3.13 The Head of Democratic Services carries out regular performance monitoring to ensure that decision making arrangements are embedded and routinely complied with. A dashboard of information is collated and regularly shared with each Directorate. This assists in identifying trends in decision making, and supports consideration of the way in which the decision making framework is applied across directorates.

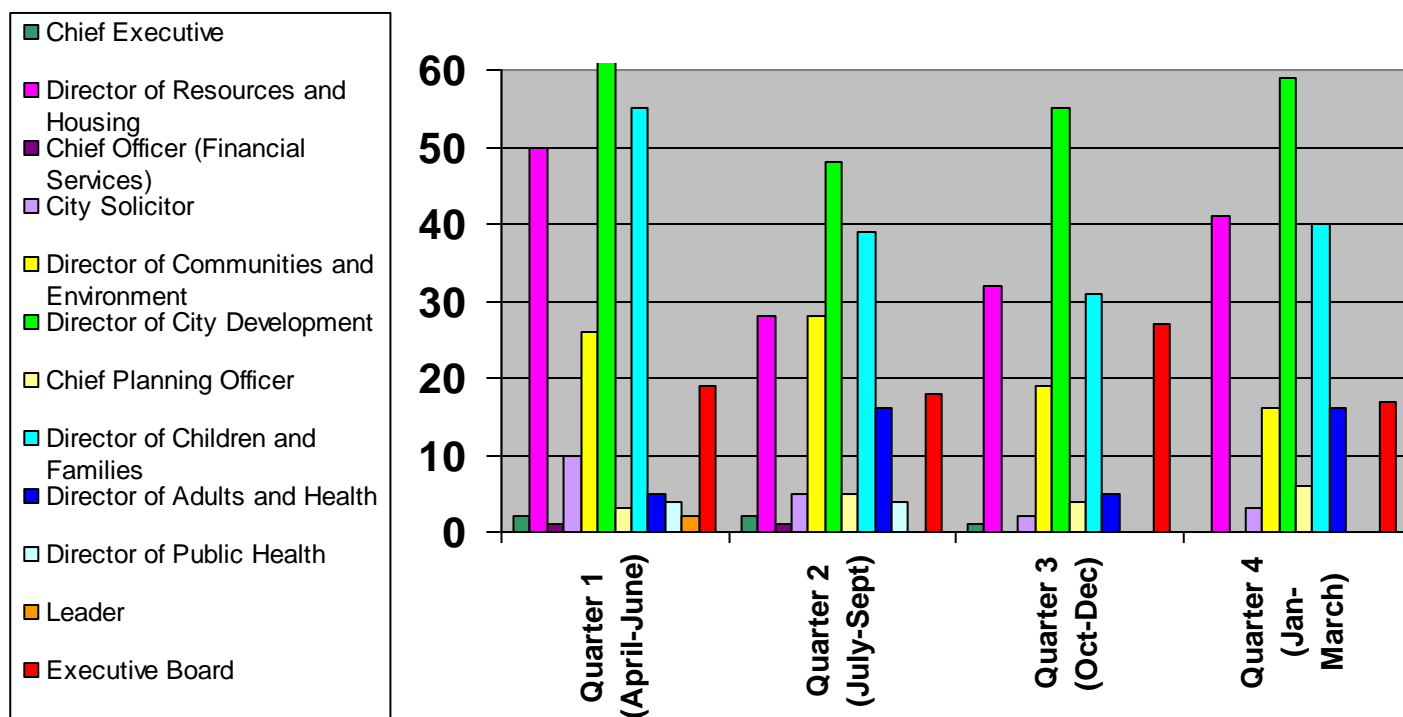
Executive Decision Making

- 3.14 Key decisions are subject to the following requirements in relation to prior publicity and oversight:
- Notice of intention to take each decision must be published to the List of Forthcoming Key Decisions (and a link circulated to all Members) not less than 28 days before the decision is taken unless specific statutory exemptions apply;
 - A report, setting out the reasons for the decision, must be published five clear days in advance of the decision being taken¹; and
 - Where eligible, the decision will be made available for call in – unless exempted by the decision maker for reasons set out in the report.
- 3.15 Significant operational decisions must be recorded by publishing a record of the decision together with the reasons for it as soon as practicable after the decision has been taken.
- 3.16 The Head of Democratic Services has maintained a record of key and significant operational decisions published by officers by directorate. The information below shows the distribution of decisions taken by directorate each month, together with

¹ This is a local provision and is not required by law

comparative data by quarter for the 2018/19 and 2019/20 municipal years. The data shown includes decisions taken in response to the Coronavirus pandemic where those decisions were taken during March 2020².

