

Guidance for officers writing reports to committees or to support delegated decisions



This guidance has been created to accompany the revised report template for reports submitted to a Committee¹, the Executive Board, or to an officer taking a key, major or other delegated decision.

The guidance seeks to emphasise particular corporate governance issues, either because there is a particular statutory obligation for the council to do so or because there is a Leeds City Council policy on the matter.

Format of reports

There is only one report template. There is an annotated version of the template attached as an appendix to this guidance, this contains specific guidance on each section of the template and is written in blue italicised text.

Work is ongoing to enable you to access the blank report template via Microsoft Word through the Council's network. In order to access this template follow this path: click on the 'File' menu >> select 'New' >> click on the 'General' tab >> select 'Report template.dot' >> make sure the radio button underneath the heading 'Create New' in the dialogue box is set to 'document', then press 'ok'. This should open the new document from the template.

There will also be a blank template available through the Council's intranet site alongside this guidance.

Completed reports must be emailed to the relevant committee clerk (see the section on submitting your report for contact details). If appendices are produced in a different program such as Excel, or if a Word document needs to show track changes, please convert these documents into a Adobe PDF documents before submitting them.

Please avoid attaching lengthy documents as appendices to the report. Instead please summarise the contents, and explain where members of the committee might obtain more information. Usually this would be from you as the author, via the committee clerk, or via an internet reference.

All reports should be written in plain English using the Council's house style, and be as concise as possible. You can access advice on these subjects through the intranet (Home >> interest Areas >> corporate communications >> plain english).

Clearance process

Most formal Committee meetings have a clearance process for the agenda, usually consisting of an officers' co-ordination meeting and a briefing meeting for the Chair of the Committee. The committee clerk will inform you whether you need to attend the pre-meetings and if there are any amendments to your report following these meetings.

¹ Excluding Plans Panels, Licensing Committee, and Licensing Sub-Committees – these committees have tailored templates and guidance provided through the Chief Planning Officer and Chief Officer (Legal, Licensing and Registration) respectively.

You should ensure that the officer whose name the report is submitted, (usually a Director, Chief Officer or Head of Service), has cleared the report. Those reports which affect more than one directorate, and/or are being presented as joint reports, must be cleared by both responsible officers.

Some directorates also operate their own clearance processes and you are responsible for ensuring that your report has been cleared by all the relevant people prior to being submitted to Governance Services.

Submitting your report

In order to submit your report to the relevant meeting and discuss timescales for your report, you will need to contact the relevant committee clerk within Governance Services. The relevant contacts are listed below for your information:

Contact name	Contact details	Relevant Committee
Kevin Tomkinson	kevin.tomkinson@leeds.gov.uk 0113 24 74357	Full Council, Executive Board, Development Plans Panel, Executive Board – Access to Information Appeals Committee, Employment Committee, Delegated decisions by officers, Joint Plans Panel, Area Committees, Scrutiny Boards
Andy Hodson	andy.hodson@leeds.gov.uk 0113 22 43208	General Purposes Committee, Corporate Governance and Audit Committee, Corporate Governance Board, Standards Committee, Member Management Committee

Contact for further information

If you have any questions about this report writing guidance please contact Andy Hodson, Head of Governance Services, on (0113) 22 43208 or email: andy.hodson@leeds.gov.uk.

Corporate governance considerations

Decision makers must be able to make an informed judgment and reach a reasoned decision on matters presented to them. Decisions have been successfully appealed through the courts on grounds such as: evidence not being presented fully within a report; the legal position being inaccurately summarised; or the decision maker taking into account an irrelevant consideration.

Article 13 of the Constitution sets out that all decisions of the authority, whether made by Council, Executive Board, Committees or officers, will be made in accordance with the following principles:

- Proportionality (i.e. the action must be proportionate to the desired outcome), including value for money
- Due consultation and the taking of professional advice from officers
- Respect for human rights
- A presumption in favour of openness
- Clarity of aims and desired outcomes
- An explanation of the options considered and details of the reasons for the decision
- Natural justice
- Positive promotion of equality of opportunity

Therefore all reports need to be consistent in their style and format to ensure that all aspects of the decision are covered, and from a corporate governance point of view the following are of significance.

