



GENERAL PURPOSES COMMITTEE

Meeting to be held REMOTELY on
Monday, 19th October, 2020 at 2.00 pm

MEMBERSHIP

Councillors

- D Blackburn - Farnley and Wortley;
- J Blake (Chair) - Middleton Park;
- Amanda Carter - Calverley and Farsley;
- R Charlwood - Moortown;
- D Cohen - Alwoodley;
- D Coupar - Temple Newsam;
- S Golton - Rothwell;
- H Hayden - Temple Newsam;
- W Kidger - Morley South;
- J Lewis - Kippax and Methley;
- J Pryor - Headingley and Hyde Park;
- A Scopes - Beeston and Holbeck;
- F Venner - Kirkstall;

Note to observers of the meeting:

To remotely observe this meeting, please click on the 'View the Meeting Recording' link which will feature on the meeting's webpage (linked below) ahead of the meeting. The webcast will become available at the commencement of the meeting.

https://www.youtube.com/playlist?list=PLPjmOAZpvCo_xEkMRQiCB9k_OP6YHUUik

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an appeal the press and public will be excluded).</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2000 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence from the meeting.</p>	
6			<p>MINUTES OF THE LAST MEETING</p> <p>To receive and approve the minutes of the meeting held on 28th January 2020.</p>	7 - 8
7			<p>AMENDMENTS TO THE CONSTITUTION</p> <p>To consider the report of the Chief Officer (Financial Services) that sets out proposed amendments to the Constitution reflecting amendments to the Leader's executive arrangements reported to Council on 16th September 2020.</p>	9 - 32

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8			<p>REVIEW OF DELEGATED DECISION MAKING ARRANGEMENTS</p> <p>To consider the report of the Chief Officer (Financial Services) that reviews arrangements made to enable publication and recording of delegated decision making during the Covid-19 pandemic. The review identifies learning in relation to practice and procedure which ensures that arrangements for delegated decision making, both in relation to business as usual and emergency response, are necessary, proportionate and fit for purpose. The report recommends an amendment to the Executive and Decision Making Procedure Rules.</p>	33 - 62
9			<p>DATE AND TIME OF NEXT MEETING</p> <p>The next meeting will take place Wednesday, 9th December, 2020 at 4.00 p.m.</p> <p>THIRD PARTY RECORDING</p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <p>a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</p> <p>b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.</p>	

GENERAL PURPOSES COMMITTEE

TUESDAY, 28TH JANUARY, 2020

PRESENT: Councillor J Blake in the Chair

Councillors D Blackburn, Amanda Carter,
R Charlwood, D Coupar, S Golton,
H Hayden, J Lewis, J Pryor, A Scopes,
J Taylor and F Venner

17 Appeals against refusal of inspection of documents

There were no appeals against the refusal of inspection of documents.

18 Exempt Information - possible exclusion of the press and public

There were no resolutions to exclude the public.

19 Late items

There were no late items.

20 Declaration of Disclosable Pecuniary and Other Interests

There were no declarations of interest.

21 Apologies for absence

Apologies were received from Councillors D Cohen and W Kidger. Councillor J Taylor was in attendance as substitute.

22 Minutes of the last meeting

RESOLVED – That the minutes of the meeting held on the 30 August 2019 be approved as a correct record.

23 Approval of the 2020/21 Pay Policy Statement

The Chief Officer Human Resources submitted a report seeking Members' views on the revised Pay Policy Statement and for the Committee to make recommendations to Full Council to approve the changes before the start of the 2020/21 financial year.

The following were in attendance:

- Emma Wyatt, Head of Human Resources
- Rachael Hollings, HR Service Manager

The HR Service Manager introduced the report, outlining some of the key messages from the Pay Policy Statement.

In response to a query around the level of challenge received from trade unions in relation to pay differentials, Members were advised that all pay awards had increased in 2019/20 and no concerns had since been raised.

RESOLVED – That the following be recommended to Full Council:

- a) Consideration and approval of the Pay Policy Statement for the 2020/21 financial year as attached at Appendix A;
- b) That any in year requirement to amend the Annual Pay Policy Statement as a consequence of changes to Council Policies is reported to the General Purposes Committee to consider recommending to Full Council for approval;
- c) Delegation to the Chief Officer (HR) of any necessary adjustments to the Council's pay scales arising from nationally agreed pay awards.

24 Date and time of next meeting

The next meeting will take place 13 March 2020 at 11:30 a.m.

Report of Chief Officer Financial Services

Report to General Purposes Committee

Date: 19th October 2020

Subject: Amendments to the Constitution

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 checked="" type="checkbox"/> Yes <input 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

- On 27th May 2020 the Leader confirmed her Executive Arrangements for the 2020/21 Municipal Year.
- The Leader has made amendments to those arrangements and presented details of the altered arrangements to Council on 16th September.
- Further amendments are required to the Constitution, reflecting the Leader’s arrangements.

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

- The Constitution must be maintained up to date and fit for purpose in line with the Council’s Corporate Governance Code and Framework in addition to furthering the Council’s value of being “open, honest and trusted.”

3. Resource Implications

- There are no implications for this report.

4. Recommendations

- General Purposes Committee is requested to recommend that Council approve amendments to the constitution as detailed in this report, and set out in the appendices attached, with immediate effect in particular to:

- Article 6 (Appendix A)
- Article 12 (Appendix B)
- The Monitoring Officer Protocol (Appendix C)

1. Purpose of this report

- 1.1 This report sets out proposed amendments to the Constitution reflecting amendments to the Leader's executive arrangements reported to Council on 16th September 2020.

2. Background information

- 2.1 The Leader amended the executive arrangements to reflect minor changes in structure within Directorates, and to clearly reflect statutory roles and responsibilities.

3. Main issues

Article 6

- 3.1 Minor amendments are required to Annex 2 of Article 6 to ensure that the reporting arrangements to each Scrutiny Board reflect the delegation of executive decision making. Proposed amendments are shown at Appendix A attached.

Article 12

- 3.2 Amendments are required to reflect the management and reporting arrangements between the City Solicitor, Chief Officer Financial Services, Director of Resources and Housing and Chief Executive.
- 3.3 Amendments also reflect that the Director of Resources and Housing has taken overarching responsibility for Access to information matters with specific areas of responsibility being addressed within his sub-delegation scheme.
- 3.4 Proposed amendments are shown at Appendix B attached.

Monitoring Officer Protocol

- 3.5 Amendments to the Protocol are required to reflect the altered responsibility for matters relating to Access to Information. Amendments are set out at Appendix C attached.
- 3.6 The proposed amendments, in conjunction with the changes made by the Leader to her Executive Arrangements, will maintain the transparency of governance and decision making arrangements in place.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 All relevant Directors were consulted in relation to the amendments to their delegated authority.

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 Constitution must be maintained up to date and fit for purpose in line with the Council's Corporate Governance Code and Framework in addition to furthering the Council's value of being "open, honest and trusted."

Climate Emergency

4.3.2 There are no implications for this report.

4.4 Resources, procurement and value for money

4.4.1 There are no implications for this report.

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

4.5.1 There are no implications for this report.

4.6 Risk management

4.6.1 There are no implications for this report.

5. Conclusions

5.1 Amendments to the Constitution are necessary to reflect changes made by the Leader to her Executive Arrangements, and to ensure that the Council's governance and decision making arrangements are coherent and transparent.

6. Recommendations

6.1 General Purposes Committee is requested to recommend that Council approve amendments to the constitution as detailed in this report, and set out in the appendices attached, with immediate effect in particular to:

- Article 6 (Appendix A)
- Article 12 (Appendix B)
- The Monitoring Officer Protocol (Appendix C).

7. Background documents¹

7.1 None

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

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ARTICLE 6 – SCRUTINY BOARDS

6.1 ROLE

The Council will appoint Scrutiny Boards as set out in Annex 2 to this Article to exercise functions conferred by section 9F of the Local Government Act 2000 and in accordance with the National Health Service Act 2006, in accordance with their terms of reference¹.

6.2 VISION FOR SCRUTINY

The Council has adopted a Vision for Scrutiny, which is attached at Annex 1.

6.3 ROLE OF SCRUTINY

Policy development and review

Within their Terms of Reference all Scrutiny Boards may:

- assist the Council and the Executive in the development of the Budget and Policy Framework by in-depth analysis of policy issues;
- conduct research, community and other consultation in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question Members of the Executive and Directors about their views on issues and proposals affecting the area; and
- liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

Scrutiny

Within their terms of reference all Scrutiny Boards may:

- make recommendations to the Executive and/or appropriate committees and/or Council arising from the outcome of the scrutiny process;
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance; and
- question and gather evidence.

¹ As set out at Part 3 Section 2A of the Constitution

Article 6 - Scrutiny Boards

6.4 SCRUTINY OFFICER

The Council has designated the post of Head of Democratic Services, as Scrutiny Officer².

The functions of the Scrutiny Officer are:

- (a) to promote the role of the Scrutiny Boards;
- (b) to provide support to the Scrutiny Boards and their members³;
- (c) to provide support and guidance to Members (including Executive Members), and officers⁴, in relation to the Scrutiny Boards' functions;
- (d) to report to Council⁵ annually about how the authority has carried out its overview and scrutiny functions.

6.5 PROCEEDINGS

Scrutiny Boards will conduct their proceedings in accordance with the Scrutiny Board Procedure Rules set out in Part 4 of this Constitution.

6.6 MEMBERSHIP

Members shall be appointed in accordance with the Scrutiny Board Procedure Rules.

Scrutiny Boards shall co-opt members in accordance with the Scrutiny Board Procedure Rules.

6.7 SCRUTINY BOARD CHAIRS

The Chair of each of the Scrutiny Boards shall be appointed in accordance with the Council Procedure Rules.

Group spokespersons shall not be appointed to Chair a Scrutiny Board which corresponds to the same portfolio.⁶

- The Scrutiny Board with responsibility for health shall nominate Members to any joint overview and scrutiny committee appointed by the authority.⁷

² Under Section 9FB Local Government Act 2000.

³ The Scrutiny Officer shall exercise overall responsibility for the finances made available to Scrutiny Boards.

⁴ The Scrutiny Officer shall exercise overall responsibility for the work programme of the officers employed to support the work of the Scrutiny Boards.

⁵ After consultation with the relevant Scrutiny Chairs

⁶ This does not apply to those groups who have less than 10% of the membership of the Council

⁷ such nominations to reflect the political balance of the Board.

