

## POLICY REVIEW AND DEVELOPMENT PANEL REPORT

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|-----------------|--|---|--------|
| REPORT TO:      | Corporate Performance Panel            |   |        |
| DATE:           | 12 September 2022                      |   |        |
| TITLE:          | Call-in of Officer Delegated Decisions |   |        |
| TYPE OF REPORT: | Policy Development                     |   |        |
| PORTFOLIO(S):   | Leader                                 |   |        |
| REPORT AUTHOR:  | Monitoring Officer                     |   |        |
| OPEN/EXEMPT     |  | WILL BE SUBJECT TO A FUTURE CABINET REPORT: | Yes/No |

### REPORT SUMMARY/COVER PAGE

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|---|
| <p><b>PURPOSE OF REPORT/SUMMARY:</b></p> <p>A discussion paper was sought by the Chair of CPP on the issue of the call-in of officer delegated decisions. The ability for Overview &amp; Scrutiny Panels to call in decisions of the executive is required by legislation, but the detail of the procedure for call-in is a locally determined matter for each Council. This Council's constitution does not list officer delegated decisions as decisions that can be called-in. The recommendation proposed is that they should be added to this list and Standing Orders duly amended.</p>   |
| <p><b>KEY ISSUES:</b></p> <p>This Council has a Cabinet &amp; Leader governance structure. The explanatory notes to the legislation which introduced this form of governance structure state that the objective is to deliver greater efficiency, transparency and accountability of local authorities. The arrangements are intended to ensure that decisions can be taken more quickly and efficiently than in committee systems, that the individuals or bodies responsible for decision-making can be more readily identified by the public, and that those decision-makers can be held to account in public by overview and scrutiny committees.</p> <p>The counter-weight to the Cabinet model is the Overview and Scrutiny function, which in this Council is performed by the Corporate Performance Panel. Part of this function is the mechanism to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive before the decision is implemented, with the option of referring the decision back to the decision-maker to recommend that the decision be reconsidered. This is termed a 'call-in'.</p> <p>Call-in procedures are locally determined by each Council. This Council's constitution does not list officer delegated decisions as decisions that can be called-in. Historically, the only decisions of officers that could be called-in were key decisions, and because under this Council's constitution officers are not able to make key decisions, it was therefore unnecessary to include officer delegated decisions as those that could be called-in.</p> <p>This limitation on the type of officer delegated decisions that can be called in has now been removed, and to bring this Council in line with best practice it is recommended that Standing Orders be amended to include officer delegated decisions to those that can be called in.</p> |
| <p><b>OPTIONS CONSIDERED:</b></p> <ul style="list-style-type: none"> <li>• <i>Maintaining the status quo:</i> officers do make executive decisions and these ought to be captured as part of the checks and balances that CPP provides to the executive</li> </ul>  |

Cabinet model of governance within this Council.

- *Specifying a limitation on only key decisions of officers being capable of call-in: this limitation can be assigned to a historical requirement and is not in line with current best practice.*

**RECOMMENDATIONS:**

That Cabinet be recommended to recommend on to Full Council the following changes to Standing Orders:

**1.**

***12 The calling-in of Cabinet recommendations and executive decisions***

*12.1 Any Cabinet decision or Cabinet recommendation to the Council, delegated Cabinet Member's decision or officer delegated decision, may be presented for call-in to the Corporate Performance Panel*

**2.**

***30.5 Record of individual decision***

*As soon as reasonably practicable after an Executive decision has been taken by an individual member of the Executive or an officer, they will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected.*

**REASONS FOR RECOMMENDATIONS:**

To ensure the Council's call-in procedure aligns with legislative requirements and best practice.

## **REPORT DETAIL**

### **1. Introduction**

- 1.1 This Council has a Cabinet & Leader governance structure. The explanatory notes to the legislation which introduced this form of governance structure state that the objective is to deliver greater efficiency, transparency and accountability of local authorities. The arrangements are intended to ensure that decisions can be taken more quickly and efficiently than in committee systems, that the individuals or bodies responsible for decision-making can be more readily identified by the public, and that those decision-makers can be held to account in public by overview and scrutiny committees.
- 1.2 The counter-weight to the Cabinet model is the Overview and Scrutiny function, which in this Council is performed by the Corporate Performance Panel. Part of this function is the mechanism to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive before the decision is implemented, with the option of referring the decision back to the decision-maker to recommend that the decision be reconsidered. This is termed a 'call-in'.
- 1.3 Call-in procedures are locally determined by each Council. This Council's constitution does not list officer delegated decisions as decisions that can be called-in. Historically, the only decisions of officers that could be called-in were key decisions, and because under this Council's constitution officers are not able to make key decisions, it was therefore unnecessary to include officer delegated decisions as those that could be called-in. This limitation on the type of officer delegated decisions that can be called in has now been removed, and therefore it is prudent to update the call-in procedures.
- 1.4 Recently, there have been officer delegated decisions that Members have sought to call-in, but as stated, the Council's Constitution does not provide for this. This led to a request from the Chair of CPP for the matter to be considered at CPP.

### **2. Proposal**

The call-in procedure of each Council is locally determined and to bring this Council's procedures in line with best practice, the following changes to Standing Orders are proposed:

#### **1.**

#### ***12 The calling-in of Cabinet recommendations and executive decisions***

*12.1 Any Cabinet decision or Cabinet recommendation to the Council, delegated Cabinet Member's decision or officer delegated decision, may be presented for call-in to the Corporate Performance Panel*

#### **2.**

#### ***30.5 Record of individual decision***

*As soon as reasonably practicable after an Executive decision has been taken by an individual member of the Executive or an officer, they will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected.*

### **3. Issues for the Panel to Consider**

Executive decision making vests in the Cabinet, which can be delegated to individual Cabinet members in relation to their portfolios and further delegated to officers. The delegation to officers is intrinsically required to effect the operational running Council.

### Local Benchmarking

From a review of other Norfolk authorities' constitutions:

| Authority              | Officer delegated decisions included in call-in procedure |
|------------------------|---|
| Norfolk County Council | Yes   |
| Breckland              | Yes   |
| Broadland              | Key decisions only  |
| Great Yarmouth         | N/a – committee structure                                 |
| South Norfolk          | Yes   |
| North Norfolk          | Yes   |
| Norwich City           | Yes   |

#### **4. Corporate Priorities**

Strong governance supports all of the Corporate priorities.

#### **5. Financial Implications**

There will be a resource implication in the Democratic Services team if there is an increase in the number of called in decisions.

#### **6. Any other Implications/Risks**

If the Council does not bring its procedures in line with best practice then there is a risk of challenge to its decisions.

#### **7. Equal Opportunity Considerations**

No direct considerations.

#### **8. Environmental Considerations**

None

#### **9. Consultation**

None

#### **10. Conclusion**

A discussion paper was sought by the Chair of CPP on the issue of the call-in of officer delegated decisions. The ability for Overview & Scrutiny Panels to call in decisions of the executive is required by legislation, but the detail of the procedure for call-in is a locally determined matter for each Council. This Council's constitution does not list officer delegated decisions as decisions that can be called-in. The recommendation proposed is that they should be added to this list and Standing Orders duly amended.

#### **11. Background Papers**

None