Risk management

You must explain the significant risks in relation to each of the options identified and considered in your report. This should cover the risks of going ahead with the decision or preferred option and also of not proceeding with it.

If a detailed risk assessment has been carried out and documented in a risk register, the register or a summary of it may be attached as an appendix to your report (or referenced as a background document).

Further risk management guidance is available from the Council's Risk Management Unit (RMU) and on the Risk Management pages on the Council's intranet site (Home >> Interest Areas >> Risk Management).

Access to information and the public interest test

Members of the public are entitled to:

- attend meetings of full Council, any of its Committees, and meetings of the Executive Board;
- inspect copies of agendas and reports before the meeting;
- inspect records of key or major decisions made by officers.

Prior to submitting a report you must consider whether the report contains any exempt or confidential information. There is a presumption in favour of openness, but if confidential or

exempt information is identified, such information should be placed in an appendix to the main report. This allows as much information as possible to remain in the public domain.

The categories of confidential and exempt information are listed in paragraphs 9.2 and 10.4 of the Access to Information Procedure Rules. The Access to Information Procedure Rules can be found in Part 4 of the Constitution which can be found on the Council's intranet site (Home >> interest areas >> former departments >> chief executive's department >> council and democracy >> corporate governance >> constitution), where you can download Part 4 as a PDF document.

If your report contains exempt or confidential information you must make this clear on the front page of the report and provide details of the relevant category of confidential or exempt information being relied upon.

Public Interest Test

If the report, or part of the report, is confidential, it is not necessary to consider the public interest test. This is because the public must be excluded from meetings whenever it is likely that confidential information would be disclosed. Likewise public access to reports and background documents would also be excluded.

However, if some of your report is to be treated as exempt, as opposed to confidential, you must set out why the public interest in maintaining the exemption outweighs the public interest in disclosing the information. If the report is to a committee, it will be up to the committee to decide whether to maintain the exemption and exclude the public from the meeting, or to publish the information.

You may wish to consider the following factors in relation to the public interest:

- Furthering the understanding of and participation in the public debate of issues of the day. This factor would come into play if disclosure would allow a more informed debate of issues under consideration by the local authority.
- Promoting accountability and transparency by public authorities for decisions taken by them. Placing an obligation of authorities and officials to provide reasoned explanations for decisions made, will improve the quality of decisions and administration.
- Promoting accountability and transparency in the spending of public money.
- Allowing individuals and companies to understand decisions made by public authorities affecting their lives and, in some cases, assisting individuals in challenging those decisions.
- Bringing to light information affecting public health and public safety.

Where prompted in the 'Corporate governance considerations' section of the report, you should detail why the information has been classified as exempt, and what factors the Committee should consider in deciding whether it would be in the public interest to maintain the exemption or not. An example wording is:

"The information in this report / in Appendix X of this report has been identified as exempt because (*insert explanation with reference to the category identified on the first page e.g. the appendix contains personal information about a member of the public*). The information is exempt if and for so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members may wish to consider the following factors in relation to the public interest..."

The Forward Plan

All proposed Key Decisions (as defined in Article 13 within Part 2 of the Constitution) need to be included on the Council's Forward Plan. This sets out the Key Decisions to be made by the Executive Board, Area Committee, or officers over the next four months and is updated on a monthly basis. The Forward Plan explains who will take the decision, when it will be taken, the consultation process, and how a person can make representations on the matter before the decision is made. The Forward Plan can be found on the Council's website (www.leeds.gov.uk >> council publications >> democracy >> forward plan), and for more information about the Forward Plan see the Access to Information Procedure Rules, contained in Part 4 of the Constitution.

