

# Public Document Pack

# Blackpool Council

4 September 2015

To: Councillors Blackburn, Cain, Campbell, Collett, Jackson, Jones, Kirkland, Smith, I Taylor and Mrs Wright

The above members are requested to attend the:

## **EXECUTIVE**

Monday, 14 September 2015 at 6.00 pm  
in Committee Room A, Town Hall, Blackpool

## **A G E N D A**

### **1 DECLARATIONS OF INTEREST**

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

### **2 CONSTITUTIONAL CHANGES** (Pages 1 - 14)

### **3 FINANCIAL PERFORMANCE MONITORING AS AT MONTH 3 2015/2016** (Pages 15 - 20)

**Venue information:**

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

**Other information:**

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: (01253) 477157, e-mail [lennox.beattie@blackpool.gov.uk](mailto:lennox.beattie@blackpool.gov.uk)

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

<b>Report to:</b>	EXECUTIVE
<b>Relevant Officer:</b>	Mark Towers, Director of Governance and Regulatory Services Steve Thompson, Director of Resources
<b>Relevant Cabinet Member:</b>	Councillor Simon Blackburn, Leader of the Council
<b>Date of Meeting :</b>	14 <sup>th</sup> September 2015

## CONSTITUTIONAL CHANGES

### 1.0 Purpose of the report:

- 1.1 To seek the necessary approvals to update the Council's constitution due to recent changes in statutory and proper officer positions. It also seeks to clarify and update the key decision definition and the Council's Financial Procedure Rules.

### 2.0 Recommendation(s):

- 2.1 To recommend Council:

1. To extend until 30<sup>th</sup> November the appointment of Delyth Curtis as statutory Director of Children's Services (as defined in Section 18 of the Children Act 2004) and Karen Smith as statutory Director of Adult Services (as defined in Section 6(1) of the Local Authorities Social Services Act 1970), for the reasons set out in paragraph 5.2.
2. To appoint Joceline Greenaway (the Head of Bereavement and Registration Services) as Proper Officer for Registration Services (as defined under the Registration Service Act 1953).
3. To approve the revised definition for a key decision, as set out in paragraph 5.6.
4. To amend the Council's Financial Procedure Rules as set out in paragraph 5.8.

- 2.2 To agree the Executive decision making criteria as set out in Appendix 2a.

### 3.0 Reasons for recommendation(s):

- 3.1 It is considered timely to report to Council on these proposals as there have been recent changes in personnel relating to proper officer positions and the temporary statutory officer arrangements for Delyth Curtis and Karen Smith are due to expire at

the end of September, so a Council decision is required before then. The proposed changes to a key decision definition and the Financial Procedure Rules will add clarity and certainty going forward.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

To make different recommendations to Council on proper officer and statutory officer roles and to agree different Executive decision making criteria/ Financial Procedure Rules.

#### **4.0 Council Priority:**

4.1 The relevant Council Priority is "Deliver quality services through a professional, well-rewarded and motivated workforce "

#### **5.0 Background Information**

5.1 In February 2015, the Chief Officers Employment Committee agreed to authorise the Chief Executive to commission the Hay Group to assist him in an evaluation of the authority's senior management structural arrangements. This was partly due to the temporary arrangements in place for Delyth Curtis undertaking the role of statutory Director of Children's Services and Karen Smith undertaking the role of statutory Director of Adult Services. It also involved the secondment of a chief officer to Blackpool Coastal Housing which is due to expire in May 2016. The temporary arrangements for the statutory roles had been agreed by Council on 17<sup>th</sup> September 2014 to be in place until 30<sup>th</sup> September 2015. It was envisaged that the Chief Officers Employment Committee would have met by this date to allow it to consider the aforementioned review. However, this has not happened and the review is still subject to consultation. A meeting of the Chief Officers Employment Committee will be held in the near future and before the next Council meeting in November.