Vision for Scrutiny at Leeds

“To promote democratic engagement through the provision of an influential scrutiny function which is held in high regard by its many stakeholders and which achieves measurable service improvements which add value for the people of Leeds through a member led process of examination and review”

To achieve this Scrutiny will follow the nationally agreed ‘Four Principles of Good Scrutiny’;

1. Provide ‘critical friend’ challenge to decision makers, through holding them to account for decisions made, engaging in policy review and policy development;
2. Promote Scrutiny as a means by which the voice and concerns of the public can be heard;
3. Ensure Scrutiny is carried out by ‘independent minded’ Board members;
4. Improve public services by ensuring reviews of policy and service performance are focused.

To succeed Council recognises that the following conditions need to be present;

- Parity of esteem between the Executive and Scrutiny
- Co-operation with statutory partners
- Member leadership and engagement
- Genuine non-partisan working
- Evidence based conclusions and recommendations
- Effective dedicated officer support
- Supportive Directors and senior officer culture

Council agrees that it is incumbent upon Scrutiny Boards to recognise that resources to support the Scrutiny function are, (like all other Council functions), under considerable pressure and that requests from Scrutiny Boards cannot always be met. Therefore Council agrees that constructive consultation should take place between the Executive and Scrutiny about the availability of resources prior to any work being undertaken.

Consequently, when establishing their work programmes Scrutiny Boards should

- ***Seek the advice of the Scrutiny officer, the relevant Director and Executive Member about available resources***
- ***Avoid duplication by having a full appreciation of any existing forums already having oversight of, or monitoring a particular issue (e.g. Plans Panel, Housing Advisory Board, established member working groups, other Scrutiny Boards)***
- ***Ensure any Scrutiny undertaken has clarity and focus of purpose and will add value and can be delivered within an agreed time frame.***

Scrutiny Board	External oversight	Officer oversight (by reference to the Officer Delegation Scheme)	
		Council Functions	Executive Functions
Strategy and Resources		Chief Executive Director of Resources and Housing Chief Officer (Financial Services) City Solicitor Director of Communities and Environment	Chief Executive (1-3) Director of Resources and Housing (1-97) City Solicitor (1-3) Chief Officer (Financial Services)(1-5) Director of Communities and Environment (2, 15 – 17, 19) Director of City Development (8, 11)
Infrastructure, Investment and Inclusive Growth	Risk management authorities (defined by S6 Flood and Water Management Act 2010)	Director of City Development Chief Planning Officer	Chief Executive (4) Director of City Development (1, 3- 7, 9-10, 14) Chief Planning Officer (1-4) Director of Children and Families (2(e))
Environment, Housing and Communities	Responsible authorities (defined by S5 Crime and Disorder Act 1998)	None	Director of Communities and Environment (1, 3-14, 18) Director of Resources and Housing (10-148-12) Director of City Development (2)
Children and Families		Director of Children and Families	Director of Children and Families (1, 2(a-d & f), 3) Programme Director Strengthening Families, Protecting Children (1 – 3)
Adults, Health and Active Lifestyles	Relevant NHS bodies or health service providers including:- NHS England NHS Leeds Clinical Commissioning Group Local NHS Trusts and other NHS service providers Healthwatch Leeds	None	Director of Adults and Health (1 - 8) Director of Public Health (1-6) Director of City Development (12&13)

SPECIAL RESPONSIBILITIES OF SCRUTINY BOARDS

1 – Flood risk Management

The Scrutiny Board (Infrastructure, Investment and Inclusive Growth) is allocated special responsibility for flood risk management namely:-

- To review and scrutinise the exercise by risk management authorities⁸ of flood risk management functions⁹ which may affect the Leeds City Council area¹⁰.

2 – Crime and Disorder

The Scrutiny Board (Environment, Housing and Communities) is allocated special responsibility for crime and disorder namely:-

- To exercise the functions of a crime and disorder committee¹¹, including the following:
 - a) To review or scrutinise the exercise of crime and disorder functions¹² by responsible authorities¹³; and
 - b) To review or scrutinise any local crime or disorder matter¹⁴ raised by a Member.

3 – Health

The Scrutiny Board (Adults, Health and Active Lifestyles) is allocated special responsibility for health namely:-

- to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and to make reports and recommendations on any such matter it has reviewed or scrutinised;
- to comment on, make recommendations about, or report to the Secretary of State in writing about such proposals as are referred to the authority by a relevant NHS body or a relevant health service provider;
- to respond to consultation by any relevant NHS body or health service provider; and

⁸ As defined by Section 6 Flood and Water Management Act 2010

⁹ As defined by Section 4 Flood and Water Management Act 2010

¹⁰ In accordance with Section 9FH Local Government Act 2000

¹¹ In accordance with Section 19 Police and Justice Act 2006

¹² As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies)

¹³ These are the authorities responsible for crime and disorder strategies set out in Section 5 Crime and Disorder Act 1998.

¹⁴ Any matter concerning –

- a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or
- b) the misuse of drugs, alcohol and other substances in that area

Article 6 - Scrutiny Boards

Matters which fall within the terms of reference of this Scrutiny Board include:

- arrangements made by local NHS bodies to secure hospital and community health services to the inhabitants of the authority's area and the quality and safety of such services;
- the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
- arrangements made by the authority for public health, health promotion, health improvement and for addressing health inequalities;
- the planning of health services by NHS bodies, including plans made in co-operation with local authority's Health and Wellbeing Board for improving both the health of the local population and the provision of health care to that population;
- any matter referred by Healthwatch Leeds; and
- the arrangements made by relevant NHS bodies and health service providers for consulting and involving patients and the public.

The Scrutiny Board may make recommendations to the authority, relevant NHS bodies, or relevant health service providers arising from the scrutiny process.

4– Residual Responsibility

The Scrutiny Board (Strategy and Resources) is allocated residual responsibility for any function not otherwise allocated to a Scrutiny Board.

ARTICLE 12 - OFFICERS

12.1 MANAGEMENT STRUCTURE

• **General**

The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

• **Chief Officers**

The full Council will engage persons for the following posts, who will be designated Chief Officer¹ and will have the functions responsibilities set out in the Officer Delegation Scheme (Council (non-executive) Functions) at Part 3 Section 2C and the Officer Delegation Scheme (Executive Functions) at Part 3 Section 3E of this Constitution.

- Chief Executive
- Director of Resources and Housing
- Chief Officer (Financial Services)
- City Solicitor
- Director of Communities and Environment
- Director of City Development
- Chief Planning Officer
- Director of Children and Families
- Director of Adults and Health
- Director of Public Health
- Programme Director Strengthening Families, Protecting Children.

¹ Any reference to a Director within the constitution shall be deemed to include reference to all officers listed in this Article, except where the context requires otherwise.

Article 12 – Officers

• **Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Council will designate the following posts as shown:

DESIGNATION	POST	DEPUTY
Head of Paid Service ²	Chief Executive	Director of Resources and Housing
Monitoring Officer ³	City Solicitor	Head of Democratic Services
S151 Officer (referred to in this Constitution as Chief Finance Officer) ⁴	Chief Officer (Financial Services)	Head of Finance – Financial Management
Director of Children’s Services ⁵	Director of Children and Families	Deputy Director of Children and Families (Social Care)
		Deputy Director of Children and Families (Learning)
Director of Adult Social Services ⁶	Director of Adults and Health	Deputy Director, Integrated Commissioning
		Deputy Director, Social Work and Social Care Services
		Chief Officer Resources and Strategy
		Chief Officer, Health Partnerships
		Director of Public Health
Director of Public Health ⁷	Director of Public Health	Deputy Director of Public Health Consultant in Public Health / Medicine

By law, some functions of the Monitoring Officer and Chief Finance Officer (apart from the administration of the financial affairs of the Council) must be carried out personally, or carried out by a deputy nominated by them in cases of absence or illness⁸.

In addition to the functions detailed in the Officer Delegation Scheme (Council (non-executive) Functions) and the Officer Delegation Scheme (Executive Functions) such posts will have the functions described in Article 12.2–12.5 below.

² Designated under Section 4 Local Government and Housing Act 1989

³ Designated under Section 5 Local Government and Housing Act 1989

⁴ Appointed in accordance with Section 151 Local Government Act 1972

⁵ Appointed under Section 18 Children Act 2004

⁶ Appointed under Section 6 Local Authority Social Services Act 1970

⁷ Appointed under Section 73A National Health Service Act 2006

⁸ See further Section 5/5A Local Government and Housing Act 1989

12.2 FUNCTIONS OF THE HEAD OF PAID SERVICE

- **Structure**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

- **Discharge of functions by the Council**

The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

- **Politically restricted posts**

The Head of Paid Service will grant and supervise exemptions from political restriction⁹, in consultation with the Monitoring Officer.

- **Dispensations**

Following consultation with the Chair of the Standards and Conduct Committee, the Head of Paid Service will consider and determine written requests for dispensations.¹⁰

- **Chair of Leeds Safeguarding Children Partnership and Leeds Safeguarding Adults Board**

Following consultation with appropriate partners, the Head of Paid Service will appoint or dismiss and hold to account the Chairs of the LSCP¹¹ and LSAB¹²

- **Restrictions on functions**

The Head of Paid Service cannot be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

⁹ Section 3A Local Government and Housing Act 1989

¹⁰ In accordance with Section 33 of the Localism Act 2011.

¹¹ Regulation 4 LSCB Regulations 2006 and "Working Together" statutory guidance March 2018

¹² Care Act 2014 and "The Care and Support Statutory Guidance"

FUNCTIONS OF THE MONITORING OFFICER

- **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

- **Ensuring lawfulness and fairness of decision making.**

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an executive function, if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- **Reporting on maladministration or injustice**

The Monitoring Officer will prepare reports as required by the Local Government Act 1974 and the Local Government and Housing Act 1989 in relation to complaints which have been the subject of investigation by the Local Government Ombudsman and which have revealed maladministration, whether or not that maladministration has caused injustice.

- **Supporting the Standards and Conduct Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards and Conduct Committee¹³.

- **Functions relating to the Members' register of interests**

The Monitoring Officer will establish, maintain and publish the register of Members' interests¹⁴.

- ~~**Proper officer for access to information.**~~

~~The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.~~

¹³ Including any action under the procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct

¹⁴ In relation to Leeds City Councillors, voting co-opted Members of Leeds City Council, and Members of Parish and Town Councils in the Leeds area

Article 12 – Officers

- **Advising whether executive decisions are within the budget and policy framework**

The Monitoring Officer will advise whether decisions of the Executive are in accordance with the Budget and Policy Framework

- **Contributing to corporate management**

The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice.

- **Providing advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors in their respective roles. The Monitoring Officer will also advise Members on the interpretation of the Members' Code of Conduct.

