

CHESHIRE EAST COUNCIL

Governance and Constitution Committee

Date of Meeting: 30 September 2009
Report of: Democratic Services Manager
Subject/Title: Cabinet Decision-Making Arrangements

1.0 Report Summary

- 1.1 To enable the Governance and Constitution Committee to consider proposed changes to the existing Cabinet Decision-Making arrangements and to make a recommendation to Council in order for changes to be made to the Constitution.

2.0 Recommendations

- 2.1 That the proposed changed individual Cabinet Member decision-making powers, set out in Appendix B to this report, be recommended for approval by Council and for inclusion in the Constitution.

3.0 Reasons for Recommendations

- 3.1 In order to ensure greater use of individual decision-making powers.

4.0 Wards Affected

- 4.1 All Cheshire East Council Wards are affected.

5.0 Local Ward Members

- 5.1 All Cheshire East local Ward Members are affected.

6.0 Policy Implications

- 6.1 Any changes to the Council's decision-making arrangements which are agreed by Council must be reflected in the Constitution. These will then govern the way in which the Council, its Members and officers operate.

7.0 Financial Implications for Transition Costs

- 7.1 There appear to be no financial implications for Transition Costs.

8.0 Financial Implications 2009/10 and beyond

- 8.1 There appear to be no identifiable financial implications 2009/10 and beyond.

9.0 Legal Implications

- 9.1 Any changes to the Council's decision-making arrangements must be reflected in the Constitution. Constitutional changes cannot take place until a recommendation of the Committee has been considered by Council and Council approval has been given.

10.0 Risk Management

- 10.1 No changes are proposed to be made to the Constitutional provisions relating to call-in of executive decisions, which enable individual Cabinet Member decisions to be considered by Scrutiny Committees. There would seem to be no risks associated with the proposed changes. Indeed, the changes proposed will bring further clarity for officers and Members as to the types of decision which may be made by Cabinet Members and the collective Cabinet.

11.0 Background and Options

- 11.1 Appendix A sets out the existing powers of individual Cabinet Members to make decisions within their areas of Portfolio responsibility. Further amendment is required to reduce the volume of business being transacted by full Cabinet.
- 11.2 Despite Council having agreed that individual Cabinet Members should have their own decision-making powers, the collective Cabinet is still being expected to deal with many decisions which, it would appear, should be dealt with on an individual basis. Officers are still, despite a series of training sessions, reluctant about referring decisions to be dealt with individually by portfolio holders rather than collective Cabinet. Individual Cabinet Members are reticent in using their powers and often defer to full Cabinet.
- 11.3 A further reduction in the volume of Cabinet business could be achieved by removing paragraph (d) of the existing powers as set out in Appendix A. Many decisions are "significant in terms of their effect on communities" but could readily be taken by the relevant portfolio holder.
- 11.4 It is proposed that the powers of individual Cabinet Members should be changed to reflect the provisions in Appendix B. These powers are identical to the existing powers, except it is proposed that individual Cabinet Members will not be prevented from making decisions which are "significant in terms of their effect on communities....". By removing this provision, Council would bring certainty to its executive decision-making arrangements.
- 11.4 It should be noted, however, that no changes are proposed to be made to the Council's call-in provisions which, when triggered, put executive decisions on hold and give time for Scrutiny Committees to consider whether advice should be offered to the decision-maker prior to the decision being reconsidered.
- 11.5 It is understood that Cabinet Members will also be given some assurance in the use of their individual decision-making powers by:-

(a) the opportunity to discuss the matter first at an informal Cabinet meeting;
and

(b) the scheduling of regular weekly Member decision days on Tuesdays.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Appendix A

Existing powers of individual Cabinet Members

Cabinet Members may make all executive decisions in respect of their portfolio areas except:

- (a) Decisions already taken by Cabinet or an officer acting under delegated powers.
- (b) Decisions involving a departure from the Council's Budget and Policy Framework or any Cabinet or regulatory committee policy.
- (c) Decisions involving expenditure or savings of £1 million or more.
- (d) Decisions which are significant in terms of their effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Council.
- (e) Decisions which the Leader wishes to be taken by full Cabinet.

PROVIDED THAT all such decisions shall be taken in public and that regard shall be had to the advice of the Borough Solicitor by the decision-maker in interpreting these provisions.

Appendix B

Proposed powers of individual Cabinet Members

Cabinet Members may make all executive decisions in respect of their portfolio areas except:

1. Decisions already taken by Cabinet or an officer acting under delegated powers.
2. Decisions involving a departure from the Council's Budget and Policy Framework or any Cabinet or regulatory committee policy.
3. Decisions involving expenditure or savings of £1 million or more.
4. Decisions which the Leader wishes to be taken by full Cabinet.

PROVIDED THAT all such decisions shall be taken in public and that regard shall be had to the advice of the Borough Solicitor by the decision-maker in interpreting these provisions.