5.2 The Chief Executive has consulted with the Leader of the Council and the Leader of the Conservative Group and accordingly wishes to ask Council to extend these temporary arrangements until 30<sup>th</sup> November, to enable them to be considered at the November Council meeting, following the Chief Officers Employment Committee's review of the structure.

5.3 It is also considered appropriate to change the designation for the Proper Officer for Registration Services. This is currently held by Mark Towers but the detail of the role

involves regular liaison with the Registrar General and it is recommended that Joceline Greenaway who is the Head of Registration and Bereavement Services undertakes this role, as it is more relevant to her day to day duties and she is of sufficient level to hold this role. This role is held by holders of similar positions in other unitary/ County Councils. The proposal is supported by the Registrar General's office.

- 5.4 At its meeting on the 22<sup>nd</sup> May 2013, the Executive agreed a set of decision making criteria which forms part of the constitution. Given that 2 years have now elapsed since these were agreed, it is considered timely to review these criteria to ensure that they remain fit for purpose. Part of the review has involved an internal audit review of the application of these criteria within a Council directorate. Due to feedback received from Democratic staff and feedback at the beginning of this review, it is suggested that some changes are made for clarification purposes.
- 5.5 One proposed change is the definition of a key decision. The point requiring clarification is when approval has already been sought for a decision because it is already clearly referenced in the budget. A second decision for approval is therefore not required. This has always been the advice given to officers and members but it is considered for clarification purposes, it needs to be clearly referenced in the definition. There are no proposals to change the other parts of the definition.
- 5.6 The updated definition would therefore read as follows:
- An Executive decision will be a key decision if it comes within any of the following categories:
- a) It involves expenditure or savings (including receipt of or loss of income) of £250,000 or over in relation to the budget for the service or function to which it relates, but excludes any decision:
    - taken as a consequence of the Council's Treasury Management Strategy for the current financial year;
    - taken as a direct consequence of an earlier key decision;
    - identified within the Council's agreed Budget for the current financial year where there is a clear intention of the decision to be taken.
  - b) It is likely to have a significant positive or negative impact on the people living or working in an area comprising two or more wards.
  - c) It makes recommendations on the Council's Policy and Budget Frameworks.
  - d) If the decision is to approve a 'plan or strategy', reserved for Executive approval only, as set out in the constitution.

The other parts of the Executive decision making criteria have had some minor changes (name changes etc) but not to alter the understanding of them. These are attached at Appendix 2a.

5.7 As part of this review of the Constitution it is also considered prudent to change the Financial Procedure Rules to reflect the current financial climate of local government and financial status of the Council. Paragraph 2.3 of the Financial Procedure Rules currently states:

2.3 Expenditure may be incurred in excess of individual revenue budget heads provided that the total of such excess spending does not:

- (i) exceed 1% of the authority's total net revenue expenditure, or
- (ii) have the effect of reducing the authority's Reserves and Working Balances below 50% of their normal projected level.

5.8 It is proposed that this paragraph now read:

2.3 Expenditure may be incurred in excess of individual revenue budget heads provided that the total of such excess spending does not:

- (iii) exceed 1% of the authority's total gross revenue expenditure, or
- (iv) have the effect of reducing the authority's Working Balances below 50% of their normal target level.

Does the information submitted include any exempt information?

No

**List of Appendices:**

Appendix 2a – Updated Executive Decision making criteria.

**6.0 Legal considerations:**

6.1 A Council has to have in place statutory and proper officers for various positions. This report seeks to extend and also formalise certain appointments for the reasons explained in the report. A Council also has to have an agreed definition for a key decision and Financial Procedure Rules. This report again seeks to update the current definitions to make them more relevant.

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 Equality considerations would be considered as part of the decision making process when each Executive and Cabinet Member decision is taken.

**9.0 Financial considerations:**

9.1 There are no financial considerations relating to the proposals in this report. The reasons for the changes to the Financial Procedure Rules are listed in the report.