- **Reporting on resources**

The Monitoring Officer will report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions.

- **Receiving copies of certificates**

The Monitoring Officer will receive copies of certificates under the Local Authorities (Contracts) Regulations 1997.

- **Restrictions on posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.3 FUNCTIONS OF THE CHIEF FINANCE OFFICER

- **Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an executive function and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

Article 12 – Officers

- **Administration of financial affairs**

The Chief Finance Officer will make arrangements for the administration of the financial affairs of the Council in accordance with section 151 of the Local Government Act 1972.

- **Contributing to corporate management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

- **Providing advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

- **Give financial information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.4 FUNCTIONS OF THE DIRECTOR OF PUBLIC HEALTH

- **Annual Report**

The Director of Public Health has statutory responsibility for writing the annual report on the health of the local population.

12.5 DUTY TO PROVIDE SUFFICIENT RESOURCES

The Council will provide all Statutory Officers with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

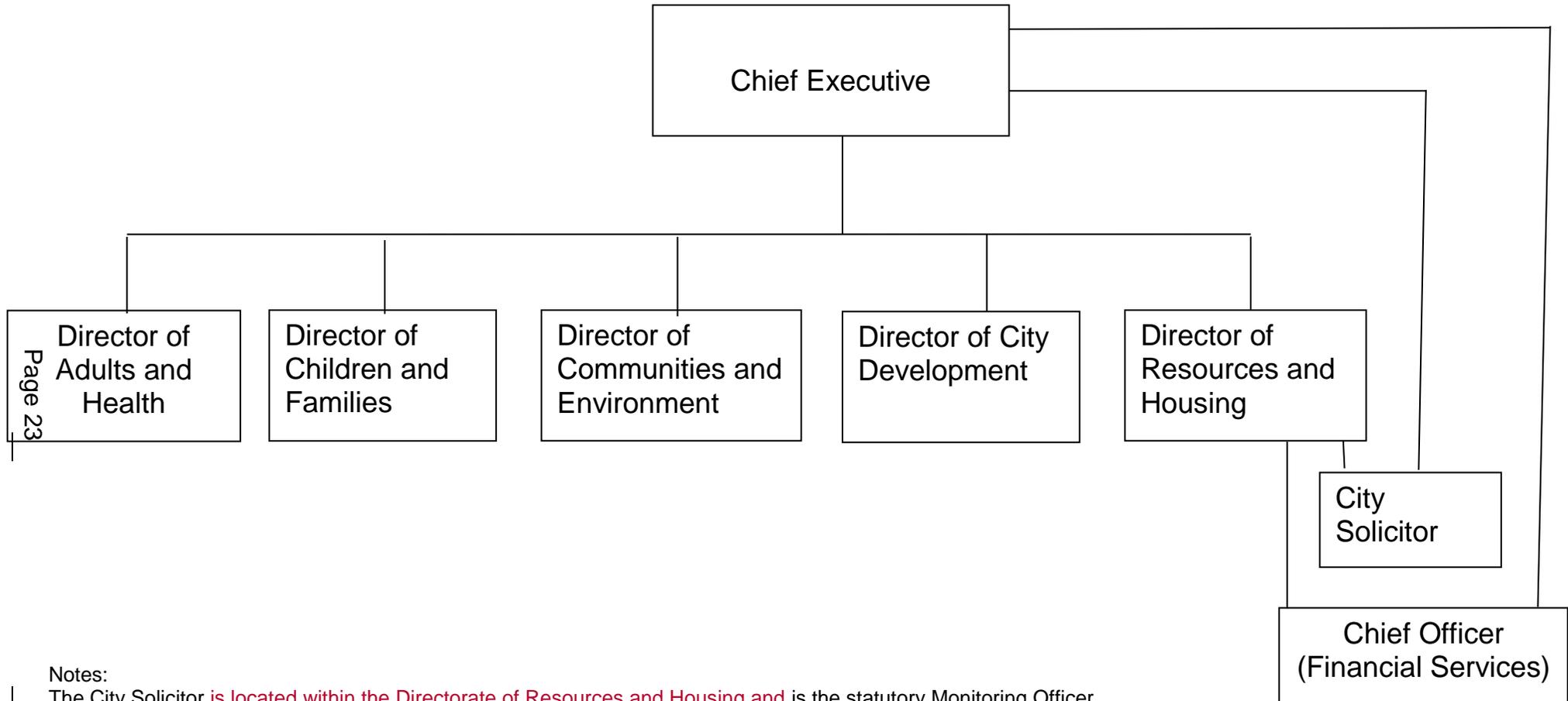
12.7 CONDUCT

Officers will comply with the codes of conduct and protocols set out in Part 5 of this Constitution.

12.8 EMPLOYMENT

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

MANAGEMENT STRUCTURE



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Notes:

The City Solicitor *is located within the Directorate of Resources and Housing and* is the statutory Monitoring Officer

The Chief Officer (Financial Services) is located within the Directorate of Resources and Housing and is the statutory Chief Finance Officer / S151 Officer

The Director of Adults and Health is the statutory Director of Adult Social Services

The Director of Children and Families is the statutory Director of Children's Services

The Director of Public Health is located within the Directorate of Adults and Health is the statutory Director of Public Health

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MONITORING OFFICER PROTOCOL

1.0 INTRODUCTION TO STATUTORY RESPONSIBILITIES

- 1.1 The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged.
- 1.2 The role of the Monitoring Officer rests with the City Solicitor.
- 1.3 A summary list of the Monitoring Officer's responsibilities appears in the Annex attached. The Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and officers:-
- (a) complying with the law;
 - (b) complying with any relevant Codes of Conduct or codes or protocols issued from time to time;
 - (c) making lawful and proportionate decisions; and
 - (d) generally, not taking action that would bring the Council, their offices or professions into disrepute.

2.0 WORKING ARRANGEMENTS

- 2.1 Having excellent working relations with Members and officers will assist in the discharge of the statutory responsibilities by the Monitoring Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the **early stages** of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and officers must, therefore, work with the Monitoring Officer (and his/her staff) to discharge the Council's statutory and discretionary responsibilities.
- 2.2 The following arrangements and understandings between the Monitoring Officer, Members and Directors are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:-
- 2.2.1 Resources
- (a) report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions;
 - (b) have sufficient resources to enable him/her to address any matters concerning his/her Monitoring Officer functions;
 - (c) have control of a budget sufficient to enable him/her to seek Counsel's opinion on any matter concerning his/her functions;

Monitoring Officer Protocol

- (d) appoint a deputy and keep him/her briefed on any relevant issues that s/he may be required to deal with in the absence of the Monitoring Officer;

2.2.2 Access to information/meetings

- (a) be alerted by Members and officers to any issue(s) that may become of concern to the authority, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- (b) have advance notice, (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the authority (including meetings at which officer delegated decisions are taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken);
- (c) have the right to attend (including the right to be heard) any meeting of the authority (including meetings at which officer delegated decisions are taken) before any binding decision is taken (including a failure to take a decision where one should have been taken);
- (d) be a member of the Corporate Leadership Team and will have advance notice of those meetings, agenda and reports and the right to attend and speak;
- (e) in carrying out any investigation(s), have unqualified access to any information held by the Council and to any officer who can assist in the discharge of his/her functions;

2.2.3 Relationships

- (a) ensure the other statutory officers (Head of Paid Service and the Section 151 Officer) are kept up to date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- (b) meet regularly with the Head of Paid Service and the Section 151 Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- (c) have a close working relationship of respect and trust with the Lord Mayor, and the chairs of the Executive Board, Standards and Conduct Committee, Scrutiny Boards, Community Committees and other Committees with a view to ensuring the effective and efficient discharge of Council business;
- (d) develop effective working liaison and relationship with the Council's External Auditors, the Local Government Ombudsman (LGO) and the Independent Housing Ombudsman (IHO)(including having the authority, on behalf of the

Monitoring Officer Protocol

Council, to complain to the same, refer any breaches or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);

- (e) in consultation, as necessary, with the Leader and the Executive Board, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;
- (f) make arrangements to ensure effective communication between his/her office and clerks to parish councils on Monitoring Officer and Standards and Conduct Committee issues;

2.2.4 Ombudsman Complaints

- (a) prepare reports as required by the Local Government Act 1974 and the Local Government and Housing Act 1989 in relation to complaints which have been the subject of investigation by the Local Government Ombudsman and which have revealed maladministration whether or not that maladministration has caused injustice;
- (b) prepare reports to Members where considered necessary to bring to their attention issues of importance arising out of complaints made to the Local Government Ombudsman whether or not investigated or maladministration found;

2.2.5 Standards Matters

- (a) refer relevant matters to the Standards and Conduct Committee in accordance with the 'Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct within the area of Leeds Metropolitan District Council';
- (b) make arrangements for, prepare reports for, and advise meetings of the Consideration Sub-Committee of the Standards and Conduct Committee;
- (c) give informal advice to Members in relation to informal resolution of a complaint;
- (d) be responsible for preparing any training programme for Members on ethical standards and Code of Conduct issues;
- (e) establish, maintain¹ and publish² the statutory register of Members' interests³;

¹ The arrangements for maintaining and updating the register will be reported to the Standards and Conduct Committee annually as part of the report required under paragraph 5.0 of this Protocol.

² Published on the Council's website www.leeds.gov.uk.

³ In relation to Leeds City Councillors, voting co-opted Members of Leeds City Council, and Members of Parish and Town Councils in the Leeds area.

Monitoring Officer Protocol

- (f) to receive written requests for dispensations from Members and Co-opted Members of Leeds City Council, and to refer such requests to the Head of Paid Service;

2.2.6 Constitution

- (a) review and monitor the Constitution in accordance with the arrangements set out in Article 15.1 of the Constitution and consult with the Section 151 Officer and Head of Paid Service before taking any report to the relevant Committee to approve amendments to the Constitution.

3.0 MEMBER AND OFFICER RESPONSIBILITIES

To ensure the effective and efficient discharge of the arrangements set out in paragraph 2 above, Members and officers will report any breaches of statutory duty or Council policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.

4.0 ADVICE

The Monitoring Officer is also available for Members and officers to consult on any issues relating to the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (eg Council Procedure Rules, Policy Framework, Terms of Reference, Scheme of Delegations, etc).

5.0 MONITORING THE PROTOCOL

Annually, the Monitoring Officer will report to the Standards and Conduct Committee regarding whether the arrangements set out in the Protocol have been complied with and will include any proposals for amendments in the light of any issues that have arisen during the year.

6.0 SANCTIONS FOR BREACH OF PROTOCOL

Complaints of a breach of this Protocol by an Officer will be referred to the relevant Director and/or the Chief Executive for appropriate action to be considered, including disciplinary investigation.

