

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015 – 2016

Overview & Scrutiny Committee

20 April 2016

**JOINT REPORT OF THE DIRECTOR,
LEGAL & DEMOCRATIC SERVICES &
SECRETARY TO THE CABINET**

Agenda Item No. 4

**PART 3 SECTION 5 -
GENERAL SCHEME OF
DELEGATION OF
EXECUTIVE AND NON
EXECUTIVE FUNCTIONS.**

Author: - Emma Wilkins, Cabinet Business Officer.

1. PURPOSE OF THE REPORT

- To receive Members comments on the proposed amendments to the General Scheme of Delegation, to allow for further transparency in the Council's decision making process, as supported by the Cabinet at the meeting of the 17th March, 2016.
- To commend the adoption of the amendments through the Council's Constitution, with implementation of the proposals following the Council's Annual General Meeting 2016.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 Members consider and comment on the proposed improvements to the General Scheme of Delegation as outlined within Appendix B of the Cabinet Report of the 17th March, 2016, to allow for further transparency in the Council's decision making process.
- 2.2 Following consultation, a joint report of the Secretary to the Cabinet and the Council's Monitoring Officer on the General Scheme of Delegation be presented at the Council's AGM on the 25th May, 2016.

3 REASONS FOR RECOMMENDATIONS

- 3.1 Implementation of the proposed improvements in respect of the General Scheme of Delegation will allow greater transparency in respect of decision

making and will seek to ensure a consistent and robust approach to Governance of Executive Functions across the Authority.

- 3.2 Any Changes to The Council's General Scheme of Delegation need to be agreed by Full Council, due to changes to both the Executive and non Executive Functions to the scheme.

4 BACKGROUND.

- 4.1 On the 17th March, 2016 Cabinet considered and agreed to the amendments made to the Leaders scheme of Delegation, to allow for best practice, as determined by the Leader.
- 4.2 Proposed amendments to the General Scheme of Delegation were also considered and Cabinet agreed to support these amendments and propose their adoption at the Council Annual General Meeting (AGM) on the 25th May, 2016.
- 4.3 Cabinet Members considered it beneficial that the proposed amendments (within appendix B of the report) be considered by the Corporate Governance & Constitution Committee and the Overview & Scrutiny Committee prior to the AGM.
- 4.4 Appendix B of the Cabinet report of the 17th March, 2016 is appended to this report as appendix 1. The link to the full Cabinet report is below:-
<http://www.rctcbc.gov.uk/EN/Council/CouncillorsCommitteesandMeetings/Meetings/Cabinet/2016/03/17/Reports/AgendaItem9SchemeofDelegation.pdf>

5 CONCLUSION.

- 5.1 Following consultation, it is proposed that a joint report of the Secretary to the Cabinet and the Council's Monitoring Officer on the General Scheme of Delegation will be presented at the Council's AGM on the 25th May, 2016.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

OVERVIEW & SCRUTINY COMMITTEE

20TH APRIL 2016.

**JOINT REPORT OF THE SECRETARY OF THE CABINET AND DIRECTOR,
LEGAL & DEMOCRATIC SERVICES**

Item:

Background Papers

- Council Constitution.

Officer to contact:

- P Lucas - Council's Monitoring Officer. – 01443 424105
- C Hanagan –Secretary to the Cabinet. - 01443 424005

APPENDIX B

PROPOSED IMPROVEMENTS TO BE TAKEN FORWARD.

1 KEY DECISIONS.

- 1.1 It is proposed that going forward Executive functions will either be
- A 'significant Key Decision'.
 - An operational Decision
- 1.2 Utilising the Local Government White Paper 'Devolution, Democracy & Delivery' (White Paper Reforming Local Government: Power to Local People), their definition of 'Key Decisions' is:-

"an Executive decision, which is likely:

- a) to result in the relevant Local Authority incurring expenditure which is, or the making of savings which are, significant [...] or*
- b) to be significant in terms of its effects on Communities living or working in an area comprising two or more wards or electoral divisions."*