There are two reasons why a Key Decision does not need to be included in the Forward Plan. These are:

1. **General Exception.** If a Key Decision has not been included on the Forward Plan it can still be taken, so long as:
 - The decision cannot be deferred until it has been included in the next Forward Plan
 - The Monitoring Officer has informed the Chair of the relevant Scrutiny Board, or alternatively each Member of the Board, in writing, by notice, giving details of the proposed decision
 - The Monitoring Officer has made a copies of that notice available to the public at offices of the Council; and
 - The decision maker must wait until five days have elapsed since the Monitoring Officer issued the notice.
2. **Special Urgency.** If the Key Decision is so urgent that five days notice cannot be provided, then the decision can only be taken if the decision maker (either an officer or the Chair of the relevant Board or Committee), obtains the agreement of the Chair of the relevant Scrutiny Board that the decision is so urgent that it cannot be reasonably deferred. If the Chair of the Scrutiny Board is unavailable, then the agreement of the Lord Mayor (or in their absence, the Deputy Lord Mayor), must be obtained.

If your report is asking an officer or a Board or Committee to take a Key Decision, you must explain whether the decision has been included in the Forward Plan, and if not, explain the reasons why with reference to the above exceptions and whether the relevant conditions have been met. The report template provides space for this under the section headed 'Corporate governance considerations'. If the report is not in relation to a Key Decision, you might wish to indicate:

"The recommendations in this report do not relate to a key decision and therefore prior notification on the Forward Plan is not necessary."

Scrutiny process: Call-in

Scrutiny Boards have the right to 'call-in' certain decisions. This means that they can ask the decision-maker to think again, or to refer the decision to the full Council if it is believed that the decision-maker has taken a decision in contravention of the Council's budget and policy framework.

The following types of decisions are open to call-in:

- All decisions of the Executive Board and all decisions taken by Area Committees (in relation to area functions delegated to them by the Executive Board)
- All Key Decisions taken by officers
- All Major Decisions taken by officers.

There is a window of five working days between publishing and implementing a decision when a call-in can be requested.

The call-in process is explained in detail within the Scrutiny Board Procedure Rules and in Guidance Note 3 'Calling in of decisions' (both in Part 4 of the Constitution). Both documents can be found on the Constitution page on the Council's intranet site (Home >> interest areas >> former departments >> chief executive's department >> council and democracy >> corporate governance >> constitution), where you can download Part 4 as a PDF document.

However, decisions might not be subject to call-in if an exemption applies. The report template therefore prompts you to identify whether the decision would be eligible for call-in. If an exemption applies to the decision you must indicate that the decision is not eligible for call-in on the front page of the report and go on to explain the exemption later in the 'Corporate governance considerations'.

The decision can be exempt from call-in on one of two grounds:

1. That delaying the decision would seriously prejudice the Council's or the public's interests. In such cases you must specify:
 - What the implications would be if the decision were to be delayed by the operation of the calling-in mechanism
 - Why the decision could not have been taken earlier so as to have been eligible for calling-in.
2. The decision has been declared exempt on the grounds that it has previously been the subject of a call-in. In such cases you must specify:
 - The date on which the original decision was taken
 - The outcome of the previous call-in.

Alternatively, if the decision is not a key or major decision (or an executive decision made by the Executive Board or an Area Committee), you should indicate that call-in is not applicable on the front page of the report, and go on to explain why in the 'Corporate governance considerations' section.

Constitution and legal matters

You must satisfy yourself that the decision making body or relevant officer has the power or authority to make the proposed decision. In relation to Committees, Boards or Panels you should check the appropriate Terms of Reference within Part 3 of the Constitution. Please note that there are two sets of terms of reference, depending on whether the committee carries out council or executive functions.

