

THE EXECUTIVE

17 JUNE 2003

REPORT OF THE SCHEME OF DELEGATION SCRUTINY PANEL

SCHEME OF DELEGATION	FOR DECISION
<p><i>Final reports for Scrutiny Panels are submitted to relevant parts of the political structure, as set out in paragraph 11 of Article 5B of the Constitution.</i></p>	
<p><u>Summary</u></p>	
<p>This report outlines the background to the establishment of a new Scrutiny Panel to review the Scheme of Delegation, principally in terms of its effectiveness in improving decision making since its introduction in May 2000. Forming part of the review:</p>	
<ul style="list-style-type: none">• a number of Members and officers were interviewed by the Panel to discuss the workings of the Scheme• lists of authorised postholders in each Department/Division, together with details of monitoring and audit trails were presented• independent advice was sought from officers from the London Borough of Southwark	
<p>Arising from consideration of the Scheme a number of issues were highlighted, particularly:</p>	
<ol style="list-style-type: none">1. the need to ensure standardisation (as far as is practical) of the audit trails/monitoring processes held in each Department2. the lack of communication with Members, particularly at a ward level3. concern about a lack of general involvement by Members in certain areas of decision making4. a need for greater training of officers on political awareness and conflict management	
<p>To address the issues highlighted in 2-4 above, the Panel looked at ways of improving communications about issues/decisions taken by officers that affects elected Members in their ward representative capacity, as well as how that information should be passed on, together with a range of ideas on how to keep Ward Members informed.</p>	
<p>The Panel also took the opportunity to review the levels of officer delegation in relation to planning decisions, so as to address new Government Best Value targets aimed at achieving more effective and efficient planning regimes.</p>	

Recommendations

The Assembly to note that overall the Scheme of Delegation is the right mechanism for achieving the streamlined approach to decision making that was required as part of the revised political arrangements introduced in 2000, notwithstanding the need to address Government Best Value objectives in relation to planning. In order however to address Member concerns over communications etc. and other issues, the Board is asked to consider the following recommendations:

- (i) All Managers accept responsibility for ensuring that appropriate Ward Members are kept informed of relevant decisions that affect them in their capacities as elected representatives through a series of actions as set out in the report;
- (ii) Each Department should appoint a Senior Manager to “champion” the cause of ensuring that all Members are kept briefed;
- (iii) The Head of Corporate Human Resources (Development and Training) to arrange courses around political awareness and conflict management for officers;
- (iv) Officers in each Department to be made responsible and accountable for reviewing the content of the Scheme to make sure it is relevant and timely as well as ensuring its correct implementation. To make sure this happens a random corporate “health check” to be conducted on the administration and implementation of the Scheme by the Council’s Monitoring Officer on a quarterly basis. This includes reviewing whether the correct procedures were followed, and how the decision(s) was arrived at. As the check applies to the whole Scheme it should also include decisions taken at a Member level;
- (v) The individual departmental audit trails/monitoring processes required as part of the Scheme should, where possible, be standardised particularly in relation to those delegations generic to all Chief Officers.
- (vi) That the Scheme be amended insofar as the Development Control Board is concerned, so that in future the Director of Leisure and Environmental Services will have the power to determine applications where the recommendation is one of refusal under certain criteria. All Members of the Council to be reminded of their right to request referral of any application for determination at the Development Control Board, as laid down in the terms of reference.
- (vii) Having regard to the Terms of Reference of the Panel, that the Scheme should also include broad statements setting out the Council’s policy on equalities and diversity, and the impact of decision-making on the health of individuals or the community as a whole (something that should apply to all decisions of the Council); and
- (viii) In the light of the above the Scrutiny Management Board to consider reviewing progress say in six months time, to which Panel Members should be invited to attend.

