

Decision Making

The legislation governing the Cabinet model divides the Council's functions and each functions' associated decision making, into two categories, Executive and Non-Executive.

Executive Functions

All delegations of executive functions are detailed within the Leader's Scheme of Delegation. The Scheme is presented to the Annual General Meeting of the Council by the Leader.

The principle of the scheme is that subject to reservations all decisions are delegated to the Chief Executive and the relevant Executive Director or Director where the matter falls within the area of their responsibility. These delegations are then exercised by officers on behalf of the Executive Director or Director in accordance with any portfolio delegations. These delegations can only be exercised where they are within the current budget framework and would not be contrary to any Council policy. There are specific delegations to certain officers within the Scheme in the areas of Property, Legal, HR, charitable functions, Highways PFI, Enterprise programme etc.

The scheme sets out what matters are reserved either to Cabinet or to a Cabinet Member. These reservations are intended to ensure that the most important decisions are taken by Cabinet or a Cabinet Member (e.g. major policy issues, high value or long term contracts, grant aid and loans above certain values, or significant service redesign). Cabinet also has a specific delegation so it may take any decision even if not reserved.

The scheme includes a definition of a Key Decision as an Executive decision which is likely:

- To significantly affect our budget (currently fixed at £500,000+)
- or to be significant in terms of its effect on communities living or working in an area comprising 2 or more Wards in the City

The law requires 28 days' notice to be given of the Council's intention to take a Key Decision and we do this by publishing a Forward Plan.

There are provisions for senior officers to take executive decisions in the case of extreme urgency with a requirement of reporting.

Where an officer has a delegation they may still feel it is appropriate for the decision to be taken either by Cabinet or the relevant Cabinet Member and that will usually be

decided in consultation with the Cabinet Member. Even where an officer does take a decision they may consult a Cabinet Member before that decision is made.

There is no formality to the recording of officer decisions, unless they are key decisions, in which case a full report is prepared, the decision is published on the Council website and they are subject to call-in.

In addition the 2014 Openness Regulations require that a Decision Record is produced in the following circumstances:

- decisions of public interest
- decisions which are likely to be challenged by residents, partners or third parties
- decisions which are subject to EIA's which have shown a significant impact on a specified group/groups
- service reductions which are significant but do not fall within the Key Decision criteria
- any decision which the Director of Legal and Governance directs should be published
- decisions taken by delegated authority granted by the Executive (Cabinet, Cabinet Committee or ICM)

There is an element of subjective assessment required but you will see from the Appendix that a number of these decisions are recorded and published

Non-executive Functions

Non-executive functions are those exercised by the Full Council or delegated to a Committee of the Council. Officer delegations arise from specific delegations in the Council Constitution or from a relevant Council Committee (e.g. Planning or Licensing). Sometimes there are statutory delegations or restrictions on what may be delegated to officers and these are reflected in those schemes. Delegations to officers tend to be to grant applications that are unopposed or uncontroversial or to take regulatory enforcement action.

The Council's constitution sets out the list of non-executive functions and provides where functions can be exercised by an officer and committee or sub-committee.

The Executive

The Leader can appoint a minimum of two and a maximum of nine Cabinet members to form an Executive.

The current Cabinet has 10 members including the Leader and they are all appointed from the ruling group.

Overview and Scrutiny

Overview and Scrutiny must be sufficient. It is carried out in Sheffield by 5 Scrutiny Committees:

Overview and Scrutiny Management Committee (OSMC)

Children Young People and Family Support (CYPFS) Scrutiny Committee

Economic and Environmental Wellbeing (EEW) Scrutiny Committee

Healthier Communities and Adult Social Care (HCASC) Scrutiny Committee

Safer and Stronger Communities (SSC) Scrutiny Committee

The make-up of the Committees reflects the political balance of the Council, they are chaired by Councillors from the ruling group, with deputy chairs from the opposition. The CYPFS Scrutiny Committee has statutory co-optees as members in addition to elected members, and HealthWatch Sheffield sit as an observer member on the CYPFS and HCASC Scrutiny Committees. Each Committee meets approximately 6 times a year and carries out a range of work including pre-legislative scrutiny, policy development, performance monitoring, task and finish groups and call-in of executive decisions. There are also additional powers for scrutinising the planning and provision of NHS funded services and community safety.

Scrutiny can significantly enhance local democratic accountability by holding the Executive and public service providers to account but also by positively contributing to policy making at local level. The recent guidance from Government on local scrutiny demonstrated that our approach to Overview and Scrutiny is comparatively strong and is in line with good practice. However, there are other approaches that we could take which may enhance accountability and enhance opportunities for the public to be involved in the city's governance. This includes:

- Consider alternative ways of selecting Scrutiny Committee Chairs
- Increasing or formalising the role of scrutiny in the policy making process – ensuring that Scrutiny can contribute to policy making before Executive decisions are made
- The number, scope and meeting frequency of scrutiny committees – with officer capacity to support the work of those committees
- Co-optees – look to enhance the voices involved in scrutiny committees by co-opting citizen representatives in addition to the 'observer' co-optees that we have on health and social care committee (ie. HealthWatch).

- Increase citizen engagement in scrutiny – this is less about public attendance at meetings (although this would be welcomed) and more about developing communications and engagement channels to increase the profile of scrutiny.
- Extending the reach of scrutiny – local overview and scrutiny is often seen as something that is *for* and *about* local government but, alongside the existing statutory health scrutiny responsibilities, there is an opportunity for scrutiny to play a wider role in holding wider public services to account at the local level. There could be opportunities to work with the Police and Crime Panel, neighbouring local authorities or the SCR Scrutiny Committee, looking at pan-locality issues. This could be an opportunity to increase the relevance of scrutiny to citizens by focusing on the key local service issues that they are concerned about, harnessing the council's democratic legitimacy to scrutinise other services that may have no direct democratic accountability other than to Government Ministers.

Scrutiny in a Committee System

Scrutiny committees are not a requirement of a committee system but they can exist, and would have the same powers and functions (other than call-in) as the current scrutiny committees. The statutory duties on the authority to scrutinise health and community safety in its area remain in place. If Scrutiny Committees are not in operation, the authority must specify how these will be scrutinised, either by the full council or by one of its committees.

The Appendix

The Appendix provides various data sets and information about decision making and also sets out some illustrative examples of how a committee model could be structured and what political proportionality might look like under such structures, based on our current political balance.

Gillian Duckworth

Director of Legal and Governance