2 CABINET WORK PROGRAMME.

- 2.1 Part 4, Section 12 of the Council's rules of Procedure require the production of a Cabinet forward work programme, over a three month period.
- 2.2 It is proposed that further improvements in respect of the forward work programme be taken forward
- 2.3 It is intended that in future the Cabinet work programme should list all of the 'Key Decisions' which the Cabinet proposes to consider over a 6 month period (although the timescales may not be stipulated), allowing sufficient notice and opportunity for consultation and / or pre-scrutiny. The work programme will be subject to change to take into account any urgent items or additional items as and when arising.
- 2.4 It is proposed that along with the proposed titles of the Key Decisions a brief 'purpose of the report' will also be available. It is anticipated that reporting of the programme in this manner will make the programme more accessible to members of the public and improve transparency as well as further facilitating the opportunities for pre-scrutiny.
- 2.5 Publication of an accurate work programme outlining consideration of Key Decisions will strengthen the robust Governance arrangements intended to be taken forward.
- 2.6 Section 12(2) advises of the publication of the work programme and with the growth and accessibility of the internet it is proposed that publication of the work programme be taken forward through the Council's website, with the programme

being updated and reflected on the main Cabinet page of the website. It is proposed that the Constitution be amended to reflect this change.

3. CHIEF OFFICER DELEGATED DECISIONS.

- 3.1 As outlined within section 5.4 of the report, Executive Functions are delegated to Chief Offices under s15 of the Local Government Act, 2000. These functions are predominantly those functions which fall under their responsibility and in the terms set out in Section 5 of Part 3 of the Constitution.
- 3.2 Officer Delegated Decisions are open decisions, although depending on the subject matter, the accompanying report may be exempt from publication. Delegated Decisions taken since 2010-2011 Municipal Year are listed on the Councils website. ([Delegated Decision](#))
- 3.3 Currently, day to day Management / Operational decisions or Exempt reports are not published on the Councils website.
- 3.4 To ensure accountability and to allow the opportunity for scrutiny of the decisions taken, it is proposed that Chief Officer Delegated Decisions in respect of 'Key Decision' will now be open to scrutiny.
- 3.5 The aim of the new process is to improve transparency and accountability and to ensure a consistent and robust approach in respect of implementing decisions, yet we must be mindful that any new process still maintains an efficient decision making process, which does not become detrimental to the Council or the Communities that it serves.
- 3.6 All 'Key Decisions' of an Officer, made by Delegated Decisions must be published in the same manner as decisions of the Cabinet. Delegated Decisions will need to be published with immediate effect and no later than 2 clear working days following the decisions being taken.
- 3.7 Once published, the Decision(s) will be subject to the same process in respect of 'Call In' as any Cabinet Committee Decision, i.e. the decision will come into force and may be implemented on the expiry of five clear working days after the publication of the decision, unless the decision is called for review by Scrutiny.
- 3.8 An email will be sent to all Councillors following publication of a Delegated Decision with the link to the decision(s), to ensure transparency.

OPERATIONAL / DAY TO DAY DECISIONS.

- 3.9 In respect of Operational or day to day management decisions taken forward through Officer Delegated Decisions, these will be recorded by the service and a record of the decisions maintained.



- 3.10 To allow for these proposed changes to the Chief Officer Delegated Decisions to be implemented, amendments will need to be made to the Call In arrangements outlined within Rule 17 of the Overview and Procedure Rules, and agreement will need to be sought by the Council.

4 SENIOR MANAGEMENT STRUCTURE – LIST OF AUTHORISATIONS.

- 4.1 Due to the recent changes in the Senior Management Structure it is suggested that to ensure a manageable and efficient process is in place in respect of Chief Officer Delegation, amendments are made to the Chief Officer authorisation list to allow members of the Senior Leadership Team to authorise Officer Delegated Decisions.
- 4.2 Work is currently being undertaken on the officer scheme of delegation to ensure that this process reflects the appropriate management of responsibility and a review of current practices is also being undertaken to ensure a consistent practice across the Authority. The Council's Functional Chart, attached as Appendix C illustrates these proposed changes.