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1. **Background**

1.1 The Scrutiny Management Board at its meeting in November 2002 received a progress report regarding the establishment of a number of new scrutiny panels, including that relating to delegated powers. At a subsequent meeting in December 2002 membership was agreed, together with the following terms of reference:

- (i) To consider the Scheme of Delegation and its effectiveness in improving decision making since its introduction in May 2000. In doing so to consult with a sample of Members and officers for their views.
- (ii) To check that decisions are being taken in accordance with the Scheme and are transparent.
- (iii) In relation to delegation to Chief Officers to check that (a) appropriate lists of any authorised postholders are available and up to date as required by paragraph 7 of the Scheme, and (b) written statements of any key decisions are properly recorded and available as per paragraph 4.
- (iv) To have regard to any Government guidance or external influences, and to any equalities and diversity issues that might apply to the Scheme.
- (v) To report back with findings and any recommendations.

1.2 The membership of the Panel was Councillor D Felton (Lead Member), Councillors W C Dale, F C Jones, T J Justice and Mrs V M Rush. Independent advice was received from Graham Love and Rachel Prosser from the London Borough of Southwark.

2. **Review of the Scheme of Delegation**

2.1 Initially the Panel received a scoping report which set out the background and context for the Scheme of Delegation, drawing on comparisons with processes adopted under the former political structure. This highlighted the operational aspects of the Scheme, including safeguarding and monitoring mechanisms that have been adopted across departments. The Panel concluded that the streamlining approach taken has achieved a key objective of the Council under its reviewed political arrangements of allowing the Executive to focus on strategic and policy decision-making.

2.2 In reaching this broad conclusion however, the Panel did have particular concerns around:

- A lack of communication with Members about certain decisions of officers and resulting actions - principally the need for information to be given to Ward Members regarding sensitive or key issues happening within their wards.
- Doubts about the transparency and accountability of the Scheme. The production of lists of authorised postholders in each Department, together with details of audit trails demonstrated a lack of consistency and monitoring across Departments.
- Concerns by some Members that their involvement in certain areas of decision-making had been removed to their disadvantage, although it was recognised that in many instances legislation had dictated who could make decisions e.g. staffing appointments.

2.3 Individual Members and officers were invited to attend Panel meetings to discuss how the Scheme had affected them personally in their working capacities. Their comments mirrored the view of the Panel that overall the Scheme itself was not of a concern, but a lack of communication and monitoring was what needed to be addressed.

2.4 The Head of Corporate Communications was duly consulted and a paper was presented with regard to keeping Ward Members informed of decisions and actions, both proposed and those actually being taken/implemented under the Council's Scheme of Delegation. As a result of considering this report the Panel felt that managers generally needed to be more competent in their delegated powers, and to that extent there was some suggestion that specific training support might be provided to make officers more politically aware, albeit this should also be addressed through the competency processes. It was suggested that the Head of Human Resources (Development and Training) should be consulted with a view to implementing training programmes for political awareness and conflict management for all Service Managers. (see paragraph 3.3)

3. Proposals

3.1 The overall findings of the Panel about the Scheme have centred on the lack of communication between officers and elected Members. This has been echoed in a recent questionnaire issued to all Members about Member and officer relationships. The following proposals are presented to deal with the communication problems and are aimed at emphasising the message to officers that Members need to be kept informed particularly about matters of Ward interest:

- Full use of e-mail where Members are on-line
- Induction - corporate and departmental
- Articles in 'People Matters'
- Raise through The Management Team - cascading messages down

- Managers' Briefings/Conferences - specific focus on communication problems
- Regular items on Departmental Management meetings in Service Departments
- Regular items on monthly Team meetings in service departments
- Ward Councillors to be invited to The Management Team/Team meetings to increase awareness and encourage joint working
- Target main service areas and provide officers with information about Ward Councillors
- Strongly encourage "other" officers to attend Community Forum meetings to get a feel of issues important to the area
- Specific provision on the template for all committee reports to identify "wards affected" by the proposals
- Similar provision on the Forward Plan to identify all wards affected
- Specific training for Service Managers
- Portfolio holders to double check with officers that the relevant Ward Members have been informed when they are consulted/briefed about local issues

3.2 Overall the onus on keeping the Ward Members informed must lay with the relevant Service Manager and ultimately their Head of Service/Chief Officer. That said, the Panel would like to see each Department appoint an officer at Departmental Management Team level to "champion" Members' cause ensuring that they are kept fully informed as appropriate.