SUMMARY OF MONITORING OFFICER FUNCTIONS

Description		Source
1	Report on contraventions or likely contraventions of any enactment or rule of law.	Section 5 and 5A Local Government and Housing Act 1989.
2	Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 and 5A Local Government and Housing Act 1989.
3	Appointment of Deputy.	Section 5 Local Government and Housing Act 1989.
4	Report on sufficiency of resources.	Section 5 Local Government and Housing Act 1989.
5	Establish, maintain and publish registers of Members' interests ⁴ .	Section 29 Localism Act 2011
6	Receive copies of certificates under the Local Authorities (Contracts) Regulations 1997.	Local Authorities (Contracts) Regulations 1997.
7	Maintain, review and monitor the Constitution.	Constitution - Articles 12.3 and 15.1
8	Proper officer for the receipt of dispensations.	Section 33 Localism Act 2011
9	Proper Officer for access to information	Constitution - Article 12, and DETR guidance.
10 <u>9</u>	Advise whether executive decisions are within the budget and policy framework	Constitution Article 12
11 <u>10</u>	Advise on vires issues, maladministration, financial impropriety, probity budget and policy framework issues to all Members.	Constitution Article 12 and DETR guidance

⁴ In relation to Leeds City Council and Parish and Town Councils in the Leeds area.

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Report of Chief Officer Financial Services

Report to General Purposes Committee

Date: 19 October 2020

Subject: Review of Delegated Decision Making Arrangements

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 checked="" type="checkbox"/> Yes <input 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 report presents a review of arrangements made to enable publication and recording of delegated decision making in order to ensure that they remain necessary, proportionate and fit for purpose.
- The report recommends a minor amendment to the Executive and Decision Making Procedure Rules for clarification.

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

- The arrangements detailed in this report enable best use of officer resources available to meet service delivery needs, whilst ensuring that decision making remains transparent and open to democratic oversight and scrutiny.

Recommendations

- a) General Purposes Committee is requested to
- Note the review of decisions taken during the period of emergency response and recovery in relation to the Covid-19 pandemic;
 - Note the arrangements for recording of delegated decisions as set out in Appendix B ‘How To Record a Delegated Decision’ guidance for officers, together with the proposal to use of the Delegated Decision Notice, as attached at Appendix A, for creating a record of delegated decisions; and

- Recommend to full Council that the Executive and Decision Making Procedure Rules be amended as shown at Appendix C to this report.

1. Purpose of this report

- 1.1 This report reviews arrangements made to enable publication and recording of delegated decision making during the Covid-19 pandemic. The review identifies learning in relation to practice and procedure which ensures that arrangements for delegated decision making, both in relation to business as usual and emergency response, are necessary, proportionate and fit for purpose.
- 1.2 The report recommends an amendment to the Executive and Decision Making Procedure Rules.

2. Background information

- 2.1 On 22nd April Executive Board received a report and noted arrangements for officer decision making.
- 2.2 The report contained assurance that :
- Arrangements have been made to ensure that there will be regular liaison between officers representing the Chief Finance Officer, the Monitoring Officer and Director's governance support to ensure that these arrangements are communicated and routinely complied with; and that
 - The arrangements will be the subject of continuous review by the City Solicitor and Chief Finance Officer to ensure that they remain necessary, appropriate and fit for purpose.
- 2.3 This report presents the second review of arrangements, the first having been published on 28th April 2020.

3. Main issues

- 3.1 The City Solicitor and Chief Finance Officer have undertaken a further review of decision making arrangements put in place to ensure agility in response to the emergency. The information below relates to decisions taken and published by officers over the six month period from April to September 2020.
- 3.2 During this period:
- 71 key decisions have been published, of which 54 were business as usual and 17 part of the emergency response.
 - 491 significant operational decisions have been published, of which 413 were business as usual and 78 part of the emergency response.

- 3.3 Comparative figures for the same period in previous years show

	2018	2019	2020
Key	77	77	71
SOD	395	440	491

- 3.4 In particular as part of the review the following matters have been considered:

Authority to Spend Government Grant

- 3.5 A key decision taken giving authority to spend in relation to the initial £22M emergency funding, allowed consequential decisions to allocate that money to be taken as significant operational decisions.
- 3.6 The Chief Finance Officer advises that as the full sum has now been allocated there should be no further decisions taken as a direct consequence of this key decision.

Special Urgency

- 3.7 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. This approval was time limited and following review on 7th May 2020 this arrangement was brought to an end with immediate effect.
- 3.8 Having reviewed all of the decisions published from April to September it is noted that 12 key decisions have been taken under the special urgency arrangements. Each one of these was the subject of formal approval from the relevant scrutiny chair that the decision was urgent and could not be delayed.
- 3.9 It is not therefore recommended that any further changes be made to the existing procedures for securing scrutiny chair approval in relation to special urgency which are working effectively in line with legislative and constitutional requirements.**

Short Form Recording

- 3.10 A variety of approaches have been used to facilitate the recording of delegated decisions by officers.
- 3.11 Arrangements for batch publication of significant operational decisions were in use for four weeks commencing 13th April. 8 reports were published in this way with 15 decisions recorded in total. At the last review, on 28th April, these arrangements were brought to an end in view of their limited use and given that batch publishing arrangements require some compromise in relation to the transparency of decision making.
- 3.12 The Officer Decision Record was developed, based on the existing Delegated Decision Notice (DDN) as a concise format for recording officer decisions. The form was initially used to capture a record of Key Decisions taken by officers both in relation to business as usual and as a result of the emergency response. However, on review use of the form was extended to significant operational decisions, whilst officers were instructed that wherever possible the corporate report template should be used to ensure robust support for key decisions, especially in relation to business as usual.
- 3.13 The Officer Decision Record has been used for recording 14 out of 71 (20%) key decisions and 199 out of a total 491 (41%) significant operational decisions during this period.
- 3.14 However, the existing DDN has also continued to be used. This has the potential to cause inconsistency in the way decisions are recorded.
- 3.15 It is recommended that one standardised form (as shown attached at Appendix A) should be used for recording delegated decisions moving forwards.** In particular the committee will note that:

- The template is designed to ensure that the record created meets all of the statutory requirements for recording decisions in addition to capturing arrangements for transparency and political oversight;
- The template will be known as the Delegated Decision Notice (DDN), and will be used to record decisions taken by officers under delegated authority¹;
- The template includes provision for the recording of administrative decisions. Whilst these are not published the form provides a convenient tool for maintaining an internal record of these decisions; and
- A simple checkbox is included in the template to capture the order of magnitude of the decision set out.

Use of Corporate Report Template

- 3.16 Whilst the DDN provides an efficient and effective process for recording the minimum information required by legislation in relation to decisions taken by officers, it is noted that the Corporate Report template provides a fuller and more robust and transparent record of the information taken into account in reaching a decision. Similarly a full report will better capture a record of the way in which the decision taken reflects key policy concerns (for example climate emergency).
- 3.17 It is therefore recommended that for key decisions, and significant operational decisions valued over £100K the DDN should be supported by a full report (set out on the Corporate Report Template).**
- 3.18 However, it is recognised that in the emergency response it has been useful, and necessary, to enable a shorter form of reporting officer decisions. For this reason **it is recommended that arrangements moving forward recognise that the DDN can be used by officers to record key decisions taken during any emergency response or recovery if necessary to provide responsive and agile decision making.** In these circumstances the officer taking the decision must be fully briefed and have a sound understanding of the implications of the decision, however it would not be necessary to prepare a full report.
- 3.19 The table below sets out a summary of the recommended recording arrangements.

DDN	Administrative – in line with directorate governance arrangements
	Low value (less than £100,000) Significant Operational Decision
	Significant Operational Decision relating to provision of care for an individual
	Key decision necessary to emergency response or recovery
DDN and Corporate Report	High value (£100,000 or more) Significant Operational Decision
	Key decision

- 3.20 Guidance prepared for officers has been further reviewed and updated to give effect to the recommendations set out above. **It is therefore recommended that “How to Record a Delegated Decision”, attached at Appendix B, should form the**

¹ The form will be also be amended to be used to record decisions taken by the Leader of Council to amend her executive arrangements when necessary.

basis for communicating and embedding arrangements to ensure that a simplified and standardised approach is used across all directorates.

Amendment to Executive and Decision Making Procedure Rules

- 3.21 Rule 4.3.1 provides that the record of the decision shall be published “together with the report in relation to the decision made”. The rule goes on to detail the matters which must by law be included in a decision record.
- 3.22 It is proposed to amend the rule to remove the reference to the report, which will continue to be published alongside the decision record in accordance with the guidance.
- 3.23 The proposed amendment is shown set out at Appendix C to this report.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Information in relation to altered arrangements during this period was reported to Corporate Governance and Audit Committee within the annual assurance report on officer decision making. During the discussion in relation to the report the Chair complimented officers on the flexible approach taken to decision making during this difficult period.
- 4.1.2 The Chair of the Corporate Governance and Audit Committee has been consulted in relation to the proposals set out in this report. He is supportive of the arrangements proposed which demonstrate due regard for governance of decision making. He particularly commends the proposed guidance indicating that all decisions with a magnitude greater than £100K be supported by a fully reasoned report providing transparency of reasoning behind decisions and through it democratic accountability.
- 4.1.3 The Deputy Leader and Executive Member for Resources has been consulted and is content with the proposals.
- 4.1.4 Directorate leaderships have been consulted in relation to the recommendations set out in this report and all have been substantively supportive of the proposals.

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 arrangements detailed in this report enable best use of officer resources to meet service delivery needs, whilst ensuring that decision making remains transparent and open to democratic oversight and scrutiny.

Climate Emergency

- 4.3.2 The proposals set out in this report seek to ensure that the climate emergency is considered by officers in relation to all decisions they take. Where those decisions are valued above £100,000 the proposed requirement that the decision be supported by a detailed report will assist in evidencing that this consideration has taken place.

4.4 Resources, procurement and value for money

- 4.4.1 Decisions taken by officers will continue to fulfil usual requirements in relation to Contracts Procedure Rules and Financial Regulations and the requirement to ensure value for money. The incorporation of information within the DDR giving the order of magnitude of each decision will support meaningful monitoring of the internal controls in place.
- 4.4.2 The arrangements will continue to ensure the responsive delivery of key services within the city; to facilitate best use of resources and partnership working to meet the needs of the council and the city; and to ensure that arrangements for decision making remain lawful and robust.

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

- 4.5.1 The proposed arrangements meet legislative requirements in relation to access to information.

