

Outline of the Council's Decision Making Arrangements

1. **Decision Making Powers/Delegations**
 - 1.1 The route that decisions take is determined by what is laid down in the Terms of Reference of full Council, Cabinet and the Area Councils and the matters specifically delegated to officers. The delegated powers of individual Cabinet Spokespersons relate to any matter within their Portfolio not otherwise specified. These decision making responsibilities are set out in the Council's Constitution.
 - 1.2 The decision making powers of full Council are generally those specified in law: approval of the budget and council tax; the policy framework and other strategies (although this is relatively loosely defined in Barnsley); regulatory policies; issues relating to Member representation; Members allowances; electoral issues; decisions relating to the Council's role as a trustee. The original intention was that full Council should have a relatively "strong" decision making role, beyond what is statutorily required, although this has been more limited of late. The main exception to this is approval of the first consultation stage on school reorganisation proposals, which are required to go to full Council.
 - 1.3 The Cabinet's responsibilities focus on the co-ordination of Council affairs, the improvement agenda and performance, the approval of policies, strategies and programmes of activity within the overall policy framework and budget. The Cabinet also makes recommendations on matters that will need full Council approval and specifically approves Key Decisions (anything that involves expenditure or income over £500,000 or affects communities in two or more Wards).
 - 1.4 The specific responsibilities Area Councils relate to decisions on the commissioning of expenditure from the relevant area budget. It is possible that this might conflict with the Cabinet's responsibilities for Key Decisions (bearing in mind the definition at 1.3 above).
 - 1.5 Cabinet Spokespersons decision making powers are not specified, with the exception of the Leader of the Council's power to appoint Cabinet and Area Council Chairs and approve the distribution of Executive Functions and powers of the Development, Environment and Culture Spokesperson in relation to the Decent Homes Programme. This means that Spokespersons can approve expenditure from the approved budget of more than £250,000 but less than £500,000, in addition to any matter not reserved for full Council / Cabinet or delegated to an officer.

- 1.6 Officers have two types of delegated powers: those included in the general provisions that relate to the Chief Executive and all Executive Directors and Directors; and functions and powers, often arising from particular pieces of legislation, relating to specific senior officers. General provisions include the financial limit of officer decision making of £250,000. Some specific delegations have other financial limits, as stated in the scheme of delegations.
- 1.7 Whilst officers or individual Cabinet Spokespersons might have delegated powers, they can always opt to “refer a decision up” where this is felt appropriate. Typical examples include relatively low levels of expenditure where the nature of the choice involved in taking the decision might require some political input. In some cases, matters might need Cabinet / Spokesperson approval because there is an expectation that Members will be involved in decisions of that nature, rather than what is strictly said in the Constitution.

2. Legal / Procedural Issues

- 2.1 There are a number of legal and procedural constraints on decision making that affect the relevant timescales. These generally apply to decisions made by meetings, rather than individual Members or officers, but some apply across the board.
- 2.2 There is a requirement that five clear days notice should be given of any decision making meeting and papers be available to all Members, the press and the public within this timescale. This means that, say, for a meeting on Wednesday, the agenda and all of the papers for the meeting should be issued on the previous Tuesday.
- 2.3 In the case of matters to be considered in a private meeting (generally those that contain exempt information as defined in law), 28 days notice has to be given of the matters to be considered to allow the public to make representations. Five clear days before the meeting, a further notice has to be given saying what representations have been received.
- 2.4 28 days notice must also be given of any Key Decision that is to be taken, including information about who the decision maker will be. This is currently covered in a Forward Plan of Key Decisions, published every 28 days.
- 2.5 The regulations in respect of private meetings and key decisions allow decisions to be made without 28 days notice, provided a special notice is issued within 5 clear days of any meeting and, in some cases, the Chair of the Overview and Scrutiny Committee has been consulted. Particularly in the case of Key Decisions, requiring these only to be made at Cabinet and Area Councils allows the issuing of relevant notices to be properly policed.

- 2.6 There is a requirement for a record of any (Executive) decision taken, whether by Cabinet, individual Cabinet Spokespersons or an officer, to be published as soon as possible after the decision is taken. This notice must indicate who has taken the decision and the options and information considered when this decision was taken. This must include publication on the web-site where there is one. A similar requirement applies to non-executive officer decisions, but only where this relates to the granting of a permission or licence or affects the rights of an individual.
- 2.7 Whilst the recording / reporting requirements for Cabinet and Spokesperson is consistently applied, this is less so for officer decisions.
- 2.8 Once an executive decision is made, the Overview and Scrutiny Committee can choose to “call-in” the decision for review, effectively delaying its implementation. In the case of Cabinet decisions, implementation must be delayed for a short period pending any review. In Barnsley, Cabinet decisions cannot be implemented until 4.30 pm on the fourth working day after the Cabinet meeting. The Call-In delay for Cabinet Spokespersons’ decisions is three working days from the decision. Technically, officer decisions could be called in if not implemented, although there is no requirement to delay implementation, so in practice they would seldom be called-in.

