



COUNCIL CABINET 18 March 2008

Report of the Chair of the Scrutiny Management Commission

Analysis of Council Cabinet Forward Plan items for 2007

RECOMMENDATION

1. Having analysed the Council Cabinet Forward Plan for 2007 the Scrutiny Management Commission offers the following recommendations to Council Cabinet:
 - a) That for items which have previously appeared on the Forward Plan, the Forward Plan reference number and the date that the item was placed on the Forward Plan is included on all reports to Council Cabinet on those items, and in the minutes of any subsequent decisions relating to the items.
 - b) That wherever practicable items are retained on the Forward Plan for a minimum of three months before a decision is made by Council Cabinet.
 - c) That before any non-urgent decision on a Forward Plan item is taken, Council Cabinet confirms that adequate opportunity has been given to anyone wishing to make representations about the item and that this is noted in the minute of the decision together with a summary of any representations that were received by the officer identified in the Forward Plan.
 - d) That the list contained in Table 2 of the attached report, or a list of similar content, is maintained and is made accessible through the Council's Committee Information Website (CMIS).

SUPPORTING INFORMATION

Background

- 2.1 Paragraph 3.76 of the Department for Communities and Local Government publication 'New council constitutions: guidance to English Authorities' contains the following guidance for Overview and Scrutiny Committees.

'3.76 Overview and scrutiny committees should regularly review forward plans (see chapter 7) with a view to deciding which, if any, of the forthcoming decisions they wish to enquire into. Such an enquiry might consist of questioning members of the executive and officers and seeking the views of local stakeholders and other interested parties. The executive should take into account any views expressed by overview and scrutiny committees when determining the final decision.'

- 2.2 Detailed guidance on Accountable Decision making, which includes a number of references to the Overview and Scrutiny and the Forward Plan is contained in Chapter 7 of the guidance document. The relevant sections of this chapter are reproduced in Appendix 3 of this report.
- 2.3 At its meeting on 18 September 2007 the Scrutiny Management Commission (SMC) considered the use currently being made of the Forward Plan and resolved:
 - a) to include the Forward Plan as a standard retrospective scrutiny item at future meetings to ensure that all reports were reported correctly and within the correct time frames
 - b) to request a monthly analysis of Forward Plan items that do not appear on the Forward Plan for four months with an explanation of why not
- 2.4 In response to these resolutions the Forward Plan for 2007 has been reviewed. The review has examined the Forward Plans for January to December 2007 and where this has been possible, has traced the decision making process through the minutes of the Council Cabinet meetings in 2007.

Issue(s)

- 2.5 The use of the Forward Plan was reviewed by the Commission because a number of SMC members had expressed concerns that in some instances, key decisions were being made before the Commissions had time to properly consider the proposals and make their views known to Council Cabinet.

Conclusions of the Commission

- 2.6 The analysis of the 2007 Forward Plan shows that during the past year, 50% of the key and BPF decisions of Council Cabinet were made within one month of the item being placed on the Forward Plan. The time period within which these decisions were made has implications for the delivery of effective scrutiny. This is because with most Overview and Scrutiny Commission now only meeting five times per year, it will very difficult for Commission members to scrutinise proposals for key

decisions within one month of them being placed on the Forward Plan. Also, any member of an external organisation or the public wishing to make representations about a Forward Plan item will find it difficult to do so if the item is only on the Forward Plan for one month.

- 2.7 As has been noted in the attached report, there will be occasions where decisions have to be made as a matter of urgency, and there are procedures in place for this eventuality. The Council Cabinet minutes show that during 2007 a total of four 'urgent decisions not subject to call-in' were made by Cabinet. The minutes also show that there were a total of 16 urgent decisions about items not on the Forward Plan. The latter figure represents 15% of all the key and BPF decisions made by Cabinet in 2007.
- 2.8 One of the purposes of the Forward Plan is to give the Overview and Scrutiny Commissions and members of external organisations and the public the opportunity to comment on key decisions before they are made. The large proportion of decisions that have been made within one month of the item being placed on the Forward Plan and the significant percentage of decisions on 'urgent' items that have not been included in the Forward Plan suggests that the original purpose of the Forward Plan may have been forgotten and that some refresher training might be beneficial.
- 2.9 From the Minutes of the Council Cabinet meetings in 2007 it is not immediately possible to relate a number of the key decisions made by Cabinet to items on the Forward Plan. This makes it very difficult for anyone who is not directly involved to follow the decision making process. This is not a desirable situation and is an issue that should be addressed.
- 2.10 It is thought that the traceability and transparency of the decision making process would be enhanced if all key and budget and policy framework decisions made by Council Cabinet were linked to the relevant Forward Plan item through use of the appropriate Forward Plan reference number.