Distribution of Significant Operational Decisions Published April 2019 to March 2020

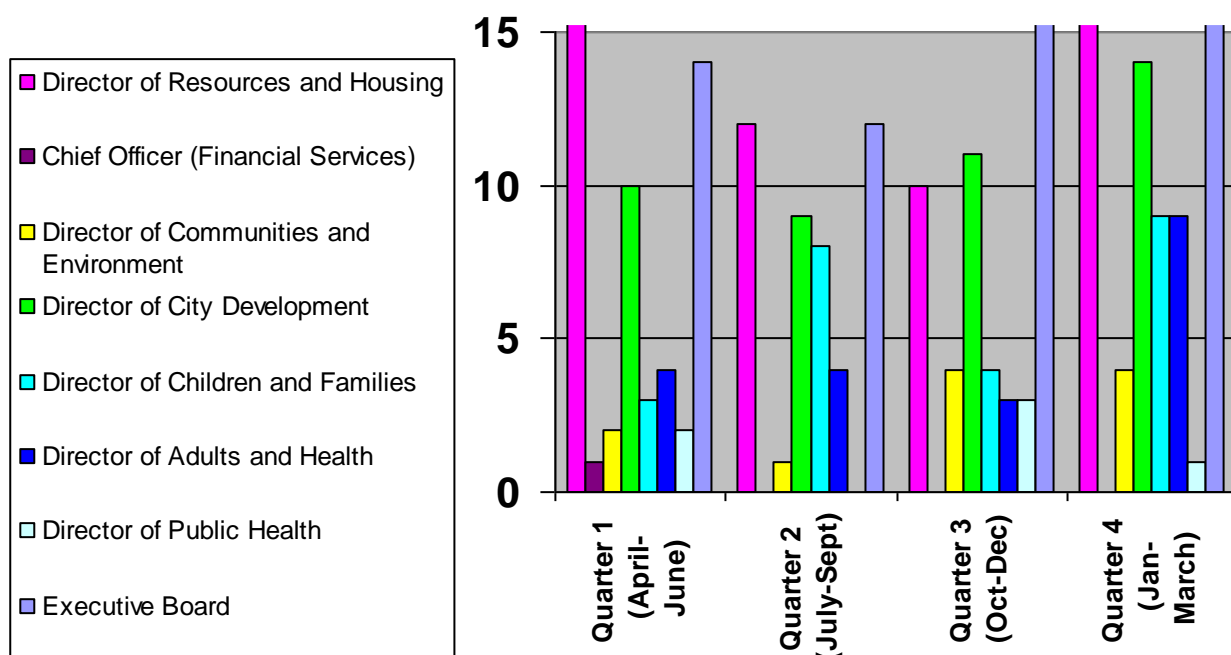


Comparison of Significant Operational Decisions Published 18/19 and 19/20

	Quarter 1 (April-June)		Quarter 2 (July-September)		Quarter 3 (October-December)		Quarter 4 (January-March)		Full Year	
	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019
City Development	63	44	48	98	55	66	59	58	225	266
Resources and Housing	50	44	28	57	32	49	41	55	151	205
Communities and Environment	26	21	28	15	19	15	16	22	89	73
Adults and Health	5	19	16	22	5	18	16	34	42	93
Children and Families	55	60	39	31	34	27	40	39	165	157
Public Health	4	2	4	1	0	2	0	7	8	12
City Solicitor	10	7	5	9	2	3	3	5	20	24
Chief Executive	2	3	2	0	1	0	0	2	5	5
Chief Planning Officer	3	1	5	4	4	2	6	3	18	10
Chief Finance Officer	1	2	1	0	0	0	0	1	2	3
Leader	2	1	0	0	0	0	0	1	2	2
Executive Board	19	14	18	19	27	14	17	16	81	63
total	240	218	194	256	176	196	198	243	808	913

² Information is included later in this report as to decisions taken throughout the emergency response period.