In relation to decisions being made by officers, you should check the appropriate delegation scheme (either council or executive) also within Part 3 of the Constitution, or the appropriate sub-delegation scheme in cases where the officer has been given authority to make the decision by the relevant Director or Chief Officer. Sub-delegation schemes can be found on the Council's intranet site (Home >> interest areas >> former departments >> chief executives department >> council and democracy >> corporate governance >> sub-delegation schemes).

You should also consider any potential legal implications arising from their report, and where these are significant, seek advice from the relevant Legal Officer as soon as possible during the report writing process. Where legal advice has been provided, the designation of the officer giving that advice should be provided in your report.

Details of the Legal Officers assigned to specific committees can be found on the Council's intranet site (Home >> interest areas >> former departments >> chief executives department >> reference documents >> allocation of officers to committees and other bodies).

Partnerships

If your report is requesting approval for Leeds City Council to enter into a partnership, the partnership's governing document must be attached as an appendix to the report.

For further guidance on governing documents, please see the Toolkit for Partnership Governance which is available on the Council's intranet site (Home >> interest areas >> former departments >> chief executive's department >> council and democracy >> corporate governance >> partnership governance).

Financial and resource implications

If the subject of your report has significant financial implications then these must be discussed with the appropriate Financial Management Team. Contact details for the relevant Financial Management Team can be found on the Council's intranet site (Home >> interest areas >> finance >> organisational).

In circumstances where your report has financial implications the report must make these clear and distinguish between capital and revenue implications. A statement must be included as to where the financial provision exists within the approved budget/capital programme to undertake the action proposed. Your report must also make clear if there is estimated to be a further or full year effect on the proposals in subsequent years, together with the proposed source of funding. Where funding sources cannot be identified, you must make clear that resources will need to be identified to fund the proposed action and the recommendations of the report must also reflect that they are subject to appropriate funding being identified. All such references must be referred to the Director of Resources for advice.

In instances where funding is being provided by grants or subsidies, particularly where these are time limited, full details of expenditure and income must be given, and the time limits specified.

The term 'resources' also includes human resources and so any implications for staff also need to be explained under this heading.

Equality and Diversity and Cohesion and Integration

Under equality legislation, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality in relation to:

- Race
- Disability
- Gender, including gender reassignment
- Age
- Sexual Orientation
- Pregnancy and maternity
- Religion or belief.

The Council also has a duty to foster good relations, and to consider the impact of its decisions on human rights. The law requires that this duty to pay 'due regard' is demonstrated in the decision making process. Therefore your report should contain a statement as to whether the recommendation has a particular impact on any of the above groups.

In some cases you may have to carry out an Equality, Diversity, Cohesion and Integration Impact Assessment (EDCI). There is further guidance available from the Equality Team as to when an EDCI impact assessment is required, and how an assessment can be carried out (Home >> interest areas >> former departments >> chief executives department >> planning policy and improvement >> equality team >> equality diversity and community cohesion impact assessments).

Using the screening process outlined in the guidance will help you to determine the relevance of proposals and decisions to equality, diversity, cohesion and integration and whether an impact assessment will be required. The use of the screening process is important as the Council may need to rely on this documentation if the decision is challenged at a later date. Whether it is proportionate for the Council to conduct an assessment of a decision depends on its relevance to the Council's particular function and its likely impact.

If the report relates to a key or major decision, you must undertake an initial screening to establish whether a full impact assessment is required. Where the screening process results in there being no need for a full impact assessment, you must reference the screening form as a Background Document.

If the initial screening identifies the need for an impact assessment then the assessment must be referenced 'Background documents' section of the report. If the impact assessment shows the potential for an adverse impact on a particular group, the Council may still be able to proceed with the policy or decision, as long as the Council has taken or considered steps to mitigate any adverse impacts. However, if a policy or decision amounts to unlawful discrimination the policy or decision would have to be stopped or amended. In any event, the report must make reference to the outcome of the completed impact assessment and what has changed as a result of it.