3.3 In relation to training of officers the Panel felt that political awareness and conflict management were the main areas that needed addressing to ensure that the Scheme, as a mechanism for delivering streamlined decision-making, is not, in practice, at odds with the needs of Members. Although examples were provided of this sort of training conducted at Southwark, the Panel felt training should be tailored to LBBD needs, for which advice should be sought from the Head of Corporate Human Resources (Development and Training).

3.4 Officers in each Department should be made responsible and accountable for regularly reviewing the make up of the Scheme to ensure its relevance and that it is reflecting all changes, be they internal or by way of new legislation for example.

- 3.5 To make sure this happens the Panel feel there would be merit in the Council's Monitoring Officer instigating a quarterly random corporate "health check" on the administration and implementation of the Scheme. This is to include reviewing whether the correct procedures were followed, and how the decision(s) was arrived at. As it covers the entire Scheme the check should also include decisions taken at a Member level.
- 3.6 Looking at the terms of reference of the Panel it is further proposed that the Scheme include broad statements setting out the Council's policy on equalities and diversity, and the impact of decision-making on the health of individuals and/or the community as a whole. This is something that should apply to decision-making generally.
- 3.7 The Panel felt that six months should be given to implement the above actions, a progress report on which should then be presented to the Scrutiny Management Board.

4. Development Control

- 4.1 At the meeting of the Executive held in October 2002 Members considered a report on the Deputy Prime Minister's Policy Statement 'Sustainable Communities - Delivering Through Planning'. In order to speed up decision making the Government has set a new target of achieving 90% delegation of all planning decisions to officers, to be monitored through a new Best Value Performance Indicator. This, together with other targets set by Government, as contained in a Green Paper, is aiming to achieve a more effective and efficient planning regime, principally aimed at ensuring that decisions on planning applications are taken within relevant timescales.
- 4.2 The Executive recommended and subsequently the Assembly agreed in March 2003 to increase the frequency of the Development Control Board to fortnightly from May 2003, together with a review of the Board's membership. Officers were also instructed to consider and report upon the advantages and disadvantages of increasing officer delegated powers by amending the powers of the Development Control Board (applications where the officer recommendation is one of refusal within certain criteria). Collectively these actions will hopefully achieve the Government's targets.
- 4.3 It was subsequently felt that as this Panel had already been established to review the whole question of delegation, it would be appropriate for this aspect to be considered by the Panel in the first instance, with a view to putting forward recommendations.
- 4.4 The Panel took the opportunity of reviewing the levels of officer delegation and concluded that whilst they had general concerns about the amount of officer delegation being taken on planning decisions, they recognised the need to have some action towards more officer delegation so as to achieve new Government Best Value targets. The Panel has recommended that insofar as the Development Control Board is concerned, the Director of Leisure and Environmental Services should have the power to determine applications where the recommendation is one of refusal, and which do not fall into one of the other categories requiring a Board decision. In reaching that view any applications which are being recommended for

refusal which are either contrary to policies in the Unitary Development Plan, attracting substantial levels of objection or which follow a request from any Ward Councillor in writing to the Head of Planning within 21 days of the circulation of details of the application, subject to the agreement of the Chair, will continue to be submitted to the Development Control Board for a decision.

- 4.5 The Panel did have some concerns about a loss of transparency on decision making by taking away the right for applicants to address the Board, and in those circumstances they are suggesting that the Director needs to review awareness publicity around appeals processes via Members. To that extent we would suggest that all Members of the Council be reminded of their rights to request referral of an application to the Development Control Board, as laid down in the terms of reference. In addition the information given to the public promoting pre-application discussions with Planning Officers needs wider publicity

Background papers used in the preparation of this report:

- Agendas and Minutes of the meetings of the Scheme of Delegation Scrutiny Panel held on 29 January, 19 February, 4 March, 20 March, 11 April and 6 May 2003.
- Lists of authorised postholders and audit trails.