

READING BOROUGH COUNCIL

REPORT BY HEAD OF LEGAL AND DEMOCRATIC SERVICES

TO:	POLICY COMMITTEE		
DATE:	24 MARCH 2020		
TITLE:	DECISION BOOK PROCEDURE		
LEAD COUNCILLOR:	JASON BROCK	PORTFOLIO:	LEADERSHIP
SERVICE:	COMMITTEE SERVICES	WARDS:	BOROUGHWIDE
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1. PURPOSE OF THE REPORT AND EXECUTIVE SUMMARY

- 1.1 In accordance with Section 100B (4) (b) of the Local Government Act 1972, the Chair has agreed that this item of business can be considered as a matter of urgency, on the grounds that it will increase the flexibility in the Council's decision-making processes in response to the current Covid-19 situation, and in anticipation that further restrictions on holding meetings could be imposed at any time.
- 1.2 To seek to amend the Council's Decision Book process to enable decisions to be taken more flexibly during the current Covid-19 situation and potentially to allow decisions to continue to be taken and published in the event of further restrictions being introduced that could affect local authority meetings.
- 1.3 The amended version of the Decision Book process is set out in Appendix A.

2. RECOMMENDED ACTION

- 2.1 That the amended Decision Book process set out in Appendix A to the report be approved, including specific changes to disapply the current councillors' call-in arrangements within the 10-day period after its publication and replace it with the ability to seek a review of the decision retrospectively, and that the changes remain in force temporarily during the ongoing Covid-19 situation.
- 2.2 That the Head of Legal & Democratic Services be authorised to end the temporary changes to the Decision Book and to revert to the original Decision Book process, taking into account Government advice and restrictions on public gatherings.

3. POLICY CONTEXT

- 3.1 There are three (main) ways the Council makes a decision - either through a resolution made through Council or a Committee, through an existing delegation that has been made to an officer, or through the Decision Book.
- 3.2 The Decision Book was introduced following the Local Government Act 2000 and the introduction of Executive arrangements in Reading in 2001. It is a mechanism for an Executive Director or statutory officer, in consultation with the relevant Lead Councillor, to enable a decision to be made. The Decision Book process was retained when the Committee system was reintroduced in May 2013.
- 3.3 Unlike a Committee report, the Decision Book report is written to set out the course of action that it is intended to be followed.

4. THE PROPOSAL

(a) Current Position:

- 4.1 The Decision Book is a process enabling decisions to be taken under delegated power in consultation with the relevant Lead Councillor. A Decision Book report should follow the usual report template and analyse the issue, consider the policy framework options, and set out legal and financial implications, corporate priorities and so on.
- 4.2 The relevant Lead Councillor is consulted and can endorse the exercise of the delegation. When the exercise of delegation is endorsed the decision will be printed in the Decision Book with the accompanying report and circulated to Councillors, press and public via the website.
- 4.3. Within a ten-day period, three or more Councillors may request in writing to the Monitoring Officer that the decision be referred to the appropriate Committee or Council (as appropriate) for consideration. If the decision is so referred, it may not be implemented until the relevant Committee or Council have debated and resolved it.
- 4.4. If the decision is not referred to the relevant Committee or Council, it may be implemented at the end of the ten-day period. However, if in the opinion of the Chief Executive or Monitoring Officer a call-in request is likely to seriously damage the interests of the Council, the current Decision Book process allows such a request to be rejected.

(b) Options Proposed

- 4.5 It is recommended that in order to increase the flexibility of decision-making, the Decision Book process is amended to temporarily disapply the current councillors' 10 day call-in arrangements.
- 4.6 The Councillors' call-in would temporarily be replaced with the ability to seek a review of the decision retrospectively.

4.7 The purpose of making the Decision Book process more flexible is to make it easier for the Council to respond to urgent decisions, perhaps in the absence of the ability to hold a meeting. It is therefore envisaged that the facility would only be used to protect the Council and its residents' interests and therefore there is a presumption that the exemption to call-in would generally apply to Decision Book reports during the period affected by Covid-19.