4.6 Risk management

- 4.6.1 A simplified, standardised approach to the recording of delegated decisions will enable certainty and reduce the risk that decisions are not recorded appropriately in line with legislation.

5. Conclusions

- 5.1 The City Solicitor and Chief Finance Officer have considered the legislative and constitutional requirements in relation to oversight and recording of delegated decision making. Arrangements proposed facilitate the best use of resources to ensure that arrangements are transparent and robust, whilst enabling agile and responsive decision making which supports the continued delivery of key services.
- 5.2 The arrangements set out will continue to be the subject of annual review to ensure that they remain necessary, appropriate and fit for purpose.

6. Recommendations

6.1 General Purposes Committee is requested to

- Note the review of decisions taken during the period of emergency response and recovery in relation to the Covid-19 pandemic;
- Note the arrangements for recording of delegated decisions as set out in Appendix B 'How To Record a Delegated Decision' guidance for officers, together with the proposal to use of the Delegated Decision Notice, as attached at Appendix A, for creating a record of delegated decisions; and
- Recommend to full Council that the Executive and Decision Making Procedure Rules be amended as shown at Appendix C to this report.

7. Background documents²

7.1 None

² 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.

Delegated Decision Notice

This form is the written record of a key, significant operational or administrative decision taken by an officer.

Decision type	<input type="checkbox"/> Key Decision	<input type="checkbox"/> Significant Operational Decision	<input type="checkbox"/> Administrative Decision
Approximate value	<input type="checkbox"/> Below £500,000 <input type="checkbox"/> £500,000 to £1,000,000 <input type="checkbox"/> over £1,000,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000 <input type="checkbox"/> £100,000 to £500,000 <input type="checkbox"/> Over £500,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000
Director¹			
Contact person:			Telephone number:
Subject²:			
Decision details³:	What decision has been taken? (Set out all necessary decisions to be taken by the decision taker including decisions in relation to exempt information, exemption from call in etc.)		
	A brief statement of the reasons for the decision (Include any significant financial, procurement, legal or equalities implications, having consulted with Finance, PACS, Legal, HR and Equality colleagues as appropriate)		
	Brief details of any alternative options considered and rejected by the decision maker at the time of making the decision		
Affected wards:			

¹ Give title of Director with delegated responsibility for function to which decision relates.

² If the decision is key and has appeared on the list of forthcoming key decisions, the title of the decision should be the same as that used in the list

³ Simply refer to supporting report where used as these matters have been set out in detail.

Details of consultation undertaken⁴:	Executive Member		
	Ward Councillors		
	Others		
Implementation	Officer accountable, and proposed timescales for implementation		
List of Forthcoming Key Decisions⁵	Date Added to List:-		
	If Special Urgency or General Exception a brief statement of the reason why it is impracticable to delay the decision		
	If Special Urgency Relevant Scrutiny Chair(s) approval Signature _____ Date _____		
Publication of report⁶	If not published for 5 clear working days prior to decision being taken the reason why not possible:		
	If published late relevant Executive member's approval Signature _____ Date _____		
Call In	Is the decision available ⁷ for call-in?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	If exempt from call-in , the reason why call-in would prejudice the interests of the council or the public:		
Approval of Decision	Authorised decision maker ⁸		
	Signature _____	Date _____	

⁴ Include details of any interest disclosed by an elected Member on consultation and the date of any relevant dispensation given.

⁵ See Executive and Decision Making Procedure Rule 2.4 - 2.6. Complete this section for key decisions only

⁶ See Executive and Decision Making Procedure Rule 3.1. Complete this section for key decisions only

⁷ See Executive and Decision Making Procedure Rule 5.1. Significant operational decisions taken by officers are never available for call in. Key decisions are always available for call in unless they have been exempted from call in under rule 5.1.3.

⁸ Give the post title and name of the officer with appropriate delegated authority to take the decision.

How to Record a Delegated Decision

This guidance applies to key, significant operational, and administrative decisions taken by officers or individual Members.

The following arrangements take into account demands on officer time in preparing and approving decisions as well as the administrative burden around publication requirements. They will be the subject of regular review to ensure that they remain necessary and appropriate.

It is important that the decisions taken are transparent and robust, and that the processes we use comply with legislative and constitutional arrangements. Officers must have regard to the principles of decision making and ensure that appropriate advice has been taken where necessary (e.g. legal, financial, HR etc.). Officers are advised to read the report writing guidance at the outset of any piece of work in order to incorporate necessary considerations (e.g. consultation, equalities, climate emergency) into the decision making process.

The definitions of Key, Significant Operational and Administrative Decisions are set out in Article 13 of the Council’s Constitution. Officers must ensure that they have appropriate delegated (and where necessary, sub-delegated) authority in relation to the decisions they take. Links to the Constitution and to Director’s sub-delegation schemes can be found in the Decision Making Toolkit on Insite.

Relevant Templates¹

The **request to add a key decision to the List of Forthcoming Key Decisions** should be used to provide details of a planned key decision for publication.

The **Delegated Decision Notice** should be used to record the fact that an officer or individual Member has taken a decision².

The **Corporate Report Template** should be used where a report is required to set out the reasons for a delegated decision. (Separate guidance is available on writing reports.)

Summary of requirements

	List of Forthcoming Key Decisions	DDN only	DDN and Supporting Report
Key	All key decisions	Emergency response and recovery	All other key decisions
SOD	NA	Value up to £100K or relates to provision of care for an individual	Value over £100K
Admin	NA	In accordance with directorate arrangements	NA

¹ All templates can be found in the ‘do it online’ section of the Decision Making Toolkit on Insite

² The form provides a simplified format, meeting the statutory requirements for recording decisions whilst setting out relevant considerations in making each decision and capturing arrangements for transparency and political oversight. Where time allows however, use of the council’s corporate report template provides a more robust record of the decision as it enables a fuller record of relevant considerations.

Key Decisions (Request to Add Key Decision to List of Forthcoming Key Decisions, Delegated Decision Notice and Corporate Report Template required)

Key decisions are subject to the following three requirements in relation to prior publicity and oversight.

1. Each decision should 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
 - The decision fits the statutory General Exception – 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 – in which case the relevant Scrutiny Chair will be asked to agree that the decision is urgent and cannot be delayed.
2. The Delegated Decision Notice and accompanying report for each decision should be published five clear days in advance of the decision being taken. If this is not possible and Special Urgency does not apply the consent of the Executive member must be obtained to publish at short notice.
3. The decision will be open for call in – unless exempted by the decision maker for reasons of urgency set out in the report.

Only where a key decision is taken in response to an emergency, or consequent recovery, recognised through the Council's emergency planning process, in order to facilitate agile and responsive decision making within that context, key decisions may be recorded solely on the Delegated Decision Notice. The officer taking the decision must be fully briefed and have a sound understanding of the implications of the decision, however it is not necessary to prepare a full report.

Significant Operational Decisions (Delegated Decision Notice and Corporate Report Template required)

Although significant operational decisions are a local category of decision it remains important that we provide sufficient information to explain why those decisions have been taken.

The Delegated Decision Notice should be used to record Significant Operational Decisions.

For decisions of a high value (over £100K) the Corporate Report Template should be used to support this record as this provides evidence that the decision has been taken whilst having regard to council priorities (for example, climate emergency, inclusive growth, health and wellbeing.) Where these issues have been set out in an earlier report a link to that report will suffice.

Decisions with a value below £100K need not be supported by a separate report. However, if the decision maker considers it necessary additional information can be published alongside the Delegated Decision Notice in the form of one or more appendices, or the Corporate Report Template may be used.

Administrative Decisions (Delegated Decision Notice optional)

There is no formal requirement to publish administrative decisions. However, where local arrangements require it the Delegated Decision Notice can be used to maintain a clear record of the decision taken. This will be stored by the relevant directorate.

EXECUTIVE AND DECISION MAKING PROCEDURE RULES

1. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

1.1 Who may make executive decisions

The Leader may discharge any functions which are the responsibility of the Executive¹; or may provide for executive functions to be discharged collectively by all Executive Members meeting as the Executive Board; or by

- an individual Executive Member²;
- a committee of the Executive;
- a Community Committee;
- the Health and Wellbeing Board;
- joint arrangements;
- another local authority; or
- an officer.

1.2 Appointment of Executive Members

The Leader will appoint a Deputy Leader and up to 8 additional Members of the Executive Board³. In addition the Leader may appoint Deputy Executive Members and Support Executive Members.

At the annual meeting of the Council, the Leader will present to the Council the names, addresses and wards of the Executive Members, and the names of any Members appointed as Deputy Executive Members and Support Executive Members⁴.

Subject to Article 7, the Leader may appoint Executive Members (and where a vacancy in office arises must appoint a Deputy Leader), Deputy Executive Members or Support Executive Members or remove them from this office at any time⁵. The Leader will report any such appointment or removal to the next ordinary meeting of the Council. The appointment or removal will take effect upon publication of the decision notice.

1.3 Delegation of Executive Functions

At the annual meeting, the Leader will present to the Council a written record of executive delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader

¹ Subject to any provisions made under Local Government Act 2000 in relation to the discharge of functions by area committees, another local authority or jointly).

² This does not currently take place in Leeds

³ 'Executive Members'

⁴ As detailed in Part 3 Section 3A of the Constitution.

⁵ This decision will be recorded in accordance with Rule 4.2 but shall not be subject to Call In in accordance with Rule 5.1.2 of these rules.

will contain the following information about executive functions in relation to the coming year:

- the extent of authority of the Executive Board;
- the extent of any authority delegated to individual Executive Members, including details of any limitation on their authority;
- the terms of reference and constitution of such executive committees as the Leader appoints and the names of Executive Members appointed to them;
- the nature and extent of any delegation of executive functions to Community Committees, the Health and Wellbeing Board, any other authority or any joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and
- the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

The Leader may amend the scheme of delegation relating to executive functions at any time during the year⁶. The decision notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive Board. The amendments will take effect upon publication of the decision notice unless otherwise stated thereon. The Leader will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

1.4 **Sub-delegation of executive functions**

Subject to any statutory provisions about the discharge of functions by community committees⁷, by another local authority, or the joint exercise of functions:

- if the Leader delegates functions to the Executive Board, then unless he/she directs otherwise, the Executive Board may delegate further to a committee of the executive or to an officer;
- if the Leader delegates functions to an Executive Member, then unless the Leader otherwise directs, that Executive Member may delegate further to an officer.
- if the Leader delegates functions to a committee of the executive, then unless he/she directs otherwise, the committee may delegate further to an officer.

Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

⁶ This decision will be recorded in accordance with Rule 4.2 but shall not be subject to Call In in accordance with Rule 5.1.2 of these rules

⁷ This shall include provisions about the discharge of functions by area committees.

2. PROCEDURE BEFORE TAKING A DECISION

2.1 Executive Meetings – when and where

The Executive Board will meet at a frequency, location and time agreed by the Leader.

2.2 Notice of Public Meetings⁸

The Head of Democratic Services will arrange to give notice of the time and place of a public meeting by publishing the agenda, together with every report, for that meeting on the Council's website at least five clear working days before the meeting.

Where the meeting is convened less than five clear working days before the meeting, notice will be given by publishing the agenda, together with every report, for that meeting on the Council's website at the time the meeting is convened.

Where an item is added to the agenda for a meeting after publication of that agenda, copies of the revised agenda and any report relating to that item, will be published on the Council's website when the item is added to the agenda.

Nothing in this rule requires a copy of an agenda, item or report to be available for inspection by the public until a copy is available to members of the decision making body concerned.

2.3 Notice Of Meetings At Which Exempt Or Confidential Information Is To Be Considered⁹

2.3.1 Where the whole or part of any report is not available for inspection by the public because it contains confidential¹⁰ or exempt¹¹ information every copy of that report or part of that report must be marked "not for publication" and must state that it contains confidential information or, by reference to Schedule 12A Local Government Act 1972 the description of exempt information which it contains.

2.3.2 28 Days' Notice

At least 28 clear calendar days before a meeting at which exempt or confidential information is to be considered, the Head of Democratic Services will arrange for a notice to publish on the Council's website a notice of the intention to hold a meeting, or part of a meeting of the Executive Board¹² in private.

The notice will include a statement of the reasons why it is intended that the meeting, or part of the meeting, should be held in private.

⁸ Regulations 6 & 7, Executive Arrangement Regulations 2012

⁹ Regulation 5, Executive Arrangement Regulations 2012

¹⁰ As defined at Rule 9.2 Access to Information Procedure Rules.

¹¹ As defined at Rule 10.4 Access to Information Procedure Rules.

¹² Or a Committee fulfilling executive functions

2.3.3 5 Days Notice

At least five clear working days before a meeting at which exempt or confidential information is to be considered, the Head of Democratic Services will publish further notice of the Executive's intention to hold the meeting in private. This will be done by including in an open report to the meeting:-

- A statement of the reasons for the meeting to be held in private;
- Details of any representations received about why the meeting should be open to the public; and
- A statement of response to any such representations

2.3.4 Urgent Meetings At Which Exempt Or Confidential Information Is To Be Considered

Where the date a meeting must be held makes compliance with rules 2.3.2 and 2.3.3 impracticable then the meeting may only consider exempt or confidential items in private with the agreement of the chair of the relevant Scrutiny Board¹³. In considering the matter the Scrutiny Board Chair must be satisfied that the meeting is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after obtaining the Scrutiny Chair's agreement the Head of Democratic Services will publish on the Council's website notice of the intention to hold the meeting at which exempt or confidential information is to be considered. This will be done by including in an open report to the meeting:-

- The reason why the meeting is urgent and cannot reasonably be deferred
- Confirmation of the agreement of the chair of the relevant Scrutiny Board.

2.4 Publicity in connection with Key Decisions¹⁴

2.4.1 List of Forthcoming Key Decisions

The Head of Democratic Services will maintain a List of Forthcoming Key Decisions which will be published on the Council's website.

If it is intended to take a Key Decision in the course of the discharge of an Executive function, the decision taker¹⁵ will arrange for details of the matter, as set out below, to be included in the List of Forthcoming Key Decisions, not less than 28 clear calendar days in advance of the date of the proposed decision¹⁶.

¹³ Or in their absence the Lord Mayor, or in the absence of the Lord Mayor, the vice chair of the authority.

¹⁴ Regulation 9, Executive Arrangement Regulations 2012

¹⁵ If the decision is to be taken by a Committee then the officer whose report will be placed before the committee for consideration in relation to the matter is responsible for ensuring that appropriate details are included within the List of Forthcoming Key Decisions.

¹⁶ A link to the relevant matter will be forwarded to every Member of the authority on publication to the Council's website.

The List of Forthcoming Key Decisions will give the following information in so far as it is available or might reasonably be obtained:

- the matter in respect of which a decision is to be made;
- where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and a list of its Members;
- the date on which, or the period within which, the decision will be taken;
- a list of the documents submitted to the decision taker for consideration in relation to the matter;
- the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any documents listed are available;
- that other documents relevant to those matters may be submitted to the decision taker; and
- the procedure for requesting details of those documents (if any) as they become available.

Particulars of Key Decisions included in the List of Forthcoming Decisions need not include exempt information and may not include confidential information.

2.5 **General Exception**¹⁷

If a matter which is likely to be a Key Decision has not been included in the List of Forthcoming Key Decisions for 28 clear calendar days before the decision is planned to be taken and the decision must be taken by such a date that it is impracticable to defer the decision until the decision has been included in the List of Forthcoming Decisions for 28 clear calendar days, the decision may still be taken if:

- A copy of the agenda for the meeting or the delegated decision notice has been forwarded to the chair of the relevant Scrutiny Board¹⁸; and
- A copy of that agenda or delegated decision notice has been published on the Council's website; and
- at least 5 clear working days have elapsed since compliance with these requirements.

Any report in relation to a decision taken in accordance with this rule and any delegated decision notice published in accordance with this rule will state why it is impracticable to include the decision in the List of Forthcoming Key Decisions for a period of 28 clear calendar days prior to taking the decision.

¹⁷ Regulation 10, Executive Arrangement Regulations 2012

¹⁸ This will be deemed to happen when all Members are forwarded a link to the decision on publication of the DDN and report.

2.6 **Special Urgency**¹⁹

2.6.1 Use of Special Urgency

If by virtue of the date by which a decision must be taken Rule 2.4 (Publicity in connection with Key Decisions) and Rule 2.5 (General Exception) cannot be followed, then the decision can only be taken if the relevant Director obtains the agreement of the chair of a relevant Scrutiny Board²⁰ that the decision is urgent and that taking the decision cannot be reasonably deferred.

As soon as reasonably practicable after obtaining the relevant agreement the following information will be published on the Council's website²¹:-

- the agenda for the meeting at which the decision is to be taken or the delegated decision notice;
- the report in relation to the urgent item; and
- the record of the Scrutiny Chair's agreement that the matter is urgent.

Any report in relation to a decision taken in accordance with this rule and any delegated decision notice published in accordance with this rule will state why the decision is urgent and cannot reasonably be deferred.

Details of any decision taken in accordance with this rule will be included in the Leader's report to Corporate Governance and Audit Committee made in accordance with Rule 2.6.2 below.

2.6.2 Annual Reports On Special Urgency Decisions²²

The Corporate Governance and Audit Committee will receive on behalf of the Council, annual reports from the Leader on the executive decisions taken in the circumstances set out in Rule 4.2 (special urgency) in the preceding year.

The report will include details of

- the number of decisions so taken,
- each decision made, and
- a summary of the matters in respect of which each decision was made.

¹⁹ Regulation 11, Executive Arrangement Regulations 2012

²⁰ If there is no chair of a relevant Scrutiny Board, or if the chair of the relevant Scrutiny Board is unable to act, then the agreement of the Lord Mayor or in the absence of the Lord Mayor the vice chair of the Council will suffice.

²¹ The Head of Democratic Services will make the necessary arrangements to publish a committee agenda and the Director will arrange for publication of a delegated decision notice.

²² Regulation 19, Executive Arrangement Regulations 2012

3. TAKING EXECUTIVE DECISIONS

3.1 Delegated Decisions Taken By Directors

- 3.1.1 Where a Director²³ receives a report which he/she intends to take into account in making any Key Decision, then he/she will not make the decision until the report has been available for public inspection for at least 5 clear working days.
- 3.1.2 The decision taker will arrange for the publication of a delegated decision notice, stating his/her intention to make the decision, together with a copy of the report upon which the decision is to be based on the Council's website²⁴.
- 3.1.3 If, for any reason, the Director has complied with Rule 2.4.1 but is not able to comply with 3.1.1 and 3.1.2 above they shall seek the agreement of the relevant Executive Member²⁵ to proceed with taking the Key Decision without complying with the requirement to publish the report and delegated decision notice 5 clear working days in advance of the decision being taken.

Any report in relation to a decision taken in accordance with this rule and any delegated decision notice published in accordance with this rule will state why it is not possible to give 5 clear working days' notice of the report prior to taking the decision and confirm that the Executive Member consents to the decision being taken.

The Director will advise the relevant Scrutiny Chair of the circumstances and details of the decision as soon as practicable after the decision is taken.

- 3.1.4 The Head of Democratic Services will report annually to Corporate Governance and Audit Committee giving details of any Key decisions taken in accordance with Rule 3.1.3.

3.2 Decisions Taken At Executive Meetings

Save for those decisions delegated to a Community Committee, which are to be taken in accordance with the Community Committee Procedure Rules, where executive decisions are delegated to a committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive Board.

²³ Or other officer taking a decision in accordance with the Director's sub-delegation scheme

²⁴ A link to the relevant matter will be forwarded to every Member of the authority on publication to the Council's website.

²⁵ The Executive member with portfolio oversight of the relevant function, or in their absence the Leader of Council or in the absence of both the Executive Member and the Leader, the Deputy Leader of Council

3.2.1 Exclusion of the Public from Meetings of the Executive Board²⁶

All meetings of the Executive Board will be in public²⁷. However the public²⁸ must be excluded from the part or parts of a meeting whenever:-

- Confidential information is likely to be disclosed during an item of business;
- The meeting passes a resolution, identifying the relevant part of the meeting to which it applies, that the public should be excluded because exempt information, described with reference to Rule 10.4 of the Access to Information Procedure Rules, is likely to be disclosed during an item of business; or
- A lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at the meeting.

The public may only be excluded from that part or parts of the meeting to which the circumstances set out above relate, and where, if required, notice has been given in accordance with Rule 2.3 above.

3.2.2 Statutory Officers Attendance at Meetings

The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive and its committees.

3.2.3 Quorum

The quorum for a meeting of the Executive Board shall be four. The quorum for a meeting of a committee of the Executive shall be three.

3.2.4 How decisions are to be taken by the Executive Board

Executive decisions which are the responsibility of the Executive Board will be taken at a meeting convened in accordance with Rules 2.1 to 2.3 set out above.

3.2.5 Who presides

The Leader and in his/her absence, the Deputy Leader will preside at any meeting of the Executive Board or its committees at which he/she is present. In the absence of both, the Leader may appoint another person to do so. If no such appointment is made, those present at the meeting shall decide by majority who should preside.

