

Report of the Director of Resources

Report to General Purposes Committee

Date: 7th May 2013

Subject: Executive and Decision Making Procedure Rules

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| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of main issues

1. In May 2012 the Council adopted new Executive and Decision Making Procedure Rules bringing together all aspects of the executive decision making process set out within the Council's constitution.
2. In August 2012 the Secretary of State for Communities and Local Government enacted the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, which came into force on 10th September 2012.
3. Following consultation with General Purposes Committee, Head of Governance Services took steps to ensure that practice within the Council was compliant with the 2012 Regulations.
4. As part of the Annual Review of the Constitution it is timely now to amend the procedures to reflect both the 2012 Regulations and the arrangements that were put in place by the Head of Governance Services. This report introduces amendments to the Executive and Decision Making Procedure Rules, attached as Appendix A to this report, which are intended to ensure that this practice and procedure is adequately reflected in the Council's Constitution.

Recommendations

5. General Purposes Committee are requested to approve the Executive and Decision Making Procedure Rules save for those set out at Rules 1.1 to 1.4, 2.1 and 3.1 of the

proposed amended Executive and Decision Making Procedure Rules set out in Appendix A attached.

6. General Purposes Committee are requested to recommend that Full Council authorises the City Solicitor to make further amendments to the Constitution consequential upon the changes to these procedures.

1 Purpose of this report

- 1.1 This report introduces amendments to the Executive and Decision Making Procedure Rules which are intended to reflect the Council's practice and procedure in relation to executive decision making, as amended in light of the enactment of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

2 Background information

- 2.1 At the Executive Board meeting of 16th May 2012 and the Annual Meeting of Council of 21st May Council 2012, the Executive and Decision Making Procedure Rules were adopted. These rules brought together the various provisions relating to the making of executive decisions, previously dispersed throughout the Council's constitution.
- 2.2 On 10th August 2012, the Secretary of State for Communities and Local Government made the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, (the 2012 Regulations) which govern the making of executive decisions.
- 2.3 At its meeting of 30th August 2012 the General Purposes Committee were invited to consider the implications of the 2012 Regulations, and noted the intention of the Solicitor to the Council to amend the Constitution to give effect to the Regulations and to the Council's current practice in respect of executive decision making.

3 Main issues

- 3.1 Following the consultation with the General Purposes Committee on 30th August 2012, the Head of Governance Services has taken steps to ensure that the Council's practice reflects the requirements set out in the 2012 Regulations. In addition the Head of Governance Services has offered full briefings in relation to the changes to all Directorate Management Teams, together with update briefings made available to all officers involved in the decision making process.
- 3.2 As part of the Annual Review of the Constitution the Head of Governance Services now proposes that the Executive and Decision Making Procedure Rules should be amended to read as set out in Appendix A attached, giving a clear account of the executive decision making practice and procedure adopted by Leeds City Council in accordance with the 2012 Regulations. Including in particular:-

- Notification of meetings at which exempt or confidential information is to be considered at both 28 and 5 days prior to the meeting.
- Inclusion of proposed Key Decisions are in the List of Forthcoming Key Decisions for 28 days prior to being taken. (This replaces the previous Forward Plan arrangement.)
- Publication of the intention to take a Key decision 5 clear working days in advance of the decision, which although no longer required by the 2012 Regulations was requested by General Purposes Committee.

3.3 As the Executive and Decision Making Procedure Rules bring together the previous Executive Procedure Rules, which were within the remit of the Executive Board and provisions from other procedure rules within the remit of Full Council, the approval of these rules is divided between Executive Board and Full Council.

3.4 Executive Board are to be requested to approve those items contained within rules 1.1 to 1.4, 2.1 and 3.1 at their meeting of 8th May 2012. These provisions concern:-

- The responsibility for and delegation of executive functions;
- The responsibility for determining the frequency, location and time of Executive Board meetings; and
- Practical arrangements in relation to attendance at and the organisation of business of the Executive Board.

3.5 General Purposes Committee are requested to recommend approval of the remaining rules to Full Council at its meeting on 20th May 2013. These rules make provision for:-

- Notice to be given in respect of meetings of the Executive Board and executive decisions to be taken by Members or officers;
- Compliance with the Budget and Policy Framework;
- Recording of decisions taken by Members or officers;
- Implementation of executive decisions, including the operation of Call In; and
- The Scrutiny of Key decisions which have been wrongly treated.

3.6 Further to the amendments to the Executive and Decision Making Procedure Rules it will be necessary to make a number of consequential amendments to the Council's Constitution and others for the purposes of clarification only. General Purposes Committee is requested to recommend that Full Council authorise the City Solicitor to make relevant consequential amendments.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The General Purposes Committee were consulted upon enactment of the 2012 regulations and their comments taken into account in the variation of practice to meet the requirements of those regulations, whilst maintaining what was considered to be best practice within the authority.
- 4.1.2 More recently the Corporate Leadership Team have been invited to comment on the proposed new Executive and Decision Making Procedure Rules.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no implications in relation to the proposed new rules.

4.3 Council policies and City Priorities

- 4.3.1 The Council's Business Plan 2011 – 2015 sets out the Council's priorities in delivering services to the public over that period. Particularly the priorities and performance measures for Corporate Directorate require that we "Ensure there are good rules and procedures to govern the council's business".

4.4 Resources and value for money

- 4.4.1 The controls in place on decision making enable Members to scrutinise decisions to ensure value for money. The new rules retain provisions in relation to notification of proposed Key decisions which are no longer required by law following the 2012 Regulations, as Members indicated that these provisions were of value in their review of decision making within the authority.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Whilst practice and procedure has at all times been compliant with current legislation, these amendments ensure that the Council's Constitution accurately reflects that practice and procedure.

4.6 Risk Management

- 4.6.2 There are no risks arising from this report.

5 Conclusions

- 5.1 The amended Executive and Decision Making Procedure Rules set out at Appendix A to this report would ensure that the Council's Constitution contains an accurate reflection of the practice and procedure adopted by the authority in line with the 2012 Regulations.

6 Recommendations

- 6.1 General Purposes Committee are requested to recommend to Full Council the adoption of the Executive and Decision Making Procedure Rules as set out at Appendix A attached, save for Rules 1.1 to 1.4, 2.1 and 3.1 which Executive Board are to be asked to approve.

6.2 General Purposes Committee are requested to recommend that Full Council authorises the City Solicitor to make further amendments to the Constitution consequential upon the changes to these procedures.

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.