Distribution of Key Decisions published - April 2019 to March 2020



Comparison of Key Decisions Published 18/19 and 19/20

	Quarter 1 (April-June)		Quarter 2 (July-September)		Quarter 3 (October-December)		Quarter 4 (January-March)		Full Year	
	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019
City Development	10	7	9	11	11	8	14	11	44	37
Resources and Housing	21	13	12	18	10	16	22	11	65	58
Communities and Environment	2	3	1	4	4	4	4	5	11	16
Adults and Health	4	6	4	3	3	0	9	2	20	11
Children and Families	3	5	8	3	4	4	9	6	24	18
Public Health	2	2	0	1	3	0	1	1	6	4
City Solicitor	0	0	0	0	0	0	0	0	0	0
Chief Executive	0	0	0	0	0	0	0	0	0	0
Chief Planning Officer	0	1	0	0	0	0	0	0	0	1
Chief Finance Officer	1	0	0	0	0	0	0	0	0	0
Executive Board	14	18	12	22	28	10	19	15	73	65
Total	57	55	46	62	63	42	78	51	244	210

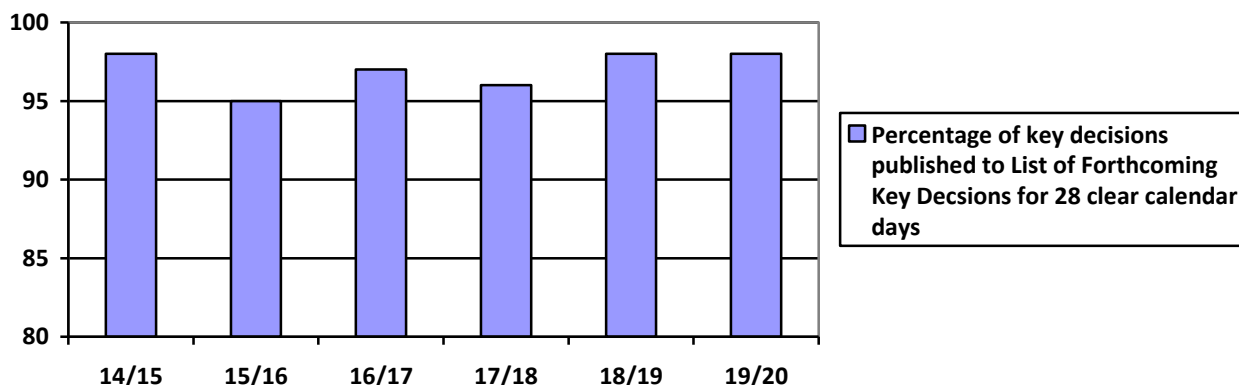
Inclusion of Key Decisions Taken in List of Forthcoming Key Decisions for 28 clear calendar days before decision is taken

- 3.17 The List of Forthcoming Key Decisions (LOFKD) is the mechanism by which publicity is provided in connection with key decisions in accordance with the requirements set out in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- 3.18 In line with requirements the Executive and Decision Making Procedure Rules provide that all potential key decisions must be published to the LOFKD (and a link circulated to all Members) not less than 28 days before the decision is taken unless:
- The decision fits the statutory General Exception (GE) – in which case notice will be published 5 clear days in advance of the decision being taken (and circulated to all Members); or
 - The decision fits the statutory criteria for Special Urgency (SU) – in which case the relevant Scrutiny Chair will be asked to agree that the decision is urgent and cannot be delayed.
- 3.19 Reflecting the statutory exemptions, the Head of Democratic Services has set a performance indicator of 89% of all key decisions to be published to the LOFKD not less than 28 clear calendar days before the decision is taken.
- 3.20 During the reporting period 98% of all key decisions were included in the LOFKD. 143 of 147 (97%) key decisions taken by officers in the reporting period were included in the LOFKD. All of the 65 key decisions taken by Executive Board were included in the LOFKD.
- 3.21 Of the four decisions not included in the LOFKD, one was treated as a General Exception and two as Special Urgency.
- 3.22 One decision³ was subject to an administrative miscalculation of time and published to the LOFKD only 26 clear days before the decision was taken. This error was identified on monitoring and discussed with the Chief Officer Resources and Strategy (Adults and Health). It was noted that no Member enquiries were received in relation to the decision which was published a total of five weeks, including the call in period, before implementation.
- 3.23 The table below sets out the details of decisions taken with less than 28 clear calendar days on the LOFKD.

Key decisions taken before inclusion in the List of Forthcoming Key Decisions for 28 clear calendar days.				
Month	DDN	Director	GE / SU	Reason for treating as General Exception
July 19	D49892	Director of City Development	GE	High Streets Heritage Action Zone Short timescales for the consideration of potential projects and submission of Expression of Interest to the HAZ programme.
October 19	D50203	Director of Resources and Housing	GE	ERDF Funded Fitting the Future Project Funding agreement needed to be concluded with central government by 31st October.
March 20	D50690	Director of City Development	SU	Closure of Facilities in Culture and Sport Exceptional and unforeseen circumstances of the Coronavirus.