²⁶ Regulation 3, Executive Arrangement Regulations 2012

²⁷ The Recording Protocol: Third Party Recording of Committees, Boards and Panels, set out in the Access to Information Procedure Rules applies.

²⁸ Members of the Council and officers attending the meeting in the course of their employment shall not be considered to be members of the Public.

3.2.6 Membership

The Executive Board shall comprise those Members listed at Part 3, Section 3A of the Constitution.

In the absence of an Executive Board Member, the Executive Board may invite any Member it considers appropriate to attend its meetings and to speak on behalf of the absent Member. However that Member will not be considered a co-opted member of the Executive Board and will not be able to vote on business being transacted.

3.2.7 What business?

At each meeting of the Executive Board the following business will be conducted:

- consideration of the minutes of the last meeting;
- declarations of interest, if any;
- matters referred to the Executive Board (whether by a Scrutiny Board or by the Council) for reconsideration by the Executive Board in accordance with the provisions contained in these or other relevant Procedure Rules set out in Part 4 of this Constitution;
- consideration of reports from Scrutiny Boards; and
- matters set out in the agenda for the meeting (which shall indicate which are Key Decisions and which are not).

3.2.8 Who can put items on the Executive agenda?

The Leader will decide upon the schedule for the meetings of the Executive. He/she may put on the agenda of any Executive meeting any matter which he/ she wishes, whether or not authority has been delegated to the Executive Board, a committee of it or any officer in respect of that matter.

The Head of Democratic Services will make sure that an item is placed on the agenda of the next available meeting of the Executive Board where a relevant Scrutiny Board or the full Council have resolved that an item be considered by the Executive.

In exceptional circumstances the Council's statutory officers may require that a matter be considered by the Executive Board²⁹.

²⁹ The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive Board meeting and may require the Head of Democratic Services to call such a meeting in pursuance of their statutory duties. In other circumstances where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Executive Board needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive Board meeting. If there is no meeting of the Executive Board soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

3.3 **Compliance With The Budget And Policy Framework**

The Budget and Policy Framework Procedure Rules contained within part 4 of this constitution set out the procedure to be followed to adopt or amend the Budget and Policy Framework.

Subject to paragraphs 3.2.1 to 3.2.3 below, all decisions in relation to Executive Functions must be taken in line with the Budget and Policy Framework³⁰.

3.3.1 **Taking Advice**

If it is intended to make an Executive Decision, which might be considered to fall outside the Budget or Policy Framework the decision taker shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the budget and policy framework.

Where a Scrutiny Board is of the opinion that an Executive Decision is, or if made would be, contrary to the budget and policy framework, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.

In the event that the Monitoring Officer or the Chief Finance Officer concludes that the decision would not be a departure from the budget and policy framework they shall prepare a report to the relevant Scrutiny Board, with a copy to the Executive Board.

3.3.2 **Referral to Council**

If a decision has yet to be made, or has been made but not yet implemented, and the Monitoring Officer and/or the Chief Finance Officer are of the view that the proposed decision would be contrary to the budget and policy framework, and the decision taker still intends to make or to implement the decision;

- the Monitoring Officer and/or the Chief Finance Officer shall report to the Executive Board, with a copy to the relevant Scrutiny Board and to every Member of the Council;
- the Executive Board shall meet to consider the report of the Monitoring Officer and/or the Chief Finance Officer and shall prepare a report to Council; and
- the decision taker shall refer the decision to the Council for decision or ratification as appropriate,

In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter.

³⁰ Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Schedule 4

The Council shall meet within 28 days of the referral by the decision taker. At the meeting it will receive the Executive Board's report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer.

If Council decides that the decision is not contrary to the budget and policy framework it shall endorse the decision as falling within the existing Budget and Policy Framework.

If Council decides that the decision is contrary to the budget and policy framework it may either:

- approve or ratify the decision outside the budget and policy framework;
- amend the Council's budget and policy framework as necessary to encompass the decision and approve or ratify the decision with immediate effect; or
- require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

3.3.3 Urgent Decisions Outside The Budget Or Policy Framework³¹

Any decision which is contrary to the policy framework³², or not wholly in accordance with the budget³³ approved by full Council, may only be taken by the Council, unless:

- the decision is urgent and it is not practical to convene a quorate meeting of the full Council;
- the decision taker has briefed the chair of a relevant Scrutiny Board³⁴ about why it is not practical to convene a quorate meeting of full Council, and
- the chair agrees that the decision is urgent.

The reasons why it is not practical to convene a quorate meeting of full Council and the consent of the chair of the relevant Scrutiny Board³⁵ to the decision being taken as a matter of urgency must be noted on the record of the decision, together with the reasons for the Chair's consent.

The decision taker will provide a full report to the next available Council meeting after the decision is taken explaining:

- the decision,
- the reasons for it; and

³¹ Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Regulation 5(2)

³² Or amendments which may be made to the policy framework in accordance with the provisions for in year changes to policy framework set out in the Budget and Policy procedure Rules.

³³ Or virements made in accordance with the Budget and Policy Procedure Rules.

³⁴ or in the absence of the chair of the relevant Scrutiny Board the consent of the Lord Mayor, and in the absence of both, the Deputy Lord Mayor

³⁵ Or Lord Mayor or Deputy Lord Mayor as appropriate

- why the decision was treated as a matter of urgency.

3.4 Decision Making by Community Committees

3.4.1 Where a Community Committee or a relevant Director is of the opinion that a proposal, decision or omission in relation to an executive function would result in:

- minimum service standards specified by the Executive Board not being achieved; or
- an adverse impact on service delivery or the achievement of targets; or
- delivery of any service in that area or the area of another Community Committee being adversely affected

the Chair of that Community Committee or that Director shall report that opinion³⁶ to the appropriate Executive Member, who may direct that the relevant delegated authority should not be exercised and the matter should be referred to the Executive Board for consideration.

3.4.2 Where the Monitoring Officer or Chief Finance Officer is of the opinion that a proposal, decision or omission of a Community Committee is or if made would be

- a) outside its terms of reference; or
- b) outside any relevant strategy or plan approved by the Executive Board; or
- c) outside the Budget and Policy Framework; or
- d) not in accordance with any relevant procedure rules

the Monitoring Officer or Chief Finance Officer shall refer the matter to the Executive Board and/or Council as appropriate for consideration at the next available meeting.

3.4.3 Where a matter has been referred to the Executive Board or the Council under 3.3.1 or 3.3.2 above, the implementation of the proposal or decision shall be suspended until the matter is considered by the Executive Board and/or the Council.

3.4.4 Where a matter has been referred to the Executive Board under 3.3.1, or paragraphs (a) or (b) of 3.3.2, above, the Executive Board may:

- decide the matter itself; or
- endorse any decision already made; or
- refer the matter back to the Community Committee for determination; and/or
- make any other decision it considers appropriate.

³⁶ where that opinion is in relation to a decision taken by a Community Committee, the report to the Executive Member must be made within 5 working days of the relevant decision notice being published

3.4.5 Where a matter has been referred to the Executive Board under 3.3.2 (c) or (d) then the Executive Board may;

- refer the matter to the Council for consideration³⁷; or
- decide the matter within the Budget and Policy Framework / in accordance with the procedure rules; or
- refer the matter back to the Community Committee for determination within the budget and policy framework / in accordance with the procedure rules.

3.4.6 Before deciding any matter in accordance with Rule 3.3.4 or 3.3.5, the Executive Board will consider a report from a Statutory Officer or Director detailing as appropriate:-

- whether minimum service standards for a relevant Community Committee Function are being achieved;
- how any delegated budget for the executive function is being utilised;
- whether a proposal decision or omission by a Community Committee or a Director would result in
 - minimum service standards specified by the Executive Board not being achieved; or
 - an adverse impact on service delivery or the achievement of targets; or
 - delivery of any service in that area or the area of another Community Committee being adversely affected;
- whether a proposal, decision or omission by a Community Committee
 - is outside its terms of reference; or
 - is outside any relevant strategy or plan approved by the Executive Board; or
 - is outside the Budget and Policy Framework; or
 - is not in accordance with any relevant procedure rules.

4. PROCEDURE AFTER TAKING A DECISION

4.1 Recording Of Executive Decisions Taken At Meetings³⁸

As soon as reasonably practicable, and in any event within 2 working days, after any meeting of the Executive or within 10 working days of any of its committees, the Head of Democratic Services or, where no officer was present, the person presiding at the meeting, will produce a minute of every decision taken at that meeting and publish it on the Council's website together with the report in relation to the decision made. The minute will include;

- A record of the decision including the date it was made,
- a statement of the reasons for each decision,
- details of any alternative options considered and rejected at that meeting and

³⁷ The Council's options are as set out in Budget and Policy Framework Rules

³⁸ Regulation 12, Executive Arrangement Regulations 2012

- a record of any interest declared by any Member together with a note of any dispensation granted in respect of that interest .

4.2 **Recording Of Executive Decisions Taken by the Leader**³⁹

As soon as reasonably practicable after a decision has been taken in relation to executive arrangements⁴⁰ by the Leader, the Head of Democratic Services will prepare a record of the decision and publish it on the Council's website together with the report in relation to the decision made. The record will include;

- A record of the decision including the date it was made,
- a statement of the reasons for it,
- details of any alternative options considered and rejected by the Member at the time of making the decision, and
- a record of any interest declared by any Executive Member consulted by the Member who made the decision together with a note of any dispensation granted in respect of that interest .

4.3 **Recording Of Executive Decisions Taken by Officers**⁴¹

4.3.1 **Key decisions and Significant Operational decisions**

As soon as reasonably practicable after a Key or Significant Operational Decision has been taken by an officer he/she will prepare a record of the decision and arrange for its publication on the Council's website ~~together with the report in relation to the decision made~~⁴². The record will include;

- A record of the decision including the date it was made,
- a statement of the reasons for it,
- details of any alternative options considered and rejected by the officer at the time of making the decision, and
- a record of any interest declared by any Executive Member consulted by the officer who made the decision together with a note of any dispensation granted in respect of that interest .

4.3.2 **Administrative decisions**

There is no formal requirement to record Administrative Decisions for the purpose of Council or Public Access, however officers are responsible for retaining a record of administrative decisions, and the reasons for them, which is sufficient for audit

³⁹ Regulation 13, Executive Arrangement Regulations 2012

⁴⁰ The Leader may take decisions in relation to the Executive Portfolios and executive delegations to officers as set out in Part 3 Section 3 of the Constitution.

