

**Democratic Governance (follow-up)**  
**City of York Council**  
**Internal Audit Memo**

## Introduction and Objectives

- 1.0 An audit on Democratic Governance took place in 2013-14 and the final report was issued on 16 December 2013. Actions were agreed to address weaknesses identified in the audit.
- 1.1 Follow up action during 2014-15 confirmed that a number of these actions had been completed or significant progress had been made.
- 1.2 For some actions it was decided that more detailed re-testing would be done in order to confirm whether the actions taken had been effective in addressing the weaknesses identified in the original audit. Specifically these related to findings 1 (key decisions) and 3 (logging officer decisions).
- 1.3 Findings were discussed with the Head of Democratic Services and Assistant Director, ICT and Governance and are set out below.

## Findings

### Key decisions

- 2.0 The original audit found some decisions had been recorded as 'key' that had not been made by cabinet and some of these had also been incorrectly categorised as key. Decisions recorded as key between 1<sup>st</sup> April 2014 and 9<sup>th</sup> December 2014 were re-tested and no instances were found where decisions had been recorded as 'key' on modgov but had not been made by cabinet.
- 2.1 In addition, of a total of 27 key decisions, 10 were sampled to assess whether they had been correctly recorded as key. All 10 recorded specifically whether they were key because they had 'significant effect' or the '£500K' criteria. As far as could be judged from information available these seemed to have all been correctly recorded as key.<sup>1</sup>
- 2.2 It was also noted that there were no delays in the publishing of these decisions.

### Officer decisions

- 2.4 For recorded officer decisions between 1<sup>st</sup> April 2014 and 9<sup>th</sup> December 2014, there were no instances of officer decisions that were recorded as key.
- 2.5 A sample of recorded officer decisions was taken to assess whether any of them should have been recorded as key. For all the decisions reviewed it seemed reasonable for them to have been non-key and made by officers under delegated powers.<sup>2</sup>
- 2.6 It was noted that some officer decisions were published a significant period of time after they were published (3 of 12 sampled were published over 2 weeks after they were made; including one 2 month delay and one 3 month delay).

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<sup>1</sup> The recent decision to sell Theatre Royal to York Conservation Trust for £1 was not examined in any detail. Although recorded as a non-key decision on modgov this decision was published in the forward plan with the required notice for key decisions and was made by Cabinet; so was effectively treated as a key decision.

<sup>2</sup> Whilst recognising that a judgement on whether something has 'significant effect on communities' will always be something that cannot be strictly defined and different people may reach different conclusions about whether the effect of any individual decision will have a 'significant effect'.

- 2.7 It was also noted that CES (City and Environmental Services) officer decisions continue to be accompanied by detailed and relevant information relating to the decision; CANS (Communities and Neighbourhoods) decisions generally contained little or no background information; other directorates had very few or no officer decisions recorded.
- 2.8 A decision making flowchart has been produced by the Monitoring Officer and provided to CMT setting out the process for determining whether something is an officer decision and, if so, under what circumstances it should be published with background documents.
- 2.9 It was noted that there is no formal monitoring of the officer decision log. This was discussed with the Head of Democratic Services and it was acknowledged that this team is not best placed to scrutinise recorded officer decisions

### **Overall Conclusions and Recommendations**

- 3.0 Overall, the re-testing shows that some improvements can be seen in the categorisation and recording of decisions but there remain further improvements that can be made.
- 3.1 A review of the constitution, including delegations and decision making was planned for February 2015. However, changes in council reports going to December and February meetings of Audit and Governance committee have meant that this has been delayed. The committee did approve changes in the February meeting which will limit Officer decisions to below £250K (rather than £500K as at the time of testing).
- 3.2 Training in relation to decision making and officer delegations was set up in December 2014 but was cancelled as nobody put themselves forward for it. The Workforce Development Unit is looking at how to move this forward.
- 3.3 A report on officer decision making is currently in preparation for CMT. The findings from this follow up testing will be fed into that report.
- 3.4 It is recommended that the report on officer decisions being taken to CMT includes mechanisms to monitor the officer decision log to scrutinise whether decisions made have been reasonably categorised as non-key and whether they have been published with reasonable background information and in a timely manner.