

Review of the Executive Forward Plan

Information Gathered In Support of the Review

The Committee held a number of meetings at which they received a number of reports in support of this review. Each report presented information on City of York Council's Executive Forward Plan, paying particular attention to how it relates to constitutional and legislative requirements.

Limiting the Forward Plan to 'Key' decisions only

Since the introduction of Executive arrangements in York, the Council's FP has always included both 'Key' and 'Non-Key' decisions. The number of 'Key' decisions appearing on the FP is minimal in comparison to the number of 'Non-Key' decisions – as shown below:

| Municipal Year | Number of Key Decisions | Number of Non-Key Decisions |
|----------------|-------------------------|-----------------------------|
| 2009 – 2010 | 1 (to date) | 81 |
| 2008 – 2009 | 7 | 219 |
| 2007 – 2008 | 12 | 173 |

These figures suggest that items are not being correctly identified as either key or non-key. From a cursory examination of recent Executive agenda it appears that potentially more than one 'Key' decision has been taken this municipal year.

In the case of 'Non-Key' decisions, it is expected that the figures for 2009-10 will be lower than previous years following the introduction of a separate log for 'information only' reports, resulting in their removal from Executive Member agenda.

Council is exceeding its legislative requirement by including non-key decisions on its forward plan. Based on the number of 'Key' and 'Non-Key' decisions shown above, it is clear that there is an issue within the Council of identifying what is a 'Key' decision. This may be as a consequence of the Council's constitutional definition i.e.:

'A decision made in connection with the discharge of a function which is the responsibility of the Executive and which is likely to:

- result in the Council incurring expenditure, or making savings, which are significant having regard to the Council's budget for the service or function to which the decision relates i.e.:
 - make a saving of more than 10% of the budget for a particular area - or be more than £500,000
 - require spending that is more than 10% of the budget for a particular area - or be more than £500,00
- be significant in terms of its effects on communities '

Alternatively, it may be that there is a lack of understanding about the need to make this identification correctly, when the FP contains both 'Key' and 'Non-Key' items. If this is the case, the removal of 'Non-Key' items from the FP may encourage officers to correctly identify the type of decision they require.

There are some consequences to limiting the FP to 'Key' decisions only, e.g.:

| Consequence | Effect / Available Solution |
|---|--|
| It would seriously reduce the amount of work involved and time taken to populate and publish each FP. | Effect - Reduced workload for: <ul style="list-style-type: none"> • Directorate based FP Contacts (currently the Director's PAs act as FP Contact for their Directorate), • Forward Plan Administrator in Democratic Services. |
| It would require another mechanism for identifying 'Non-Key' decisions items for agendas | Available Solution - The Committee Management System provides a simple mechanism for addressing this issue e.g. <ul style="list-style-type: none"> • an officer writing a report which requires a 'Non-Key' decision can easily submit an agenda item onto the relevant draft agenda via the electronic system, well in advance of the meeting date. • Later, they can attach the associated report they've produced to that agenda item. • The Democracy Officer can see at a glance whether the report has been attached and can chase up the report as the report deadline approaches. • Once attached, the Democracy Officer can check the report in the usual way before publishing the agenda. |
| It would require more focus on correctly identifying whether an item is 'Key' or 'Non-Key' | Effect – Introducing the above mechanism would involve establishing a separate procedure for 'Non-Key' decisions, which may be seen as an unnecessary complication |

Timing of Items Appearing on the Forward Plan

The issue of deferring items on a FP has always been contentious, and many Authorities experience this. Historically in York, it has led to many items appearing on the FP only 4/6 weeks in advance of the decision being required. This is limiting the time available for scrutiny members to identify and carry out pre-decision scrutiny of the associated issues.

It should be noted that the longer the period between an item appearing on the FP and the decision date, the more likely it is that the decision date will change, as the entries become more speculative. A necessary consequence of including items

early is that Members understand the need for flexibility around decision dates. It is therefore recognised that an important cultural change at the Council is required in order to ensure an environment exists in which officers work within guidelines on acceptable reasons for deferral of FP items, and where Members accept the necessity on occasion for deferral. The Committee Management System already provides a mechanism for recording reasons for deferral and enables those reasons to be visible online.

The alternative method for identifying forthcoming 'Non-Key' decisions outlined within the table at paragraph 8 above, would not restrict report writers from adding these well in advance of the decision being required, thus enabling their earlier identification by scrutiny, allowing more time for pre-decision scrutiny to take place where necessary.