(c) Other Options Considered

4.8 The Council could continue to operate the Decision Book as at present. However, in the interest of transparency and the potential need to take decisions urgently with the possible loss of the ability to refer decisions to a committee, it is recommended that the proposed alterations should be made to protect the Council's interests in the short term.

5. CONTRIBUTION TO STRATEGIC AIMS

5.1 The report's recommendations support the Council's strategic objectives by providing more flexibility to continue to take decisions in relation to its priorities during the current Covid-19 situation.

6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

6.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers). The proposed amendments to the Decision Book process will increase the Council's flexibility to make decisions during the Covid-19 outbreak.

7. COMMUNITY ENGAGEMENT AND INFORMATION

7.1 The proposals set out will enable the Council to continue to publicise decisions being taken during the current Covid-19 situation by publishing them in the Decision Book. It is recommended to retain opportunities for elected local councillors to seek a review of a published decision, albeit with the emphasis being on assessing the process. This will ensure there is no undue delay to decision-making likely to damage the interests of the Council.

8. EQUALITY IMPACT ASSESSMENT

8.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 In considering this report, you must consider whether the decision will or could have a differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their religious belief.

8.3 An Equality Impact Assessment has not been undertaken. This is because it is not considered that there will be an adverse impact arising from the proposals set out in the report on the groups listed in para.8.2 above.

9. LEGAL IMPLICATIONS

9.1 The report is being considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972. The decision is required on the grounds that it will increase the flexibility in the Council's decision-making processes in response to the current Covid-19 situation. It also anticipates the possibility that further restrictions on holding meetings may be imposed at any time and therefore will provide a mechanism for continuing to take decisions and publicise them in the absence of a formal meeting.

9.2 This Policy Committee has been convened under Section 7.7 of the Council's Constitution, which allows it to take urgent decisions on all functions of the authority, including on behalf of other Committees, and full Council.

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications as a result of the recommendations.

11. BACKGROUND PAPERS

11.1 None

42. Decision Book

- (1) Subject to the provisions of the constitution relating to the powers of the Council, the powers and duties of the Committees and Sub-Committees, Article 13.7, and the Scheme of Delegations approved by the Council on the 7th April 1998, as amended from time to time, the Head of Paid Service, the Executive Directors, the Chief Financial Officer and the Monitoring Officer shall have power to take decisions on functions which have not been delegated to an officer, on behalf of the Council or the responsible Committees or Sub-Committee, subject to the following provisions:
 - (a) Before exercising any such delegation, the officer proposing to exercise the delegation shall consult with the relevant Lead Councillor(s) and shall prepare a full report on the matter including the precise decision which is to be taken and a list of background papers as defined in the Local Government Act 1972 or any variation of that definition from time to time in force.
 - (b) The Head of Paid Service shall maintain a Decision Book in which all decisions made under this delegation shall be recorded together with copies of reports referred to in (a) above. The Decision Book shall be published on the Council's website; and circulated electronically to all Councillors on publication. Decisions will be actionable with immediate effect.
 - (c) Copies of the reports shall be available electronically to the press and the public on request in accordance with the Local Government Act 1972 or any amendment of it and any Regulation made under the provisions of the Local Government Act 2000.
 - (d) Members of the Council may reasonably request such electronic copies of the reports as they require.
 - (e) Not less than three Members of the Council may request the Head of Paid Service in writing to refer a decision for review to the responsible Committee or Sub-Committee within a period of ten days of the decision being included in the Decision Book.
 - (f) Where a review is requested in accordance with (e) above, the published decision will either 1) remain in force where already implemented until such time as the review is complete, or 2) where not implemented, be deferred pending the outcome of the review if the Head of Paid Service and/or Monitoring Officer are of the opinion that delay is not likely seriously to damage the interests of the Council; and on that basis any reviews are likely to be a retrospective assessment of how the decision was taken.
- (2) This delegation may not be used to take any decision which is inconsistent with the Council's Policy and Budget Framework as described in the constitution.