3. Procedural Requirements

- 3.1 The (Executive) Officer Delegations include information on the recording of decisions that are designed to comply with the recording requirements mentioned above.
- 3.2 The arrangements for individual delegated decision making by Cabinet Spokespersons include the requirement that any report coming forward for decision on these arrangements must first be the subject of consultation with relevant SMT members. This is in addition to any internal officer consultation that has taken place in the drafting of the report concerned. Delegations also include requirements on the recording of decisions, which ensure compliance with the requirements referred to above, and the need for this to be on the basis of written reports.
- 3.3 Although reports are written in the name of officers, they are presented at the Cabinet meeting by Cabinet Spokespersons and there is a convention that reports should be “cleared” by them before submission to Cabinet.
- 3.4 Statutory deadlines and the need for Cabinet Spokespersons to be briefed on any reports, give rise to the following sequence of events once the report in question has cleared the relevant officer processes:

Week 1	Cabinet Members’ Briefing to clear Cabinet reports
Week 2	More Cabinet Members’ briefings
	Cabinet reports to Council Governance Unit

	(Friday)
Week 3	SMT clears Cabinet Agenda (Tuesday)
	Cabinet Agenda dispatched (Tuesday)
Week 4	Cabinet approval (Wednesday)
Week 5	Call-in deadline expires / decisions implemented (Tuesday)

3.5 After being cleared by SMT, any matters for decision under Cabinet Spokesperson's delegated powers will be referred to the next available Spokesperson's briefing for approval. These reports will then be forwarded to all Members of the Overview and Scrutiny Committee, giving them three days to call-in the report in question.

4. Arrangements for Writing / Clearing Reports

4.1 The report writing guidelines provide advice on what should be included in Cabinet / Delegated Spokespersons reports in order to support the decision making process. The guidelines cover four main areas namely:

- The basic minimum requirements in terms of style, layout and legal issues
- The key sections of the report that are needed to provide the appropriate information Members need to take decisions, in a consistent way for each report
- Key policy considerations and supporting information and processes, which will vary from issue to issue
- Arrangements for consultation

4.2 The report writing guidelines acknowledge that the amount of information included reports will vary depending upon the issue under consideration. The guidelines are therefore very much a check list for report authors, rather than a template. The main requirements are about the information that is included and the need to ensure that appropriate consultation within the Council is carried out, particularly in relation to financial and employee implications. The most recent report writing guidelines also included a requirement to include information on the communications implications of the issue. To avoid unduly long reports, the use of supporting appendices is encouraged.

4.3 The list of considerations beyond the basic requirements that report authors should take into account is quite lengthy. This has developed over the 14 years that the guidelines have been existence. It includes a range of legal duties that the Council has and a number of other considerations arising out of Council policy. For most issues under consideration, these issues provide a check list for report authors of information that might be included but is subsequently discounted.

- 4.4 The report writing guidelines emphasise the respective roles of report authors, Assistant Directors, Executive Directors and Directors in the report clearing process. Whilst it is expected that report authors will initiate appropriate consultation internally with colleagues – particularly those in Finance, Human Resources, Legal and Governance and Communications – it is expected that, in clearing reports, Assistant Directors, Executive Directors and Directors will ensure that any necessary consultations have been carried out before clearing the report to go forward to the Cabinet Spokesperson.
- 4.5 Recently, SMT has taken a role in clearing Cabinet reports. It is understood that Executive Directors and Directors will consider if a report needs consideration at a meeting of SMT in the course of clearing reports.
- 4.6 The administrative arrangements to support the processing of reports through officer systems and on to the Cabinet Spokesperson vary from Directorate to Directorate. In some cases, a designated officer undertakes this function, whilst in others it is the responsibility of the PA of the Executive Director, Director or Assistant Director.
- 4.7 In all cases, the function is about providing support to the report author and Executive Director, Director or Assistant Director to ensure appropriate compliance with the report writing guidelines, particularly in relation to consultation, and to ensure the report can be processed through to the Spokesperson for clearance, and then to the Council Governance Unit.

5. Relationship with Cabinet Spokespersons

- 5.1 There is an expectation that Cabinet Spokespersons will be kept aware of current issues within their Portfolio by the way of regular briefings. The majority of meetings are held fortnightly to coincide with the Cabinet cycle, with some still held weekly (i.e. in line with the cycle of meetings when Cabinet was established in 1999). It is expected that Spokespersons will clear Cabinet reports as items before they are included on an agenda.
- 5.2 The briefings are also used to sign off Delegated Spokespersons Reports and for Spokespersons to be informed of issues that are being taken forward under officer delegated powers.

6. Frequency of Cabinet Meetings

- 6.1 Cabinet meetings have been held on a fortnightly basis since 2001. Although workload for the meetings was initially heavy, this was reduced by increased officer delegation and delegation to individual Spokespersons. The amount of business considered at White Cabinet Meetings has remained stable, on average, for the last seven or eight years.

6.2 Whilst in 2013 Cabinet Meetings have been relatively brief (often no more than 30 minutes long), the meetings do lead into a more lengthy Purple session. This has been used more recently for a more deliberative agenda, specifically to discuss performance related issues. There is some concern, however, that there could be more discussions of issues at White Cabinet Meetings, particularly where the issues are significant (again, performance reports) and / or have been discussed previously at Purple Cabinet, to show that proper attention is being paid to these issues.

7. Purple Cabinet

7.1 Purple Cabinet is an informal private session that allows Members to have political discussion about forthcoming issues. It provides a facility for Cabinet Members to be briefed collectively, and to give an appropriate steer. Purple Cabinet might consider 'final' Cabinet reports, written in a formal style, or more informal briefing notes that might then form the basis of formal reports. Formal reports might be revised before further consideration / approval to take account of Member concerns.

7.2 Purple Cabinet does not follow the usual rules on distribution of papers etc. but the meetings themselves can feel quite formal. The relevant Cabinet Member, on advice of the relevant Executive Director or Director, will generally decide what items require Purple consideration as part of the briefing process.