The percentage of completed impact assessments or screening forms referenced in reports (in relation to key or major decisions) will be monitored by Governance Services, and the results used to measure progress against the cross Council priorities and indicators in the Council's Business Plan.

For more information please contact the Equality Team on: (0113) 247 4190 or email: equalityteam@leeds.gov.uk or visit the equality and diversity pages on the Council's website: www.leeds.gov.uk/equality.

Council policies and city priorities

You must consider how the proposals in the report contribute to the existing targets and priorities set out in Council's Policy Framework. This framework is detailed in Article 4 of the Constitution, and from 26th May 2011 the following policies constitute the Council's policy framework:

- Safer and Stronger Communities Plan
- Development plan documents
- Licensing Authority Policy Statement
- Local Transport Plan
- Plans and alterations which together comprise the Development Plan
- Vision for Leeds
- Youth Justice Plan
- Council Business Plan
- Children and Young Peoples Plan
- Health and Wellbeing City Priority Plan
- Sustainable Economy and Culture City Priority Plan
- Climate Change Strategy; and
- Regeneration City Priority Plan.

In addition you should be mindful of the Council's wide range of other policies, plans and strategies, such as those relating to sustainability.

Any positive or negative implications in relation to these policies or priorities should be fully explained with the report.

Consultation²

You should consider the extent to which consultation on the proposals in your report is necessary. In particular you should examine the opportunities relevant communities and stakeholders (including Ward Members or other groups of Councillors) have had to influence the options being presented in your report.

Your report must include details of any internal or external consultation processes undertaken. Any reports or records arising from the consultation must be referenced in the 'Background documents' section of your report, for example by clearly signposting to the record of the consultation on the Council's Talking Point database. For more information on Talking Point, including lists of trained users, see the 'Talking Point' intranet page.

Where it is not possible to provide evidence of consultation, or if consultation has not been necessary, please briefly state why.

The percentage of reports in relation to key or major decisions which make reference to consultation with local people will be recorded by Governance Services and the results used

² Consultation may have been done in the recent past and still be relevant to the matter being considered

to measure progress against the cross Council priorities and indicators in the Council's Business Plan.

If your report contains proposals in relation to the Budget and Policy Framework, you must include details of the nature, extent and results of the consultation with stakeholders and relevant Scrutiny Board(s). The requirements for consultation, and how this process should be publicised, are set out in the Budget and Policy Framework Procedure Rules (in Part 4 of the Constitution).

Background documents

Section 100D of the Local Government Act 1972 gives the public a right to inspect background papers for reports. As author of the report you must set out at the end of the report a list of the documents which you have relied on in writing the report, or which contain facts or matters on which the report (or an important part of the report), has been based. These documents must be retained by you for a period of four years.

Report of *(insert name of Lead Officer: usually a Director, Chief Officer or Head of Service)*

Report to *(insert name of Committee or job title of the decision maker)*

Date: *Insert the date of the meeting*

Subject: *If this is a long running issue, it is helpful to use a consistent title so that people can accurately search for your reports and easily trace the decision*

Report author: *Insert your name* **Contact telephone number:** *Insert your contact details*

Does the report contain information which has been identified as confidential or exempt?

- Yes** (if exempt, please see the public interest test in section 4)
Relevant section of the report: *(e.g. insert appendix number)*
In accordance with Access to Information Procedure Rule: *(insert the relevant paragraph number from the procedure rules)*
- No**, this report does not contain information identified as confidential or exempt.
-

Is the decision eligible for call-in? **Yes** **No – exempt** **Not applicable**

If the decision is anything other than a key or major decision made by an officer, or an executive decision made by the Executive Board or an Area Committee, call-in is not applicable. This should be explained under 'Scrutiny process: Call-In' in section 4.

Summary of main issues and corporate governance considerations

1. *Include the purpose of the report and a summary of the main issues (no more than three short paragraphs if possible).*
2. *Any significant corporate governance considerations identified in your report should also be summarised here.*
- 3.