**10.0 Risk management considerations:**

10.1 Additional clarity over corporate governance arrangements will reduce the risk of decisions being taken at the wrong level or not properly recorded. Decisions on statutory and proper officer positions at September's Council meeting will also make sure the Council has appropriate accountable people in relevant positions to meet its obligations.

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 Consultation has taken place with the individuals for the proposed statutory positions and with the Leader of the Council and the Leader of the Conservative Group specifically regarding the extension of the arrangements for the statutory positions for Director of Children's Services and statutory Director of Adult Services.

**13.0 Background papers:**

13.1 None

**14.0 Key decision information:**

14.1 Is this a key decision? No

14.2 If so, Forward Plan reference number:

14.3 If a key decision, is the decision required in less than five days? No

14.4 If **yes**, please describe the reason for urgency:

**15.0 Call-in information:**

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

15.2 If **yes**, please give reason:

**TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE**

**16.0 Scrutiny Committee Chairman (where appropriate):**

Date informed:

Date approved:

**17.0 Declarations of interest (if applicable):**

17.1

**18.0 Executive decision:**

18.1

18.2 **Date of Decision:**



**19.0 Reason(s) for decision:**

**19.1 Date Decision published:**

**20.0 Executive Members in attendance:**

20.1

**21.0 Call-in:**

21.1

**22.0 Notes:**

22.1

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# EXECUTIVE DECISION MAKING CRITERIA

## 1. Introduction

All decisions must be taken in accordance with the law, rules of procedure, financial regulations, relevant codes of practice and the principles of decision making set out in Article 13.02 of the Council's Constitution. This guidance should be read in conjunction with Part 3 (Responsibilities for Functions) of the Constitution.

There are two types of Executive decisions, namely a 'key' decision or a 'non-key' decision. The definitions for these and who will take them are set out in this document.

Decisions are taken in a number of ways including: by the Executive collectively (key or non-key), by an individual Cabinet Member (key or non-key) or by an authorised officer (non-key decisions only).

There are three principles which also necessitate an 'Executive Decision' being taken by either the Executive or a 'Cabinet Member'. These are:

- If the decision to be taken is contrary to, or seeks to amend a decision previously taken as an Executive or Cabinet Member decision (either key or non key decision)
- If the decision relates to the approval of the commencement of procurement exercises and the award of contracts which are reserved to the Executive, in accordance with Contracts Procedure Rules.
- If the decision is reserved for Executive decision as per the Council's Financial Scheme of Delegation.

Executive decisions taken by the Leader of the Council, Deputy Leader of the Council, Cabinet Secretary and Cabinet Members must always be formally recorded by the Director of Governance and Regulatory Services (or representative) and will be subject to call-in.

Officer Executive decisions can only be taken by the relevant Chief Officer, or in the name of the Chief Officer or a person authorised in writing by the Chief Officer. They cannot be taken by a group of officers or a group of officers and elected members.

These principles and criteria in this document are part of the Council's Constitution and failure to follow these will be a breach of the constitution and would most likely result in disciplinary action being taken.

## 2. Conflicts of interest

There may be occasions where an Executive Member has a significant conflict of interest – this is one where the member concerned has either:

- a prejudicial interest or
- a disclosable pecuniary interest.

In these instances, the Cabinet Member will not be involved in a decision relating to the matter. Such decisions will be referred to the Leader of the Council, unless he also has a conflict of interest.

Further guidance on interests is set out in the Code of Conduct for Members (Part 5 of the Council's Constitution).

### 3. Key decisions

Key decisions are to be taken by the Executive collectively. If the decision cannot be left until the next scheduled Executive meeting, it may be taken by the relevant Executive Member and in these circumstances the Director of Governance and Regulatory services (or representative) will agree for the decision to be taken at this level, after consultation with the Leader of the Council and the relevant Executive Member.

Notice of a key decision must be given at least 28 calendar days in advance by its inclusion in the Forward Plan.