³ May 19, Director of Adults and Health, D48682, Carer Support Services Contract

3.24 The chart below shows the performance trend over the past 6 years in relation to the key performance indicator of 89% of key decisions to be published to the LOFKD 28 clear calendar days before the decision is taken.



Publication of reports 5 clear working days before key decision is taken by officer⁴

- 3.25 Committee will recall that the Executive and Decision Making Procedure Rules provide for a local (non-statutory) requirement that a report in support of a key decision is published five clear working days before that decision is taken by an officer. In 2018 the rules were amended to allow for the late publication of reports in relation to key decisions with the approval of the relevant Executive Member.
- 3.26 Rule 3.1.4 of the Executive and Decision Making Procedure Rules requires that the Head of Democratic Services reports annually to this Committee giving details of any key decisions taken in accordance with this rule.
- 3.27 Reports were published within the required timescale for 135 of 147 (92%) key decisions taken by officers during the reporting period.
- 3.28 Of the 12 decisions published at short notice eight were published in the period April to June as a combined result of technological and administrative error. All eight related to decisions taken within one directorate. When the error was identified immediate steps were taken to address the technological issues and to provide training and support to ensure correct procedure was followed thereafter. No further issues have been identified with publication in this directorate.
- 3.29 One further administrative error was identified in July when a decision was taken in accordance with the General Exception procedure but although added to the LOFKD five clear working days before the decision was taken, publication of the report was overlooked. The Executive Member for Climate Change, Transport and Sustainable Development was aware of the decision, and the Scrutiny Chair (Infrastructure, Investment and Inclusive Growth) had been advised of the intention to take the decision⁵ with five clear days' notice as required by the general exception provision.
- 3.30 When adjusted to remove late publication due to administrative error 144 of 147 (98%) reports were published in good time indicating a good awareness of the need to prepare a publish reports in good time.

⁴ No target set

⁵ D49892 detailed in the section on LOFKD above

3.31 The table below sets out details in relation to the remaining three decisions which were published at short notice.

Decisions taken at short notice			
Month taken	Decision Number	Director	Reason for short notice.
July	D49833	Director of Communities and Environment	Creation and implementation of Crew Chargehand roles in Refuse Services Publication came at the conclusion of Trade Union negotiations on the proposals
Sept	D50031	Director of Resources and Housing	Contracts for the supply of Home to School Transport Decision awaited review of capacity within the in house service to deliver these routes. Limitations identified could have serious implications on the ability to transport SEND children from home to school and discharge legal obligations. These contracts needed to be in place by 2nd September when the new school year starts.
Nov	D50276	Director of Communities and Environment	Extension of Mixed Dry Recyclate treatment Contract As a result of the time given to, the legal implications, the breadth of negotiations undertaken and analysis required to formulate the recommendations in report, delay would have risked key contract expiring without extension. The nature of the contract is such that it would seriously prejudice the Council's interests if there were to be any delay.

3.32 The table below sets out comparative data in relation to prior publicity for key decisions taken during each reporting period. The high level of inclusion of decisions in the LOFKD has been maintained.

3.33 The Committee is requested to consider the 89% target set for inclusion of decisions within the LOFKD. Whilst inclusion of the General Exception and Special Urgency provisions within the legislation clearly envisages that there will be circumstances in which it is not possible to publish notice of proposed key decisions 28 clear calendar days in advance, Members may be of the view that the target is set too low.

3.34 Having reviewed the information provided in this report, the City Solicitor recommends that the target should be set at 95% in line with that for availability of decisions for call in. However it is anticipated that the impact of urgent decisions taken during the Coronavirus pandemic may mean that the authority does not meet this target in the 2020/21 reporting period.

Reporting Period	2016/17	2017/18	2018/19	2019/20
Key decisions on List	200	212	240	208
Percentage Key decisions on list (target 89%)	97%	96%	98%	98%
General Exception	5	6	4	1
Special Urgency	1	2	0	2
Percentage reports for officer decisions published in time				98% ⁶

⁶ Figure not including reports published late due to administrative error.

