

DELEGATION TO OFFICERS - REPORTING ARRANGEMENTS

Accountable Officer: John Moffoot (Head of Corporate Administration)

Author: Simon Heap (Members' Services Manager) - MK252567

1. Purpose

- 1.1 To review the reporting arrangements for decisions taken by officers under delegated powers.

2. Summary

- 2.1 The Council, when adopting a new scheme of delegation to officers agreed a reporting arrangement for those decisions which were either previously taken by Committee or were included in the 'Report Book'. The decisions are published on a weekly basis.
- 2.2 Members and Town, Parish and Neighbourhood Councils and, more recently, 20 members of the public then have the opportunity to 'call in' those decisions, either for the process to be reviewed in the case of decisions published for information, or taken by Committee in other instances.
- 2.3 The arrangements have now been operating for nearly 12 months and at the time of writing this report, only two decisions have been called in for consideration by Committee. On neither occasion was the proposed decision by officers challenged.
- 2.4 The review of the scheme aims to suggest changes which would add greater clarity to the arrangements.

3. Recommendations

- 3.1 That the reporting arrangements for decisions be revised and the following tests be applied:
- (a) The Calling-In Procedure should not be used if:
- (i) the decision would require a change in policy;
 - (ii) within normal virement rules, no or insufficient budget is available;
 - (iii) the decision will have a significant effect on the work of another service; and
 - (iv) the decision is of a purely procedural nature.

- (b) The Calling-In Procedure should be used if:
- (i) the officer has delegated powers;
 - (ii) the decision does not require a change in policy;
 - (iii) sufficient budget is available within virement rules etc;
 - (iv) the decision will not have a significant effect on the work of another service;
 - (v) the decision complies with Standing Orders, Financial Regulations and the Contracts Framework;
 - (vi) the decision is likely to be of interest to the public, Parish or Neighbourhood Councils; and
 - (vii) the matter is considered by the officer to be of a sensitive nature.

3.2 That Chairs, Lead Members and Ward Members be consulted whenever the officer concerned considers it appropriate to do so.

4. **Background**

- 4.1 At its meeting on 15 September 1998 (Minute PR63/99 refers), the Committee recommended that the Council adopt a revised Scheme of Delegated Powers for officers and agreed reporting arrangements, involving the publication of lists of decisions taken or about to be taken by officers.
- 4.2 Those decisions which are currently covered by the reporting arrangement are those which were either previously taken by Committee and are now taken by officers; decisions previously included in a Committee's Report Book; or those decisions which officers consider are sensitive.
- 4.3 The list of decisions is published on a weekly basis. This list was initially published to all Members and Parish, Town and Neighbourhood Councils who then had ten working days to 'call in' the decision, or proposed decision, either for the process to be reviewed in the case of decisions published for information, or taken by Committee in other instances. The arrangements were subsequently extended to enable twenty members of the public to 'call in' a decision and, to aid this, copies of the decision lists are available at the Council's major offices and in libraries (Minute PR152/99 refers).
- 4.4 Persons, Parish Councils, etc., wishing to 'call in' a decision are initially requested to speak with the contact officer and only 'call in' a decision if they are not satisfied with the explanation given. To date only two decisions have been 'called-in' for consideration by Committee and on neither occasion was the proposed decision by officers eventually challenged. There is no record of informal approaches to the contact officers from people with concerns about any proposed decision.
- 4.5 The report form which Members receive, has been modified on a number of occasions since the arrangements were first introduced, firstly to make it easier to understand and secondly to try to establish political responsibility for some of the more sensitive decisions by including details of the 'Lead Member' where they have been consulted on the decision.

5. **Issues and Choices**

- 5.1 On occasions, officers do find some difficulty in interpreting their delegated authority in terms of what decision should be reported, particularly as there were generally no hard and fast rules as to what items should be included in the Report Book.
- 5.2 One of the principal aims of both the new delegated powers for officers and the reporting arrangements was to remove routine operational items from Committee agendas to allow Members the time and opportunity to give detailed consideration to policy issues and to scrutinise the executive arm of the Council. With a few exceptions there has been no noticeable change in the number of items on agendas or the nature of those items.
- 5.3 There has also been some confusion as to the identifiers used against various decisions (I - Information, C - Confidential and U - Urgent) and which one should be used in a particular instance. It is therefore considered that these need clarifying to make the system more easily understandable.

5.4 It is therefore suggested that a range of tests is adopted against which officers can judge both whether it is appropriate to use the reporting arrangements and whether Lead or Ward Members should be consulted.

5.5 The suggested tests are as follows:

(a) The Calling-In Procedure should not be used if:

- (i) the decision would require a change in policy;
- (ii) within normal virement rules, no or insufficient budget is available;
- (iii) the decision will have a significant effect on the work of another service; and
- (iv) the decision is of a purely procedural nature.

(b) The Calling-In Procedure should be used if:

- (i) the officer has delegated powers;
- (ii) the decision does not require a change in policy;
- (iii) sufficient budget is available within virement rules etc;
- (iv) the decision will not have a significant effect on the work of another service;
- (v) the decision complies with Standing Orders, Financial Regulations and the Contracts Framework;
- (vi) the decision is likely to be of interest to the public, Parish or Neighbourhood Councils; and
- (vii) the matter is considered by the officer to be of a sensitive nature.

5.6 Only decisions complying with the tests set out at (b) above would be published.

5.7 It should be noted that a full review of delegated powers to officers will be necessary as part of the new political management structures, and an alternative would be for the Committee to retain the present system, and carry out a review as part of the introduction of new political management structures.

6. **Implications**

6.1 Environmental

None.

6.2 Equalities

The publication of decisions and the ability of Parish, Town and Neighbourhood Councils and the public to 'call in' decisions and be involved in the Council's decision making is a considerable step to 'opening up' the Council to outside scrutiny and enhances the Council's accountability.

6.3 Financial

The use of the system is designed to 'streamline' the Committee process, and reduce the cost of Committees.

6.4 Legal

The Local Government Act 1972 allows for an authority to arrange for the discharge of its function by an officer of the authority (S101).

6.5 Staff and Accommodation

None.

7. **Conclusions**

7.1 The introduction of the reporting procedure is an innovative step. In light of its operation to date it is considered that a certain amount of revision to the scheme is necessary to enhance its operation.

Background Papers: None