

Report of:	Executive Member for Finance and Governance and Director of Legal and Governance Services
Submitted to:	Corporate Affairs and Audit Committee
Date:	16 February 2023
Title:	Update – Council’s Decision-Making process
Report for:	Information
Status:	Public
Strategic priority:	All
Key decision:	No
Why:	Not applicable
Urgent:	No
Why:	Not applicable

Executive summary

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.

Purpose

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

Background and relevant information

2. The report is necessary so that members are regularly updated in respect of the decision making process and are assured the appropriate decision-making processes are in place.
3. 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

Council Constitution

4. 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.
5. The Constitution is currently being reviewed. The revised Constitution will be submitted to Constitution and Members' Development Committee prior to being submitted to full Council for approval.

Current policies/guidance in place in respect of the Decision-Making Process

6. Article 12 of the Constitution identifies the decision-making principles of the Council and provides information in relation to what is a key decision and circumstances when they are not deemed key.
7. Council Procedure Rules – identify procedures for elected members in conducting meetings
8. Executive Procedure Rules – Identify functions which are the responsibility of the Executive and that may be exercised by the Elected Mayor. The Elected Mayor may also delegate authority to exercise those functions to the extent they wish.
9. The Forward Work plan is the vehicle for ensuring openness and transparency when key decisions are to be taken and for advising members and the public of decisions to be made by the Executive.
10. The Executive decision-making action tracker allows actions arising from Executive decisions to be monitored for completion and assesses any risk associated with actions not being completed within the agreed timescales.
11. Overview and Scrutiny Procedure Rules – Sets out the functions of the Overview and Scrutiny Board and acts as the vehicle for hearing called in decisions.
12. The Officer Scheme of Delegation identifies powers delegated to officers, this is currently being updated.
13. Guidance for recording Officer Delegated decisions is contained on the Council's

Intranet and decisions made within these parameters are published on the Council Website and an email notification is sent to all members

14. Financial Procedure Rules – The financial policies of the Council are set out in these regulations. They apply to every member and officer of the Authority and anyone acting on its behalf.
15. Separate financial regulations are to be issued in accordance with the Fair Funding Scheme which will apply to Governing Bodies, Head Teachers and staff of schools with delegated budgets. These will be appended to the Fair Funding Scheme document.
16. These regulations identify the financial responsibilities of:
 - The full Council;
 - The Executive;
 - Scrutiny committees;
 - Members;
 - Head of Paid Service;
 - Monitoring Officer;
 - Chief Finance Officer; and
 - Executive Directors and Assistant Directors (in these regulations jointly referred to as “Other Chief Officers”).
17. The Council also has an Asset Disposal Policy which provides rules and guidance on the disposal of Council assets.

Information on the activities of the governance team (communications, training/ awareness raising

Training

18. Staff – Online materials are available on the intranet and the Middlesbrough Learns e-learning training portal. Members are also required to complete the mandatory General Data Protection Regulation (GDPR) training on the Middlesbrough Learns e-learning portal.
19. A list of training and briefing sessions held during the period 1 January 2022 and 31 December 2022 is attached at **Appendix C**.
20. Every Member who currently Chairs a Committee has now received the appropriate training to assist them in carrying out the duties required to be able to Chair a meeting effectively.
21. Work is ongoing with the Local Government Association to improve member/officer relations. In order to develop the relationship, a number of joint training sessions, facilitated by the LGA, were held between Executive Members and the Leadership Management Team.
22. The Modern.Gov Committee Management System provides the opportunity for members in the form of the Modern.Gov App, to view, annotate and download meeting papers. Councillors are also able to identify the committees that they are interested in and receive automatic updates when new information is published for them. Training on the

Modern.Gov App (covering access, registration and use of the App), was delivered to members early in 2022 via several methods;

- i. One to One training (delivered by Democratic Services Officers where available)
- ii. Physical training session (no more than 5 participants in each session).

Information on the number of officer delegated decisions

Officer Delegated Decisions

23. When an Officer Delegated decision is submitted via the Modern Gov Committee Management system, Democratic Services check the information entered on to the system to make sure that it has been entered correctly, the appropriate delegation is in place, check that there are no issues regarding confidentiality/release of exempt information and that a copy of the decision form is attached, prior to publishing the form.

Decisions made

24. A report containing details of Officer Delegated Decisions taken during the period 1 January 2022 - 31 December 2022 is attached at **Appendix A**.

Information on the number of member delegated decisions and their type (key/non key)

25. A report containing details of Executive decisions taken during the period 1 January 2022 - 31 December 2022 is attached at **Appendix B**.

Scrutiny and challenge

26. From 1 January 2022 – 31 December 2022 there have been 99 Executive decisions. In the corresponding period, the Council did not receive any requests for call-in, in respect of any of the decisions taken during that period.

Assurance

27. The report is designed to provide assurance for members in relation to the decision-making processes. This type of report is not usually replicated at other local authorities.

What decision(s) are being recommended?

28. That the Corporate Affairs and Audit Committee:

- Notes the information provided with regard to the Council's decision making process.

Rationale for the recommended decision(s)

29. The Corporate Affairs and Audit Committee requires assurance that the appropriate decision-making processes are in place

Other potential decision(s) and why these have not been recommended

30. Do Nothing. If this option was selected the Corporate Affairs and Audit Committee would not have any evidence to demonstrate that appropriate decision-making processes are in place.

Impact(s) of the recommended decision(s)

Legal

31. The 2000 Local Government Act requires all local councils to have a constitution. The constitution provides a basis and framework for the councillors and officers to work within to ensure lawful decision making.

Strategic priorities and risks

32. The relevant risks this decision would influence are cited below, with an explanation as to why they are relevant and how it would affect each risk.

Risk No	Risk Description	Impact
O8-054	Failure to adhere to Local Code of Corporate Governance and deliver governance improvements outlined in the Annual Governance Statement.	By providing evidence of the decisions taken and the training that has been undertaken, then Council is demonstrating that good governance is in place and so this would have a positive impact on this risk.
O8-055	If the Council doesn't respond effectively and efficiently to legislative changes it could be in breach of statutory duties in relation to service delivery and fail to make the most of opportunities.	The Council are obliged to comply with any new legislation or guidance. The Constitution is a live document which is updated continually to reflect any changes in legislation or guidance. The continual update of the Constitution has a positive impact on the Council fulfilling its statutory duties.

Human Rights, Equality and Data Protection

33. The subject of this report is not a policy, strategy, function or service that is new or being revised. It is considered that an equality impact assessment is not required.

Financial

34. There are no financial implications or impact on any budgets or the Medium-Term Financial Plan (MTFP) arising from the content of this report.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
There are no Actions arising from this report.	N/A	N/A

Appendices

1	Appendix A - Copy of report containing details of Officer Delegated Decisions taken during the period 1 January 2022 - 31 December 2022.
2	Appendix B - Copy of report containing details of Executive decisions taken during the period 1 January 2022 - 31 December 2022.
3	Appendix C - List of training and briefing sessions held during the period 1 January 2022 - 31 December 2022.

Background papers

Body	Report title	Date

Contact: Charlotte Benjamin

Email: charlotte_benjamin@middlesbrough.gov.uk