Availability of eligible officer and Executive Board decisions for Call In⁷

- 3.35 Section 9F of the Local Government Act 2000 requires that executive arrangements by a local authority include the provision for appointment of one or more Overview and Scrutiny Committees with, inter alia, power to review or scrutinise decisions which have been taken by the executive but not yet implemented. These are known as Call In arrangements and are set locally.
- 3.36 Part 5 of the Executive and Decision Making Procedure Rules sets out the call in arrangements adopted by Leeds City Council. Rule 5.1.2 sets out details of those decisions which are eligible for call in⁸. Rule 5.1.3 provides that eligible decisions may be exempted from call in where the decision is urgent because any delay would seriously prejudice the Council's or the public's interests.
- 3.37 The Head of Democratic Services has set a performance indicator of 95% of all eligible decisions to be available for call in.
- 3.38 Of 147 key decisions taken by officers, all 147 were eligible for call in. Six of these eligible decisions were exempted from call in meaning that 141 (96%) eligible decisions taken by officers were eligible for call in.
- 3.39 The table below sets out details in relation to the six decisions exempted from call in by officers.

Decisions exempted from call in by officers			
Month taken	DDN Number	Director	Reason for exemption from call in.
July	D49892	Director of City Development	High Street Heritage Action Zone Delay would cause council to lose the opportunity to bid for up to £750k in funding for the Street Fund Heritage Action Zone scheme.
Sept	D50031	Director of Resources and Housing	Contracts for the supply of Home to School Transport Decision awaited review of capacity within the in house service to deliver these routes. Limitations identified could have serious implications on the ability to transport SEND children from home to school and discharge legal obligations. These contracts needed to be in place by 2nd September when the new school year starts.
Oct	D50203	Director of Resources and Housing	ERDF Funded Fitting the Future Project Funding agreement needed to be concluded with central government by 31st October.
Nov	D50276	Director of Communities and Environment	Extension of Mixed Dry Recyclate treatment Contract As a result of the time given to, the legal implications, the breadth of negotiations undertaken and analysis required to formulate the recommendations in report, delay would have risked key contract expiring without extension. The nature of the contract is such that it would seriously prejudice the Council's interests if there were to be any delay.
Feb	D50589	Director of Resources and Housing	Housing Leeds Air Source Heat pump Scheme Following failure to meet earlier deadline, requirement to sign funding agreement by return or offer of funding to be withdrawn by Warm Homes Fund.
March	D50690	Director of City Development	Closure of Facilities in Culture and Sport Exceptional and unforeseen circumstances of the Coronavirus.

⁷ Target 95% eligible decisions available for call in.

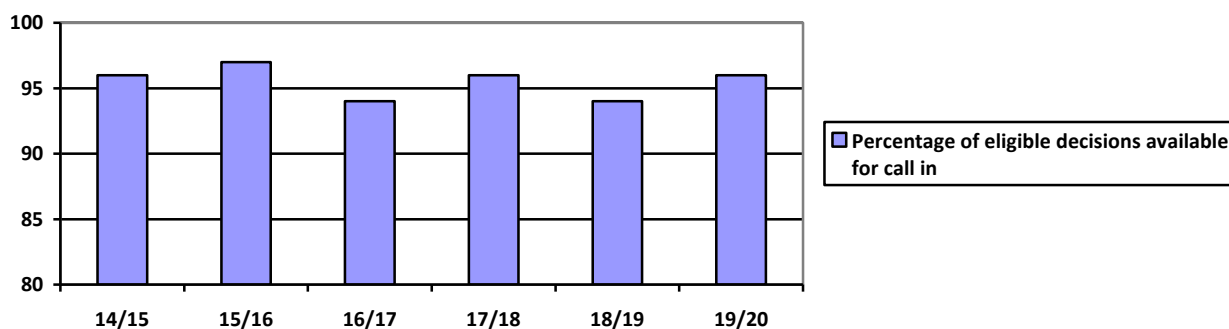
⁸ In brief, and subject to limited exceptions – key decisions taken by officers; all decisions taken by Executive Board; and executive decisions taken by the Health and Wellbeing Board.

3.40 Of 128 decisions taken by Executive Board 121 were eligible for call in. The seven ineligible decisions were all in relation to budget and policy framework documents which would be approved through the Budget and Policy Framework Procedure Rules which make provision for Scrutiny consideration of proposals. Five of the 121 eligible decisions were exempted from call in meaning that 116 (96%) eligible decisions taken by Executive Board were eligible for call in.

