



AD HOC SCRUTINY PANEL FINAL REPORT – EXECUTIVE SCHEME OF DELEGATION

THE DEPUTY MAYOR

12th FEBRUARY 2008

PURPOSE OF THE REPORT

1. To consider the report of the Ad Hoc Scrutiny Panel regarding the Executive Scheme of Delegation.

BACKGROUND AND EXTERNAL CONSULTATION

2. The Ad Hoc Scrutiny Panel presented its final report (appendix 1) on the Executive Scheme of Delegation, to the Overview and Scrutiny Board on 18th December. Following the Board's approval, the Executive now needs to consider the Panel's report.
3. The Panel's investigation into the Executive Scheme of Delegation focussed on three broad areas: the Forward Work Programme; the submission of reports through the Executive decision making process; and the role and involvement of non-Executive Members. This report is therefore structured around these three main areas.

THE FORWARD WORK PROGRAMME (FWP)

4. The Ad-Hoc Panel's recommendation is as follows:

'That the Forward Work Programme is brought fully up-to-date as soon as possible'

5. The FWP is a legislative requirement that must, amongst other things, contain all key decisions to be taken by the Executive (both full and single) over a rolling period of four months. It is a public document which can be accessed via Lotus Notes and

through the Council's website. Monthly updated copies of the FWP are also placed in the Town Hall reception and Libraries.

6. Whilst the Panel has acknowledged that the FWP is now much improved, the following list details the actions that are now taken to help ensure that it is kept up to date. The list also contains some actions to assist in making further improvements:
 - as the FWP has to be updated every month, monthly reminders are sent to senior managers asking them to update and add items to the FWP as soon as they are known;
 - Environment, Regeneration, Social Care and Children, Families and Learning all produce forward planning schedules (the majority of which are updated weekly), detailing reports that need to go through the Executive decision making processes. Copies of the schedules are also sent to the Executive Office for it to check to ensure that the schedules reflect the information contained within the FWP. Where there might be discrepancies, the FWP is updated accordingly.

As there is currently no schedule produced for Central Services, it is proposed to introduce one. This will be co-ordinated and maintained by the Executive Office;
 - In August 2007, CMT also considered the issue of placing items on the FWP. CMT members were asked to ensure that there were no departmental issues to be addressed. Officers were also reminded in December 2007 that all key decisions must be added to the FWP as soon as they are known;
 - a revised guide, detailing the Executive decision making processes, has been recently produced and circulated to all departments. As part of its promotion, the Executive Office Manager has also offered to provide a presentation on the document. It is also intended to place the document on Lotus Notes and copies will be made available to all members;
 - OSB has a standard item it considers every eight weeks on the FWP. The report, produced by the Scrutiny Team, contains a schedule giving brief details of those items currently in the Programme. Scrutiny members have asked in the past for the report to contain more detail. Accordingly, arising from one of the scheduled meetings between the Executive Office and the Scrutiny Team, it was agreed to include more information in the schedule from the FWP. It was also considered appropriate for future reports to go in the name of the Executive Office Manager and that he attends Board meetings to present it. These proposals would have to be submitted to the Board for its approval.
7. On a general point, as a standard element of the Executive accountability meetings, the Deputy Mayor does cover the inclusion of items contained within the FWP with Executive members.
8. It is considered therefore that through these processes together with the implementation of the proposed actions, the FWP will, as far as it is possible, be kept up-to-date.

EXECUTIVE DECISION MAKING PROCESS

9. The Ad-Hoc Panel's recommendations are as follows:

that only routine, administrative or technical decisions, or those which are urgent, are taken at Individual Executive Meetings; and

that, so far as possible, decisions of a wider political or public interest are taken by the Executive Board as a whole'.