Optimum Format of Printed Forward Plan

An example of this Council current FP format is shown at Annex A. Only some of the information contained therein is required by legislation, leaving some scope for simplifying the process by reducing the amount of information required per item. However, the current printed format of the Council's FP does not include all of the information required by legislation. Therefore, whatever changes this Committee recommends to the layout and format of the FP, they must allow for the inclusion of the following information:

- the members of the decision making body to be listed i.e. the names of the Executive Members (*in practical terms it would be better for this information to appear at the beginning of the printed FP, rather than on each FP entry*)
- the steps that may be taken by any person who wishes to make representations, and the date by which those steps are to be taken (again, *in practical terms it would be better for this information to appear at the beginning of the printed FP, rather than on each FP entry*)
- a list of the documents to be submitted to the decision maker for consideration, in relation to the matter in respect of which the decision is to be made (*this information would be specific to each individual entry therefore it would need to appear on each one*)

In addition, although the Council's Constitution states that details of any consultation taking place should be included (in line with the legislative requirement), in practice this does not happen in York. The Council's working practices therefore need revising to ensure this is done, where relevant.

There are over a hundred Council's nationally using the same Committee Management System as used by CYC. Each of them produces a FP and many have chosen to adapt the style of their plan to best suit their individual needs. Many of these are much simpler and clearer than the format this council currently has in use and the Committee looked at a number of these when considering the optimum layout and format for use by CYC.

Consultation Feedback

Simultaneously to the work on this review, the Monitoring Officer has been considering how scrutiny and the support given to it might be improved. Her comments and suggestions are shown at paragraph 18 of the draft final report.

The Committee also consulted with Executive Members, Group Leaders, Directors, Senior Officers, and FP Contacts on possible changes to the FP and options for earlier identification of topics for pre-decision scrutiny. It generated a number of responses.

From the Executive Member for City Strategy:

Forward Plan - The existing format is of little use to anyone. We should judge it on the basis of how helpful it is in informing residents about what is happening.

Residents have 5 requirements

- a. What is the decision to be taken?
- b. How will it affect me?
- c. Who will take the decision?
- d. When will the decision be taken?
- e. How can I (a resident) influence the decision?

The rest of the information is essentially an internal administrative process (and can be referred out to a second layer document)

I'm not at all sure that the other formats used by other Councils are actually much better in addressing these questions.

Key Decisions - What forms a Key Decision in York is largely mystic. You can argue that the undefined "community interest" criteria could make all decisions "Key". I doubt whether this would meet national legislative requirements.

Some decisions are, of course, reserved for Council (while others have been delegated to officers, although the delegation in some Departments seems to have gone too far and needs to be reviewed)

One list - Having 2 lists (Key/Non Key) would add more confusion to the process. We need an integrated approach.

Information Register - This has limited value. The Executive members are going to routinely report these items through the decision session simply to provide accessibility for residents (residents should have the opportunity to raise questions on them, publicly, if they wish to).

Mod.Gov alerts - These are largely useless. They don't answer the 5 important questions at a glance (see 1 above) and appear at seemingly random times. Need a facelift

Business Plans - There is an argument for (say) the covering sheet for each Department/Portfolio work plan to be updated in real time and made available on the shared drive. These could include the decisions that are to be taken over the

next 2 months (at least) but it would have to be accepted that these would be subject to change. Some Departments already have a forward programme of decisions and publish it for their internal DMT meetings.

Web Site - "Up coming decisions" need to be added to the home page of the Council web site

From the Corporate Policy Officer:

One issue has always been lack of time for things to be picked up and this applies across a range of policy areas - it is easier to pick up and address issues early than wait until the last minute - i.e. when we have to implement something. However in the past relevant Executive Members have been somewhat reluctant to put items on the agenda that they don't see as important - even if they are a matter of national policy & this has led to us failing to meet requirements or having a motion put at full council and no real response.

If the methods proposed will enable earlier debate of key issues it should improve decision making in the longer term.

However still struggling to see the overall co-ordination of cross-cutting issues in this - who champions something that crosses several areas. At the moment we are setting up a policy network for officers and possibly this might have some potential to link into Directorate plans as there will be Directorate contacts with I hope a co-ordination role. The Chief Executive has also been talking about something for Member development on policy but nothing firm yet.

From the Head of Arts & Culture:

The first thing that strikes me is the issue of defining a Key decision is almost entirely based on budget implications. Is this the same with the other councils using the method of limiting Executive business via the Key decision route? There surely are some decisions whose budget implications are not yet known or have political and cultural implications that the Executive may wish to retain a view on that would be missed by the current definition. Clearly the system needs improvement but one also needs to ensure that appropriate decisions are owned by the Executive. Is this definition of Key Decision one that is legally or constitutionally proscribed or do councils have the opportunity to determine what is key to them?

I'm also not sure how this would then have knock on effects to the Executive decision making level. And the scrutiny procedures operating at that level.