3.41 The table below sets out details in relation to the five decisions exempted from call in by Executive Board.

Decisions exempted from call in by Executive Board			
	Minute	Director	Reason for exemption from call in.
April	196 (Key)	DCD	Funding Arrangements for Delivery of Affordable and Community Housing at Leopold Street Delay in implementing decision and enabling work to start on-site could result in the scheme becoming financially unviable and undeliverable due to further increases in development costs.
July	44 (Key)	DCD	Creative and Digital Workspace Fund Leeds Media Centre – short timescales for the bidding process and need to confirm match funding as quickly as possible after the bid submission deadline. Hope House - The current property owner seeks confirmation of purchase to be funded by grant by end September 2019, or will pursue alternative option.
Sept	57(other)	Chief Executive	Update on Council's Preparations for the UK's exit from the European Union To enable debate by Full Council prior to the UK's planned exit date from the EU on 31 October 2019.
Jan	122(Key)	DCF	Outcome of statutory notice on expansion of East SILC – Joh Jamieson onto two additional sites. To meet statutory guidance in relation to school expansion which states that decisions must be made within 2 months of the end of the representation period or be referred to the Schools Adjudicator.
Feb	146 (Key)	DCF	School Admission Arrangements for 2021/22 Consultation delayed until after conclusion of purdah period relating to General Election. School Admissions Code (2014) requires that all admission arrangements are determined following consultation by no later than 28 February annually.

3.42 The chart below shows the performance trend over the past six years in relation to the key performance indicator of 95% of eligible decisions to be available for call in.



3.43 The table below sets out comparative data in relation to availability and take up of call in arrangements in relation to decisions taken during each reporting period. Availability for call in has met the performance indicator in this reporting period.

Reporting Period	2016/17	2017/18	2018/19	2019/20
Decisions eligible for call in	285	282	314	268
Decisions available for call in	267	271	295	257
Percentage eligible decisions available for call in (target 95%)	94%	96%	94%	96%
Decisions called in	2	0	2	0
Decisions released for implementation following Call In	1	NA	2	NA
Recommendations made following Call In	1	NA	0	NA

Decisions Not Treated as Key

- 3.44 Executive and Decision making Rule 6.1 requires the Head of Democratic Services to report annually to this Committee in respect of any decisions which appear to have been wrongly treated.
- 3.45 The Head of Democratic Services is pleased to confirm that no decisions have been challenged under this provision.

Decision Making by Committee

- 3.46 The Head of democratic Services monitors local performance indicators in relation to the publication of agendas and minutes for Council, Executive Board and their Committees. Performance in respect of those Committees monitored is set out below.

Publication of Agendas

- 3.47 Legislation⁹ requires the Council to publish agendas and reports for Committees five clear working days in advance of a meeting. Legislation also sets out exception provisions for meetings to be called at short notice.
- 3.48 The Head of Democratic Services has established a target for 99% of agendas to be issued and published within the five day statutory deadline. This target reflects the council's minimal use of the short notice provisions referred to above.
- 3.49 Of 190 meetings which took place within the reporting period covered by this report, 189 agendas (99%) were issued in accordance with the 5 clear day deadline.
- 3.50 The one agenda which was not published 5 clear working days in advance of the meeting during the reporting period, related to a meeting of Scrutiny board (Infrastructure, Investment and Inclusive Growth) on 31st July 2019. Due to an administrative error, the agenda was published on the Council's website 26th July, giving two clear working days' notice before the meeting. However, printed copies of the agenda were distributed to Committee members on Tuesday 23rd July, five clear days before the meeting took place.

Publication of Minutes

- 3.51 Legislation requires that minutes of the proceedings of a meeting of a local authority must be prepared and signed at the same or next suitable meeting of the authority by the person presiding at the meeting. There is however, no statutory provision as to the time period for the publication of Committee minutes.
- 3.52 In order to make decisions of Leeds City Council and its executive accessible and transparent the Head of Democratic Services has established a local target of 90% of draft minutes to be published on the Council's internet site within ten working days.
- 3.53 In addition the Executive and Decision Making Procedure Rules require that minutes for all meetings of Executive Board are published within two working days of the meeting. This permits prompt availability of Executive Board decisions for call-in and minimises the delay to implementation necessary to allow for the call-in process. Members should note that there has been 100% compliance with this requirement.
- 3.54 Of 208 Committee meetings which have taken place within the period covered by this report, 192 (92%) draft minutes were published within this locally established target.
- 3.55 Of the sixteen sets of minutes which were not published within 10 working days of the meeting during the reporting period, eleven were published within 15 working days of the meeting; and two were published within a further five working days. The remaining three minutes related to meetings of the Licensing Sub Committee and were published late as a result of human error – the clerk responsible has put steps in place to ensure that this will not be repeated.

