

Title of Report:	Amendment to the Constitution - List of Exemptions to "Key Decisions"
Report to be considered by:	Council
Date of Meeting:	22 September 2011
Forward Plan Ref:	C2338

Purpose of Report: To seek approval to extend the exception criteria for reports that can be considered as Individual Executive Member Decisions.

Recommended Action: To agree the extension of the list of exemptions to "key decisions" in order to reduce the number of reports which are taken through the Executive process and to consider any additional exemptions that could be included in the protocol.

Reason for decision to be taken: To manage the Executive agendas more effectively by reducing printing costs and streamlining the process.

Other options considered: n/a

Key background documentation: West Berkshire Council's Constitution - Part 14

The proposals will also help achieve the following Council Plan Themes:

- CPT13 - Value for Money**
- CPT14 - Effective People**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:
Managing the Executive Decision Making process to maximise efficiency

Portfolio Member Details	
Name & Telephone No.:	Councillor Graham Jones - Tel (01235) 762744
E-mail Address:	gjones@westberks.gov.uk
Date Portfolio Member agreed report:	E-mailed 8 th August 2011

Contact Officer Details	
Name:	Moira Fraser
Job Title:	Democratic Services Manager
Tel. No.:	01635 519045
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Implications

Policy: The Council's Constitution (Part 14) would need to be amended.

Financial: Process will be managed through existing resources. Potential savings on printing of Executive agenda.

Personnel: There are no staffing implications.

Legal/Procurement: n/a

Property: n/a

Risk Management: n/a

Equalities Impact Assessment: Stage 1 completed

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	

Executive Summary and Report

1. Introduction

- 1.1 The ability to take Individual Portfolio Member Decisions was introduced to reduce the volume of decisions taken at Executive and to speed up the decision making process.
- 1.2 At its Annual Meeting on 7 May 2002, the Council approved a protocol for decision making by Individual Portfolio Members. The Protocol was drafted on the basis that individual Portfolio Members would not have powers to make “key decisions”. These are defined by the Government (Regulation 8 of the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2001) as:
- (1) Those which result in the Local Authority incurring expenditure which is, or the making of savings which are, significant having regard to the Local Authority’s budget for the service or function to which the decision is related.
 - (2) Those which are significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Local Authority.
- 1.3 However, it was found that this protocol was too restrictive, particularly in relation to the second definition of a “key decision”, which restricted decisions to single wards or electoral divisions.
- 1.4 The Council, at its meeting on 17 December 2002, therefore agreed the following list of exceptions to the “key decisions”:
- (1) All decisions relating to highway matters which are within the approved budget and policy framework;
 - (2) With the exception of those strategic plans, strategies and policies requiring Council approval (as set out in Article 5 of the Constitution) decisions relating to all other plans, strategies and policies that the Council is required to produce;
 - (3) The Council’s response to Government and other consultation documents;
 - (4) Appointments to outside bodies or the ratification of co-opted Members to Committees or Commissions as approved.
- 1.5 A further exception was agreed at the Council meeting on 4 May 2004:
- (1) Insofar as the Public Rights of Way issues referred to in Part 3 of the Constitution (Scheme of Delegation) Rule 3.9.3 are concerned, it is proposed that, where these issues affect more than one Ward, whether objections are received or not, the decision shall be the subject of the Individual Decision-making process.

1.6 At the Council meeting on the 13 December 2005 the list of exemptions to “key decisions” was extended to allow:

- (1) the Leader of the Council to approve the Council’s Forward Plan for subsequent publication in accordance with the Local Government Act 2000.

2. Proposals

- 2.1 As part of the Individual Decision process consultation is undertaken with key Members and Officers prior to the report being issued. There is no requirement for the report to be considered at Corporate Board/Management Board unless it is a particularly contentious issue. Corporate Board receives a monthly update of all Individual Decisions that will take place in the following month.
- 2.2 Where an Executive Member would prefer not to take a decision on an individual basis it can be discussed at Corporate Board/Management Board prior to any decision being made. Alternatively, the Executive Member can decline to make the decision and can ask for it to be taken through the Executive process.
- 2.3 Extending the list of exemptions to “key decisions” would help to reduce the number of reports Corporate Board and Management Board would have to consider.
- 2.4 Therefore, in order to reduce further the number of reports which need to be considered at Executive meetings it is proposed that consideration should be given to widening the list of exemptions to “key decisions” to include areas such as:
 - Annual Reports/Statement of Purpose – e.g. Castlegate, Fostering and Adoption Annual Reports;
 - Permission to go out to consultation – e.g. Home to School Transport and School Admission;
 - Response to petitions.
- 2.5 Individual Executive Member Decisions are circulated to all Members at least five clear working days prior to the decision being signed and therefore there would be an opportunity for any Member to make representations to the Officer/Executive Member concerned prior to the signing date. Key stakeholders are consulted prior to the meeting being finalised.
- 2.6 Individual Decisions can also be called-in in writing by any five Members within five days of publication and the same process would be followed as for an Executive decision. The decision would be considered by the Overview and Scrutiny Management Commission and following consideration of any recommendations a decision could either then be made as an Individual Decision or be referred up to the Executive for final approval.

3. Recommendation

- 3.1 Members are asked to consider which, if any, of the above they would like to be included in the list of exemptions to “key decisions” and they are also asked to identify any additional exemptions they would like to see added to the list.

Appendices

Appendix A – Equality Impact Assessment.

Consultees

Local Stakeholders: n/a

Officers Consulted: Andy Day, David Holling, Sarah Clarke, Corporate Board

Trade Union: n/a

APPENDIX A

Equality Impact Assessment – Stage One

Name of item being assessed:	Amendment to the Constitution – List of Exemptions to “Key Decisions”
Version and release date of item (if applicable):	July 2011
Owner of item being assessed:	Moira Fraser
Name of assessor:	Linda Pye
Date of assessment:	12 th July 2011

1. What are the main aims of the item?
To manage the Executive agendas more effectively in order to reduce printing costs and to streamline the Executive process.

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender, Race, Religion or Belief and Sexual Orientation.)
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Group Affected	What might be the effect?	Information to support this.

Further comments relating to the item:
No groups will be affected by this decision.

3. Result (please tick by double-clicking on relevant box and click on ‘checked’)
<input type="checkbox"/> High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/> No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	✓

Name: Linda Pye

Date: 12th July 2011