The definition of a key decision can be found within the Council's Constitution and is as follows:

An Executive decision will be a key decision if it comes within any of the following categories:

- a) It involves expenditure or savings (including receipt of or loss of income) of £250,000 or over in relation to the budget for the service or function to which it relates, but excludes any decision:
  - taken as a consequence of the Council's Treasury Management Strategy for the current financial year;
  - taken as a direct consequence of an earlier key decision
  - identified within the Council's agreed budget for the current financial year where there is a clear intention of the decision to be taken.
- b) It is likely to have a significant positive or negative impact on the people living or working in an area comprising two or more wards.
- c) It makes recommendations on the Council's Policy and Budget Frameworks.
- d) If the decision is to approve a 'plan or strategy', reserved for Executive approval only, as set out in the constitution.

### 4. Non-key decisions

Non-key decisions are split into four categories: those to be taken by the Executive collectively, those to be taken by the appropriate Executive Member individually and operational decisions to be taken by officers (significant or administrative).

#### **Category 1: Executive Non-Key Decisions (ie those taken by the Executive collectively)**

The following examples of non-key decisions would normally be taken by the Executive

collectively unless circumstances dictate that a decision is required before the next scheduled meeting. In these circumstances, the Leader of the Council or a Cabinet Member would take the decision.

- a) Decisions likely to have a significant effect on communities living or working within one ward.
- b) Decisions with significant impact on service and/or resource implications:
  - across the Council/ Borough as a whole, or
  - across a number of services.
- c) Decisions with significant performance or policy issues affecting:
  - the Council/ Borough as a whole, or
  - crossing a number of services.
- d) Proposals to or responses to recommendations or matters raised by a scrutiny committee or the Audit Committee.
- e) Capital commitments with prudential borrowing (Financial Scheme of Delegation).

**Category 2: Cabinet Member Non-Key Decisions**

These are decisions taken by the Executive Member individually (but may also be taken by the Executive collectively if necessary) and are:

- a) Decisions relating to significant asset management matters affecting the functions within the Executive Member's portfolio only. This would be where the sale, purchase, refurbishment, annual repair and maintenance or new build is between £200,000 to £249,999 or is likely to have a significant positive or negative impact on the people living or working in an area comprising one ward.
- b) Decisions with significant changes to service delivery or have significant service or resource implications for an individual Council function.
- c) Performance or policy issues affecting an individual Council function (unless these are so significant that they should be considered by the Executive collectively).
- d) Where the Chief Officer/Executive Member is of the opinion that the issue is likely to be controversial and/or sensitive.
- e) The payment of grants to outside bodies and voluntary organisations and the approval of ward funding requests from elected members, in accordance with the approved scheme.

- f) Where a dispensation from the Contracts Procedure Rules is required (Financial Scheme of Delegation).
- g) Setting service fees and charges (excluding those which are statutorily prescribed) and new income generation initiatives (Financial Scheme of Delegation).
- h) The write off of any individual debt in line with the threshold set in the financial scheme of delegation (Financial Scheme of Delegation).
- i) Extra contractual payments to contractors over 20% of contract value up to £250,000 (Financial Scheme of Delegation).
- j) Any statutory/legislative decisions which are not the responsibility of the Council or a Council committee
- k) Any proposed decisions that have been referred to the Executive by Council.

**Category 3: Officer Delegated Decisions (significant operational decisions)**

The following sets out the types of non-key decisions that can be taken by officers i.e. those that are significant operational decisions for the service, or involve the appointment of elected members to other bodies. Although they do not require a decision from an Executive Member, the relevant Cabinet Member (or the Leader of the Council) must be consulted before the decision is made.

Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Executive 'officer' decisions must be published on the Council's website using the appropriate template. These would be exempt for call-in. The regulations do not define which officer decisions this applies, to although the presumption is generally such decisions which an ordinary member of the public would expect to be aware of. The approach taken by other authorities includes property matters between certain thresholds, specific one off delegations from the Executive and formal appointments and responses on behalf of the Council. On that basis the criteria below is put forward for these types of decisions. These decisions do not include administrative decisions (i.e. taken as a result of day-to-day operation of the service). The corporate template must be used to record and publish these decisions.