⁴¹ Regulation 13, Executive Arrangement Regulations 2012

⁴² Key decisions will be published in accordance with Rules 2.4 to 2.6 above, and will therefore, subject to the provisions in respect of urgency, be published no less than 5 clear working days in advance of the decision being taken. The Council's web site will in these circumstances contain details of the dates upon which the decision will be taken and the Call In period will expire.

and evidential purposes, and for ensuring that all those who need to know are informed promptly of the decision.

5. **IMPLEMENTATION OF EXECUTIVE DECISIONS**

5.1 **Implementation of Decisions Which are Subject to Call-In⁴³**

5.1.1 Decisions which are subject to the Call In procedure set out in rules 5.1.2 to 5.1.5 below should not be implemented until the Call In procedure is exhausted in relation to those decisions⁴⁴.

5.1.2 **Decisions Eligible for Call In**

Subject to the exceptions set out below, the following may be called in to be reviewed and scrutinised by the relevant Scrutiny Board⁴⁵:

- all decisions of the Executive Board;
- Executive decisions taken by the Health and Wellbeing Board⁴⁶; and
- Key Decisions taken by Officers.

The power to call in decisions does not extend to;

- Decisions which have been the subject of a previous Call In;
- Decisions made in accordance with the Budget and Policy Framework Procedure Rules;
- Decisions made by the Leader in relation to the executive arrangements
- Decisions made by Community Committees;
- Decisions made under regulatory arrangements;
- Decisions made by Joint Committees; or
- Decisions not taken by the authority.

⁴³ The Local Government Act 2000 requires that Overview and Scrutiny Committees *be given the power to recommend that a decision made but not implemented, be reconsidered*. The Act gives local authorities considerable discretion over the detailed operation of such a “Call In” mechanism.

⁴⁴ The Call In procedure will be exhausted when:-

- the Call In period expires if the decision is not called in (Steps should not be taken to implement any decision subject to Call In until after 12 noon on the sixth working day after publication, to ensure that the Scrutiny Officer has had opportunity to advise them of any request for call in received before the expiry of the call in period);
- at the end of the call in meeting if the decision is released for implementation; or
- when the decision has been confirmed or amended in accordance with these rules if the decision is subject to a recommendation that it be reconsidered.

⁴⁵ Where a decision falls within the terms of reference of more than one Scrutiny Board, the Scrutiny Officer will determine the relevant Scrutiny Board, after consultation with Scrutiny Chairs.

⁴⁶ That is functions delegated to the Health and Wellbeing Board by the Leader

5.1.3 Exemption from Call In

The decision taker may declare a decision as being exempt from Call In if the decision taker considers that the decision is urgent (i.e. that any delay would seriously prejudice the Council's or the public's interests).

Records of decisions taken will indicate where a decision has been declared exempt from Call In and will indicate:-

- what the implications would be if the decision were to be delayed by the operation of the Call In mechanism; and
- why the decision could not have been taken earlier so as to have been eligible for Call In.

There will be no appeal mechanism against a decision to exempt a decision from Call In.

5.1.4 Operation of Call In

5.1.4.1 Initiation of Call In

To initiate a Call In, a request must be submitted to the Scrutiny Officer⁴⁷ by 5 p.m. of the fifth working day after a decision has been published.

The request must be made on the approved pro forma and contain the original signatures⁴⁸ of those calling in the decision⁴⁹.

If a Member withdraws their signature from the Call In request prior to the expiry of the Call In period, the decision may still be called in provided sufficient Members add their signatures to the call in request.

The decision may be called in by either;

- two non executive elected Members (who are not from the same political group); or
- five non executive elected Members

one of whom shall be the nominated signatory.

5.1.4.2 Grounds for Calling in a decision

All requests must detail on the pro forma why in the opinion of the signatories the decision was not taken in accordance with the principles set out in Article 13 -

⁴⁷ This Officer is the Head of Democratic Services.

⁴⁸ An electronic signature will only be considered a valid 'original signature' for the purpose of initiating a call in where it can be demonstrated that it has been included on an approved proforma at the direct request of the individual seeking to call-in a decision. Signatures included as a result of a request from a third party on behalf of an elected member will not be valid.

⁴⁹ An Elected Member who is not a member of a political group may be a signatory but co-opted members may not sign a Call In request.

Decision Making, Paragraph 13.8 - Principles of Decision Making, or where relevant issues do not appear to have been taken into consideration.

Prior to submitting a Call In, the nominated signatory must contact the relevant officer or Executive Member to discuss their concerns and their reasons for wanting to call in the decision. The nominated signatory must also ascertain the financial consequences to the authority of having the decision Called In. The outcome of this contact must be detailed on the Call In request proforma.

5.1.4.3 Convening a Meeting

Upon receipt of the request, the Scrutiny Officer will, in consultation with the Chair of the relevant Scrutiny Board, convene a special meeting of the relevant Scrutiny Board, to take place within seven clear working days of the Call In request being received⁵⁰.

5.1.4.4 Adjourning a Call In Meeting

In exceptional circumstances, the Scrutiny Board may resolve to adjourn the meeting to consider information regarded as essential for the Board to come to a conclusion. The maximum time allowed for an adjournment is 5 working days.

5.1.4.5 Outcome of a Call In Meeting

At the meeting the Scrutiny Board will consider the notification and review the background papers. The Scrutiny Board will invite signatories to the notification⁵¹ to explain the reasons for the Call In⁵². The relevant member of the Executive Board, Health and Wellbeing Board or officer (as appropriate) shall be required to attend the Meeting and shall be given the opportunity to respond to the reasons given for the Call-In. The Scrutiny Board shall make such further enquiries as it considers necessary and appropriate. The Scrutiny Board may also extend the invitation to other relevant witnesses, as considered appropriate, in order to specifically assist the Board in its deliberations over the called in decision.

The Scrutiny Board shall then either;

- release the decision for implementation; or
- recommend to the decision-maker that the decision should be reconsidered.

⁵⁰ Where an ordinary meeting of the relevant Scrutiny Board is scheduled within 10 working days of the Call In request being received the Scrutiny Officer may exercise discretion as to whether the Call In request can be dealt with at that meeting, or whether it is necessary to convene an additional meeting.

⁵¹ or their nominees

⁵² The signatories should specify which of the principles of decision making (set out in Article 13.4 of the constitution) has not been followed. The signatories may also provide further written evidence provided this supports the stated reasons for calling in the decision.

If the Scrutiny Board resolves that a decision is to be referred back for reconsideration, the Scrutiny Officer will prepare a report⁵³ within three working days of the Scrutiny Board meeting. Where the decision was taken by the Executive Board the report will be submitted to the next meeting of the Executive Board. Where the decision was taken by the Health and Wellbeing Board the report will be submitted to the next meeting of the Health and Wellbeing Board. Where the decision was taken by an officer the report will be submitted to the relevant Director.

5.1.5 Reconsideration of Decisions

5.1.5.1 Confirmation of Decisions

If the Decision Taker wishes to confirm the original decision, that decision shall be submitted to the next Executive Board meeting.

If the original decision was taken by the Health and Wellbeing Board or an officer, and the relevant Director is of the view that the original decision should be confirmed, but that urgency prevents them from submitting the decision to Executive Board;

- The Director shall obtain the approval of the relevant Executive Board Member before implementation;
- Details of the Executive Member approval, together with reasons of urgency will be included in the new delegated decision form; and
- The Director and relevant Executive Board Member will also be required to attend and give their reasoning to the next available meeting of the relevant Scrutiny Board

5.1.5.2 Variation of Decisions

If it is intended to vary the decision following recommendations made by the Scrutiny Board then the amended decision is not defined as a Key decision, regardless of the financial or impact thresholds⁵⁴. It will not therefore be necessary to include the proposed variation of decision in the List of Forthcoming Key Decisions or to give notice of the proposed decision.

If the original decision was taken by the Executive Board the Executive Board may vary the decision.

If the original decision was taken by the Health and Wellbeing Board or by or on behalf of a Director, the Health and Wellbeing Board, or the relevant Director may vary the decision.

5.1.5.3 Record of Revised decision

⁵³ the provisions relating to a minority report do not apply to any decision of the Committee in relation to a matter which has been called in.

⁵⁴ Article 13.4(b)

In all instances a revised record of the decision, indicating the outcome of decision taker's further deliberations, must be published in accordance with Rule 4.1 or 4.3 above.

5.2 **Implementation of Decisions Which are Not Subject to Call In**

Decisions which are not subject to Call In under Rule 5.1.2 above or are exempted from Call In under Rule 5.1.3 above should be implemented as follows:-

5.2.1 Key Decisions

Key Decisions should be recorded in accordance with Rules 4.1 to 4.3 above as appropriate but may be implemented as soon as they have been taken.

5.2.2 Significant Operational Decisions

Significant Operational Decisions should be recorded in accordance with Rules 4.1 to 4.3 above but may be implemented as soon as they have been taken.

5.2.3 Administrative Decisions

Administrative decisions may be implemented as soon as they have been taken.

6. **SCRUTINY OF THE MAKING OF KEY DECISIONS**

6.1 **Decisions Which Appear to Have Been Wrongly Treated**⁵⁵

Where an executive decision has been made and

- was not treated as a Key Decision, and
- a relevant Scrutiny Board thinks that it should have been treated as a Key Decision

that Scrutiny Board may require, by resolution passed at a meeting of that Scrutiny Board, the Decision Taker to submit a report to the Council within such reasonable time as the Scrutiny Board specifies.

The relevant Director will prepare a report for submission to the next available meeting of the Council⁵⁶ following the end of the period specified by the Scrutiny Board.

⁵⁵ Regulation 18, Executive Arrangement Regulations 2012

⁵⁶ Allowing 5 clear working days to prepare the report prior to dispatch of the summons.

The report to Council will set out particulars of;

- The decision,
- The reasons for the decision,
- The individual or body making the decision, and
- if the Leader is of the opinion that it was not a key decision, the reasons for that opinion.

7. PUBLIC ACCESS TO DOCUMENTS

7.1 Access to agendas, minutes, reports and background papers.

Rules 5 to 7 and 15.2 of the Access to Information Procedure Rules apply to documents and records of meetings and decisions published in accordance with these rules.

7.2 Confidential and Exempt Information

Rules 8, 9 and 10 of the Access to Information Procedure Rules apply to information contained within documents and records relating to executive decision making

7.3 Freedom of Information

FOI requests will be dealt with in accordance with Rule 11 and Rule 15.1 of the Access to Information Procedure Rules.

8. MEMBERS ACCESS TO INFORMATION

Rules 12-15 of the Access to Information Procedure Rules apply to information held by the Executive.