Coronavirus Pandemic

- 3.56 The Council's decision making framework was adapted in a number of ways to meet the challenges of the Coronavirus Pandemic brought about by requirements

⁹ Section 100B of the Local Government Act 1972 for Council Committees; and the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 for Executive Committees

for social distancing; and responding to the need to maintain and increase delivery of front line services. Innovations have included:-

Sub-delegations

- 3.57 Directors derive their authority to take decisions through the Officer Delegation Scheme set out in the Constitution. In turn each Director sub-delegates that authority to officers of suitable experience and seniority through their sub-delegation scheme. Schemes may reserve some decisions to the Director but provide for decisions to be taken in their absence on leave (including annual leave, sick leave and special leave).
- 3.58 Each Director has amended their scheme in the following terms:
- “Strictly in exceptional circumstances, such as a global pandemic, where officers with the requisite delegations are incapacitated or absent, functions may be exercised by any officer within the council with suitable experience and seniority who has been appropriately briefed and has sufficient understanding of the matter to be decided.”
- 3.59 These arrangements will only be used in extremis but will enable business continuity in the event that the council or directorate’s human resources are significantly compromised by the pandemic.

Recording of Officer Decisions

- 3.60 In the normal course of events, officer decisions are recorded on the same template used for Committee reports across the council, and published alongside a delegated decision notice which gives formal notification of the decision made. However completion of these reporting arrangements is heavily dependent on officer time and resource and was impracticable to achieve as staff and resources were swiftly and flexibly deployed to meet the requirements of service provision through the pandemic.
- 3.61 It was recognised that in the early days and weeks of the emergency a number of decisions were taken by officers seeking to give effect to government guidance and to enable the Council’s emergency response. Given the pace and volume of decisions taken it was not possible to formally record all of those decisions as they were taken.
- 3.62 However, in order to ensure that arrangements were open and transparent a record of those decisions taken was presented to Executive Board on 22nd April and retrospective endorsement of those decisions was approved.
- 3.63 In order to support recording of decisions during the emergency response and recovery period, and taking into account legislative requirement and the provisions of the Constitution, the City Solicitor prepared a shortened form for recording decisions taken by officers. This provided a simplified format, meeting the statutory requirements for reporting whilst setting out relevant considerations in making each decision and capturing arrangements for transparency and political oversight. This proved a useful tool for recording decisions made at pace in response to the emergency, although where possible decisions continued to be supported by a full report.
- 3.64 In addition arrangements were made for the batch publication of significant operational decisions through weekly reporting of all such decisions taken within directorates on one schedule which forms the Council’s record of those decisions. However on review of arrangements, it was noted that this batch publishing

approach had been of limited use and was therefore brought to an end, with significant operational decisions being reported on the short form decision record.

- 3.65 The table below sets out the quantity of key and significant operational decisions published each week from the beginning of the emergency response period. These include decisions taken in pursuance of business as usual as well as those required to support activity in relation to the Coronavirus pandemic.

Publish W/C	Total decisions	Key	Special Urgency	General Exception	Call In Exempt	Short form used	SOD	Batch published
16/3/20	28	6	1	0	1	0	22	0
23/3/20	27	11	1	0	1	0	16	0
30/3/20	30	0	0	0	0	0	30	0
6/4/20	17	5	3	0	3	3	12	0
13/4/20	16	2	2	0	2	2	14	3
20/4/20	21	4	0	0	0	0	17	3
27/4/20	44	4	0	0	0	0	40	7
4/5/20	21	4	1	0	1	1	17	2
11/5/20	16	1	0	0	0	1	15	0
18/5/20	27	3	0	1	1	1	24	0
25/5/20	14	3	2	0	2	1	11	0

Scrutiny Oversight

- 3.66 In order to avoid potentially serious consequences for the Council and the City the Scrutiny Board Chairs gave their combined agreement that all key decisions taken in relation to the emergency response to and in consequence of the Coronavirus Pandemic are of 'Special Urgency' and could be taken forthwith. In so doing, the Scrutiny Chair's drew reassurance from the commitment that officers would use their best endeavours to brief Scrutiny Chairs ahead of urgent decisions, and that Directors would provide weekly briefings in respect of any decisions taken under this overarching consent. The consent, which was given on 3rd April was reviewed and extended on 27th April. This arrangement, being deemed no longer necessary, was brought to an end on 7th May 2020.
- 3.67 Members are advised that of the 19 key decisions published between 3rd April and 7th May, while the overarching approval was in place, six were taken under the special urgency provision; all six were individually approved by the relevant Scrutiny Board Chair in the usual manner, no special urgent decisions were taken relying on the overarching approval.
- 3.68 In addition directors provided weekly updates for Scrutiny Chairs as to the key and significant operational decisions taken within the directorate each week. Briefings focussed on decisions taken under the overarching special urgency approval; and those taken as a direct consequence of the key decision giving authority to spend the £22M emergency grant provided by the government in order to facilitate the council's emergency response. This regular engagement between Scrutiny Board

