

CABINET

4 SEPTEMBER 2012

EXECUTIVE DECISION MAKING – NEW LEGISLATIVE REQUIREMENTS – ADDENDUM REPORT

Portfolio Holder: Councillor Rodney Chambers, Leader
Report from: Perry Holmes, Monitoring Officer
Author: Julie Keith, Head of Democratic Services

Summary

To provide further information in respect of the recording of executive decisions made by individuals.

1. Recording of executive decisions made by individuals

- 1.1 Since publication of this report further detailed analysis of the regulations has brought into question the arrangements required for recording and publishing information about executive decisions taken by officers under their delegations from the Leader/Cabinet.
- 1.2 Medway has clear procedures in place to meet the access to information requirements for key decisions.
- 1.3 However it would appear there is now a requirement for the publication of a record of executive decisions taken by officers in connection with the discharge of executive functions and for this to be available for public inspection and on the Council website.
- 1.4 Potentially, this significantly widens the scope of officer level decisions which must be formally recorded and published. Before a view is taken on whether any changes are required to the procedures for recording officer decisions in Medway the Cabinet is asked to agree that the Monitoring Officer should seek clarification from DCLG as to the intended focus of this part of the new regulations with a view to clarifying that they do not extend to day to day operational and administrative decisions. This will involve a delay in setting up any new arrangements required to enable a proportionate response to the regulations.

2. Revised recommendations

- 2.1 To agree the changes required to the Constitution as set out in Appendix A for referral to Full Council for approval on 18 October.
- 2.2 To agree that the working arrangements for executive decision-making and access to information as set out in the revisions to the Constitution together with the proposed approach described in paragraphs 4.1 to **4.9** of this report should take effect immediately to ensure compliance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 from 10 September 2012.
- 2.3 To note that the Leader will be asked to delegate authority to the Monitoring Officer to determine, in consultation with the Leader, a response to any representations received about why a Cabinet meeting should be open to the public following publication of a notice of intention to meet in private.
- 2.4 To instruct the Monitoring Officer to seek clarification from DCLG on the intended scope of the definition of executive decisions in relation to regulation 13 insofar as this relates to recording of executive decisions made by officers.
- 2.5 To authorise the Monitoring Officer, in consultation with the Leader to put in place appropriate arrangements to comply with the requirements for recording executive decisions by officers as set out in the regulations and taking into account any advice received from DCLG on this matter and to report any consequential changes to the Constitution to Full Council for approval if required.

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