

Report of:	Director of Legal and Governance – Charlotte Benjamin
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Submitted to:	Corporate Affairs and Audit Committee – 6 February 2020
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Subject	Update – Council’s Decision Making process.
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Summary

Proposed decision(s)

That the information provided with regard to the Council’s decision making process be received and noted.

Report for:	Key decision:	Confidential:	Can be called-in:
Information	No	No	No

Contribution to delivery of the 2018-22 Strategic Plan

Business Imperatives	Physical Regeneration	Social Regeneration
The report provides an update in respect of the Council’s decision making process. It also highlights information in relation to any awareness/training that has been carried out in relation to the Decision Making process.	Not applicable	Not applicable

Ward(s) affected

Not applicable

What is the purpose of this report?

1. To provide members with an update in relation to the Council’s decision making process.

Why is this report necessary?

2. The report is necessary so that members are regularly updated in respect of the decision making process.

Proposed decision(s)

3. That the information provided with regard to the Council's decision making process be received and noted.

What decision(s) are being asked for?

4. It is recommended that the information provided with regard to the Council's decision making process be noted.

Why is this being recommended?

5. The Corporate Affairs and Audit Committee previously requested information in relation to:
 - Details of current policies/guidance in place in respect of the Decision Making Process;
 - Information on the number of member delegated decisions and their type (key/non key);
 - Information on the number of officer delegated decisions taken; and
 - Information on the activities of the governance team (communications, training/ awareness raising).

Update

6. The Council's Decision Making Process is currently subject to an audit. The outcome of the audit will be reported to a future meeting of the Committee.
7. Following the previous audit, a number of improvements to the Decision Making Process have been made. The Officer Delegated Decision Form has been amended so that a more in depth audit with regard to when the decision was loaded on to the system, which officer completed the form on the system and which officer published the form, with the corresponding dates able to be identified for each part of the process. A copy of the Revised Officer Delegated Decision Form is attached at **Appendix A**.
8. A Decision Making Masterclass was developed and the first Masterclass was held on 17 September 2019 which was open to all Managers.
9. The E-Learning Module on Decision Making is to be reviewed to make it more concise.
10. A report containing details of Officer Delegated Decisions taken during the period 1 January 2019 - 31 December 2019 is attached at **Appendix B**.
11. A report containing details of Executive decisions taken during the period 1 January 2019 - 31 December 2019 is attached at **Appendix C**.
12. A report detailing all outstanding Executive decisions is emailed to the

Leadership Management Team on a monthly basis, to assist in the monitoring process. This provides LMT with details of all Executive decisions that have not yet been implemented. The report details the actual date for completion and outlines whether the action required to implement the decision is on target for completion or off target.

13. **Scrutiny and challenge** - since 1 January 2019 there have been 86 Executive decisions. In the corresponding period, the Council received 4 requests for call-in, in respect of the following:
- Middlesbrough Place Brand - Decision not to refer back to Executive
 - Southlands Centre Future Redevelopment - Decision not to refer back to Executive
 - Acquisition Homes England - Land at Middlehaven
 - Long Term lease of Gresham site - Thirteen Group - Referred back to Executive. Reconsidered by Executive - Decision was to implement recommendations contained in the original Executive report and not to approve any of the recommendations made by the Overview and Scrutiny Board.

Council Constitution

14. The Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.
15. The Constitution is divided into 18 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the Constitution.
16. The Council's Constitution is a living document and is currently subject to review.

Other potential decisions and why these have not been recommended

17. No other options were considered.

Impact(s) of recommended decision(s)

Legal

18. Failure to adhere to the 2014 Regulations may result in criminal liability.

Financial

19. Not applicable

The Mayor's Vision for Middlesbrough

20. Open and transparent decision making supports all elements of the Mayor's Vision.

Policy Framework

21. The report does not impact on the overall budget and policy framework.

Wards

22. The report impacts on all wards equally.

Equality and Diversity

23. The report impacts on all groups equally.

Risk

24. If the Council does not have adequate governance processes in place to ensure that it complies with all relevant legislation. This could result in a breach in governance requirements leading to (depending on the seriousness of the breach) fines, reputational damage, government intervention alongside failure to deliver organisational priorities

Actions to be taken to implement the decision(s)

25. None.

Appendices

Appendix A - Copy of Revised Officer Delegated Decision Form.

Appendix B - Copy of report containing details of Officer Delegated Decisions taken during the period 1 January 2019 - 31 December 2019

Appendix C - Copy of report containing details of Executive decisions taken during the period 1 January 2019 - 31 December 2019

Background papers

None