Chairs and Executive Members /Directors helped develop and improve relationships and understanding of pressures and priorities.

Remote Meetings

- 3.69 Formal Committee meetings were cancelled with effect from 12:00 noon on Monday 16th March in view of guidelines on social distancing.
- 3.70 Consultative, informal meetings of Executive Board took place on 18th and 25th March. Agendas and minutes of these informal meetings were published to the Council's website and formal decision making was undertaken by officers taking the views of Executive Board into account.
- 3.71 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 enabled formal remote meetings providing arrangements complied with relevant criteria enabling participants to engage and the public to access those meetings.
- 3.72 Work took place at pace to identify a digital solution which would enable participants in remote meetings to hear and be heard whilst the public were able to access the meeting in real time.
- 3.73 The first webcast remote meeting of Executive Board took place on 22nd April and a single item agenda remote Full Council meeting took place on 30th April. Since then remote meetings have been set up for Plans Panels, and Scrutiny Boards, whilst Community Committees are meeting in an informal advisory capacity. In order to ensure the success of remote meetings there has been a very focussed and prioritised approach to agendas.

Looking forward

- 3.74 The Head of Democratic Services is seeking to develop remote access training for officers. Whilst resource intensive to produce it is envisaged that this will be produced in 'bitesize' modules which officers can access through the PAL system. This will enable officers to revisit those elements they need to review and will produce a record of take up.
- 3.75 Members will be aware of the ongoing project to renew the Corporate Report Template to ensure that it is fit for purpose in the context of local government decision making.
- 3.76 This process was paused at the beginning of the Council's emergency response to the Covid-19 pandemic and will be resumed.
- 3.77 Alongside this template review, work was ongoing to develop the Council's use of the Modern.gov software currently used to publish records of Committee and officer decisions. This project will also be resumed with a view to streamlining the report writing process, enabling end to end delivery from authorship to publication.
- 3.78 In addition to these pieces of work officers will review the decision making activity during the emergency response period with a view to identifying any changes in practice and procedure which worked well and should continue.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The contents of this report have been shared with the Corporate Leadership Team.

4.2 Equality and diversity / cohesion and integration

4.2.1 There are no implications for this report.

4.3 Council policies and the Best Council Plan

4.3.1 The Council's values include being open, honest and trusted; treating people fairly; spending money wisely; working as a team for Leeds; and working with communities. The Council's decision making framework sets out systems and processes which ensure information is shared in a clear and consistent fashion to enable the people living and working in the communities of Leeds to engage with decision makers to ensure that community wishes and needs are taken into consideration.

4.3.2 Whilst decision makers are required to consider whether the decision to be taken represents best value the systems and processes themselves are subject to continuous review to ensure that their implementation is practicable and makes best use of the Council's resources to achieve compliance with both the statutory and local framework.

Climate Emergency

4.3.3 Reporting arrangements ensure that consideration is given to climate emergency factors in relation to executive decision making.

4.4 Resources, procurement and value for money

4.4.1 The systems and processes in place to meet the requirements of the decision making framework do so from within existing resources.

4.5 Legal implications, access to information, and call-in

4.5.1 The Council's decision making framework meets the statutory requirements in relation to decision making and monitoring of relevant performance indicators ensures compliance.

4.6 Risk management

4.6.1 The positive assurances set out in this report show that the Council's decision making framework is fit for purpose, embedded and routinely complied with so there are no risks identified by this report.

5. Conclusions

5.1 From the review, assessment and on-going monitoring carried out, the Head of Democratic 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.

6. Recommendations

6.1 Members are requested to:

- consider and note the positive assurances provided in this report given by the Head of Democratic Services;
- comment on the proposal that the target for inclusion of key decisions in the List of Forthcoming Key Decisions should be increased to 95%.

7. Background documents¹⁰

7.1 None

¹⁰ 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.