



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.