Recommendations

4. *Explain what you are asking the Committee or decision maker to do e.g. the Committee is asked to approve...*

1 Purpose of this report

1.1

1.2

2 Background information

2.1

2.2

3 Main issues

3.1 *Please provide an options appraisal for the options you have set out in your report. Outline the positive impacts of the proposals made in your report, for example, how the suggested course of action might benefit a particular local community.*

3.2

3.3

4 Corporate governance considerations

4.1 Risk management

4.1.1 *Please refer to any significant risks identified in your report, including in relation to the recommended option. If a risk assessment or full risk register has been completed, this should be referenced as a background document to the report. Please see the guidance notes for further information.*

4.2 Public Interest Test

4.2.1 *If the report, or part of the report, is confidential, it is not necessary to consider the public interest test. This is because the public must be excluded from meetings whenever it is likely that confidential information would be disclosed. Likewise public access to reports and background documents would also be excluded. However you must explain why the information is confidential with reference to the paragraph number you identified on the front page of the report.*

4.2.2 *If the report or part of the report is exempt, you must explain why the information has been identified as exempt with reference to the paragraph number you identified on the front page of the report. You must also explain why, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Further guidance on this issue and example wording is available in the guidance notes.*

4.3 Forward Plan

4.3.1 *If the decision is a Key Decision, please indicate whether the decision has been included on the Forward Plan, and if not, what exception is being relied upon. You must also confirm whether the conditions set out in the guidance have been met e.g. whether the agreement of the Chair of the relevant Scrutiny Board has been obtained.*

4.3.2 *If the decision is not a Key Decision, it does not need to be included on the Forward Plan, and this should also be explained here.*

4.4 Scrutiny process: Call-In

4.4.1 *If the decision is in relation to a council function, or is a significant operational or administrative decision taken by an officer, it is not open to call-in and this should be explained here.*

4.4.2 *If the decision would normally be open to call-in, but has been identified as exempt, you must explain which exemption is being relied upon and provide the additional information specified in the guidance notes..*

4.5 Constitution and legal matters

4.5.1 *Please outline the decision maker's authority to take the decision with reference to the delegation scheme or terms of reference within Part 3 of the Constitution, or the relevant sub-delegation scheme.*

4.5.2 *Highlight any legal implications arising from your report, and outline any legal advice provided. You must also provide the designation of the officer providing the advice.*

4.6 Financial and resource implications

4.6.1 *Highlight any financial or resource implications arising from your report, and state where the provision exists to undertake the proposed action (please note that 'resources' includes human resources).*

4.7 Equality and diversity and cohesion and integration

4.7.1 *If the report is in relation to a Key or Major decision, it requires an EDCI impact assessment or a screening form to be referenced as a background document. If any issues have been identified as a result of the impact assessment these should be explained here. You may also choose to complete an EDCI impact assessment or a screening form for other reports, if this is considered appropriate.*

4.8 Council policies and City priorities

4.8.1 *Highlight how the proposed action contributes to the targets and priorities in the Council's Policy Framework. This includes all documents listed in Article 4 of the Constitution.*

4.9 Consultation

4.9.1 *Where proposals contained in a report have a significant impact on communities living or working in an area, details of the nature, extent and results of how those communities (and ward members) have been consulted in the development of the proposals must be included in the report. Any consultation document or Talking Point record must be clearly referenced as a background document.*

4.9.2 *If the report contains proposals in relation to Budget and Policy Framework you must include details of the nature, extent and results of the consultation with stakeholders and relevant Scrutiny Board(s).*

5 Recommendations

5.1

6 Background documents

6.1 *Provide a list of documents you have used to write the report. Such documents may include:*

- *Risk assessment / full risk register*
- *EDCI screening form / EDCI impact assessment*
- *Talking Point record*

6.2 *Please see the guidance for more information about what should be included. If no relevant documents have been used, please insert 'None' for clarity.*