10. The Executive Scheme of Delegation for which the Mayor has responsibility, provides broad guidance as to which matters are for determination by the full Executive, individual member or an Executive sub committee. Whilst the Scheme of Delegation cannot provide detailed direction for every report that needs to go through the system, it does provide the necessary general framework to follow. The basic approach is that budget and policy framework items, plus other matters of strategic significance, together with major new policies, are considered by the full Executive. More minor matters relating to specific portfolios or to the implementation of decisions previously agreed, are considered by individual members. This is a means of both speeding up decision making and promoting accountability, in accordance with the intentions of the Local Government Act 2000 which introduced the new political arrangements. Any change in the framework of delegated decision-making would require the approval of the Mayor.
11. Whilst the issues of transparency and member access to decision-making processes are covered in paragraphs 14 to 16 below; a further detailed analysis (appendix 2) was undertaken of the type and number of decisions taken at full, individual and sub-committee meetings during 2006/07 and 2007/08 (up to January). The schedules show that most new policies are determined by the full Executive and very few at individual meetings. The majority of issues considered at individual executive meetings were either defined as routine/technical, as supported by the Ad Hoc Scrutiny Panel, or involved the implementation of previously agreed decisions. On the very small number of occasions where new policies were involved, they were specific to the portfolio in question, for example a play policy was approved by the Executive member for Environment on 6th November, 2006.
12. The analysis also demonstrates that individual meetings are held on average twice a week, although the rate varies throughout the year depending on the volume of business. The number of meetings does reflect, in part, the need to meet report implementation deadlines. This can make it impractical to group reports at single member meetings. Whilst officers do try to achieve this, given the concerns expressed by the Panel, further work will be undertaken to ensure that every opportunity is taken to maximise the potential for grouping reports submitted to individual members.
13. The Mayor and Executive have had an opportunity to discuss the findings of the Ad Hoc Panel and what the analysis of decision-making patterns shows. They take the view that the basic structure of the delegation scheme is sound and it is effective in maximising the efficient management of Council business. It was also felt that individual member decision-making is valuable, both in promoting accountability and allowing time for more detailed discussion than may be possible at meetings with very lengthy agendas. It was also noted that all issues of strategic importance were considered at Executive, even if some matters of implementation were delegated to

individual portfolio holders. The Mayor and members were however, mindful of the fact that a small number of decisions fall into a slightly grey area where they could legitimately be considered *either* at full Executive *or* at a single member meeting. This is because the delegation scheme is a framework and cannot be entirely prescriptive. In these circumstances members of the Executive were happy to request officers to direct such reports to the full Executive unless there exist compelling reasons to the contrary (for example urgency). As indicated in paragraph 12 above, Executive members were also supportive of grouping single member decisions where practical.

ROLE AND INVOLVEMENT OF NON EXECUTIVE MEMBERS

14. The Ad-Hoc Panel's recommendation is as follows:

'That, subject to the ruling of the Chair, non-executive elected members are invited to comment on all issues for decision at the Executive Board.'

15. It is acknowledged that the Mayor as chair of the Executive has the right to run the meeting. In terms of non Executive members wishing to speak at the Executive, it has been general practice for the Mayor to allow non Executive Members to speak. This approach is also followed by Executive members in their individual meetings.

16. In addition to the recommendation, the Panel also expressed concerns about transparency and the need to ensure that non-Executive members were aware of the issues being raised through the decision making processes and had the opportunity to attend and comment. In fact, the degree of transparency of single member decisions is identical to full Executive, as exactly the same provisions are applied. In the case of some decisions, the degree of openness is substantially greater than the statutory minimum. Some of the provisions already in place to facilitate member knowledge of and involvement in decisions being taken are listed below:

- the CMT database containing CMT agenda, minutes and reports which can be accessed by members and officers through Lotus Notes. The minutes highlight, amongst other things, those reports that are to go through the Executive decision making process;
- all full, individual and Executive sub-committee meetings are open to the public and subject to the all usual legal requirements relevant to member meetings;
- copies of all agenda sheets are circulated to all members on the day of agenda dispatch (ie five clear working days before the meeting). This is then followed up, prior to the meeting, with an electronic agenda and accompanying reports being sent to Councillors;
- the minutes of the Executive meetings (single and full) are distributed, in 95% of all cases, on the same day as the meeting (and always within two days). An electronic copy is sent to all Councillors (and hard copy to those without home computers); and
- copies of the agenda, reports and minutes can also be viewed through the Council's Committee Management and Information System (COMMIS), accessed via Lotus Notes.

OPTION APPRAISAL/RISK ASSESSMENT

17. Not relevant in this case.

FINANCIAL, LEGAL AND WARD IMPLICATIONS

18. There are no financial or legal implications arising out of this report and the report is of interest to all members.

SCRUTINY CONSULTATION

19. The report is a response to a final report produced by the Ad Hoc Scrutiny Panel.

RECOMMENDATIONS

20. That the Executive confirms its support for the following measures in response to the recommendations of the Ad Hoc Scrutiny Panel:

- the introduction of a forward planning schedule for Central Services;
- the further promotion of the revised guide on Executive decision making processes with members and officers;
- that officers be requested to exercise the discretion available within the existing Executive decision-making framework in favour of directing reports to full Executive, as set out in paragraph 13; and
- further work be undertaken to ensure that the opportunities for grouping reports to individual Executive meetings is maximised.

REASONS

21. The recommendations are supported by the following reason:

As part of the agreed procedures, the Executive need to respond to the Ad Hoc Scrutiny Panel's recommendations.

BACKGROUND PAPERS

No background papers were used in the preparation of this report.

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