These types of decision would include:

- a) One-off decisions delegated to an officer following a previous Executive or Cabinet Member decision.

- b) Decisions relating to significant asset management matters. This would be where the sale, purchase, refurbishment, annual repair and maintenance or new build is between £100,000 and £199,999 and there is no other form of approval already in existence.
- c) The appointment of elected members to outside bodies and school and academy governing bodies (as appropriate).

**Category 4: Officer decisions - administrative**

In line with the principles of good governance Chief Officers should also keep records of other operational decisions taken by them. Although these are not published, a record of the decision will provide an appropriate audit trail and provides clear evidence of a decision taken should their need to be evidence needed in the future (inspection, investigation etc). The corporate template can be used for recording these types of decisions.

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<b>Report to:</b>	<b>EXECUTIVE</b>
<b>Relevant Officer:</b>	Steve Thompson, Director of Resources
<b>Relevant Cabinet Member:</b>	Councillor Simon Blackburn, Leader of the Council
<b>Date of Meeting:</b>	14 September 2015

## **FINANCIAL PERFORMANCE MONITORING AS AT MONTH 3 2015/2016**

### **1.0 Purpose of the report:**

1.1 The level of spending against the Council's Revenue and Capital budgets for the first three months to 30th June 2015.

### **2.0 Recommendation(s):**

2.1 To note the report.

2.2 To require the respective Directors and Director of Resources to continue to closely monitor and manage financial and operational performances, particularly in Children's Services, Adult Services, Property Services, Concessionary Fares, Parking Services, Community and Environmental Services and Places.

### **3.0 Reasons for recommendation(s):**

3.1 To ensure financial performance against the Council's Revenue and Capital Budget is kept under review by members.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None

**4.0 Council Priority:**

4.1 The relevant Council Priority is:

“Deliver quality services through a professional, well-rewarded and motivated workforce”

**5.0 Background Information**

5.1 See reports and appendices circulated to members under separate cover.

5.2 Does the information submitted include any exempt information?

No

**5.3 List of Appendices:**

Report

Appendix 1

Appendix 2

Appendix 3a

Appendix 3b

Appendix 3c

Appendix 3d

Appendix 3e

Appendix 3f

Appendix 3g

Appendix 3h

Appendix 3i

Appendix 3j

Appendix 3k

Appendix 3l

Appendix 4

Appendix 5

Appendix 6

All circulated to members under separate cover.

**6.0 Legal considerations:**

6.1 None

**7.0 Human Resources considerations:**

7.1 See reports and appendices circulated to members under separate cover.

**8.0 Equalities considerations:**

8.1 An Equalities Impact Assessment was produced as a part of the budget setting process and remains relevant.

**9.0 Financial considerations:**

9.1 See reports and appendices circulated to members under separate cover.

**10.0 Risk management considerations:**

10.1 Impact of financial performance on Council balances. Financial performance against approved Revenue and Capital budgets.

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 None

**13.0 Background papers:**

13.1 None

**14.0 Key decision information:**

14.1 Is this a key decision? No

14.2 If so, Forward Plan reference number:

14.3 If a key decision, is the decision required in less than five days? N/A

14.4 If **yes**, please describe the reason for urgency:

**15.0 Call-in information:**

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

15.2 If **yes**, please give reason:

**TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE**

**16.0 Scrutiny Committee Chairman (where appropriate):**

Date informed: N/A Date approved: N/A

**17.0 Declarations of interest (if applicable):**

17.1

**18.0 Executive decision:**

18.1

**18.2 Date of Decision:**

**19.0 Reason(s) for decision:**

19.1 **Date Decision published:**

20.0 **Executive Members in attendance:**

20.1

21.0 **Call-in:**

21.1

22.0 **Notes:**

22.1

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