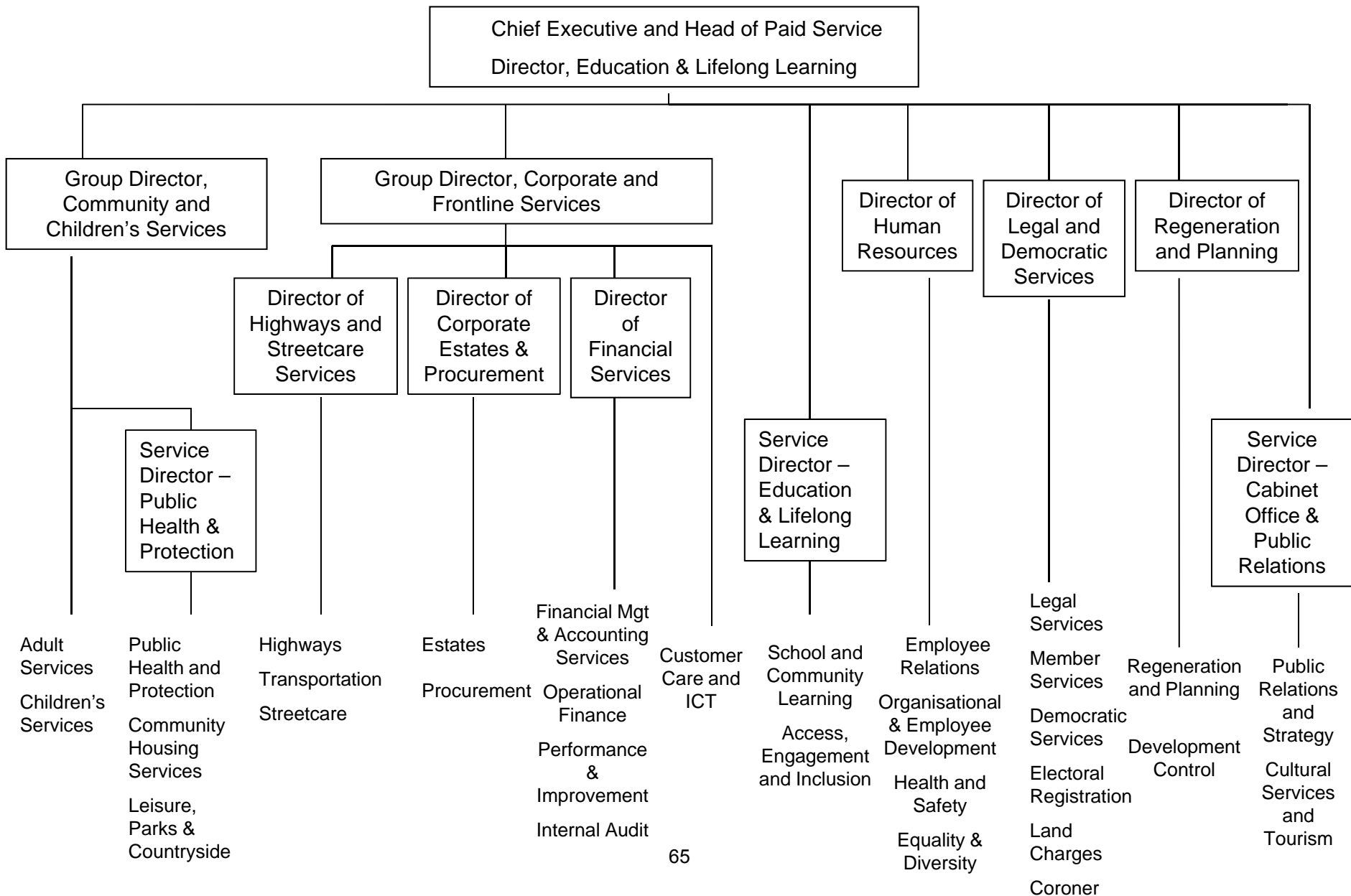
5 CABINET DECISION NOTICES.

- 5.1 It is often the case that reports presented to Cabinet require presentation to full Council for a decision. For Example, the Council's Annual Revenue Budget - A budget strategy is agreed by Cabinet which it then recommends to Council. Proposed Budget amendments can also be put forward for consideration at the Council meeting. It is the role of the Council to formally approve the Revenue Budget.
- 5.2 In such circumstances it is proposed that the Cabinet Decision Notice should reflect that Call In is 'not applicable' in these areas as the item will be discussed and voted upon in Council.
- 5.3 The same is proposed for items which are presented to Cabinet and then presented to Scrutiny – For example, the Council's Performance & Resources reports are presented to Cabinet and then to the Finance & Performance Scrutiny Committee.
- 5.4 These proposed amendments are not intended to limit Members opportunity to Call In Cabinet decisions, but reflect a more common sense approach to the overall decision making process of the Cabinet and Council.

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FUNCTIONAL AREAS

APPENDIX C



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