Recommendations of the Commission

- 2.11 A report detailing the outcomes of the analysis of the 2007 Forward Plan was considered by the Scrutiny Management Commission at its meeting on 29 January 2008. Having considered the analysis of the 2007 Forward Plan SMC members proposed the following recommendations for improving the Forward Plan and the way in which it is used.

Recommendation 1

That for items which have previously appeared on the Forward Plan, the Forward Plan reference number and the date that the item was placed on the Forward Plan is included on all reports to Council Cabinet on those

items, and in the minutes of any subsequent decisions relating to the items.

Recommendation 2

That wherever practicable items are retained on the Forward Plan for a minimum of three months before a decision is made by Council Cabinet.

Recommendation 3

That before any non-urgent decision on a Forward Plan item is taken, Council Cabinet confirms that adequate opportunity has been given to anyone wishing to make representations about the item and that this is noted in the minute of the decision together with a summary of any representations that were received by the officer identified in the Forward Plan.

Recommendation 4

That the list contained in Table 2, or a list of similar content, is maintained and is made accessible through the Council's Committee Information Website (CMIS).

Reasons for the Commission's Recommendations

- 2.12 The reasons for the Scrutiny Management Commission's recommendations are set out below:

Reasons for Recommendation 1

To enable the progress of Forward Plan items to be tracked through the decision making process and to provide a clear and easily accessible indication of the time taken to make the decision.

Reasons for Recommendation 2

To provide adequate opportunity for the Council's Overview and Scrutiny Commissions and members of the public and external bodies to comment on Forward Plan items.

Reasons for Recommendation 3

To provide a record that adequate opportunity for comment was given before a decision on the item was made and to ensure that a summary of any representations received is available to anyone reading the minute of the decision

Reasons for Recommendation 4

To provide an easily accessible overview of the Forward Plan that shows when items were placed on the Forward Plan and when a decision about the items was made.

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Background papers:	Background Papers - None
List of appendices:	Appendix 1 – Implications Appendix 2 - Review of the Council Cabinet Forward Plan January to December 2007 Appendix 3 - Chapter 7 - Accountable decision making - 'New council constitutions: guidance to English Authorities'

IMPLICATIONS

Financial

1. None arising from this report.

Legal

2. None arising from this report.

Personnel

3. None arising from this report.

Equalities impact

4. The opportunity to offer comment on Forward Plan items will be of potential benefit to all Derby people.

Corporate Priorities

5. This report has the potential to link with all the Corporate priorities.

Scrutiny Management Commission**Review of the Council Cabinet Forward Plan January to December 2007****1. Introduction**

At its meeting on 18 September 2007 the Scrutiny Management Commission (SMC) considered the use being made of the Forward Plan and resolved:

- c) to include the Forward Plan as a standard retrospective scrutiny item at future meetings to ensure that all reports were reported correctly and within the correct time frames
- d) to request a monthly analysis of Forward Plan items that do not appear on the Forward Plan for four months with an explanation of why not

The use of the Forward Plan was considered by the Commission because a number of SMC members had expressed concerns that in some instances, key decisions were being made before the Commissions had time to properly consider the proposals and make their views known to Council Cabinet.

In response to these resolutions the Co-ordination Officer has reviewed the Forward Plan for 2007.

The review has examined the Forward Plans for January to December 2007 and where this has been possible, has traced the decision making process through the minutes of the Council Cabinet meetings in 2007.

2. The Council Cabinet Forward Plan

Rule AI23 of the Council's Constitution states that 'Forward Plans will be prepared by the Council Cabinet to cover a period of four months, beginning with the first day of any month'.

The Contents of the Forward Plan are defined in Rule AI24 which states that 'The Forward Plan will contain matters which the Council has reason to believe will be the subject of a key decision to be taken by the Council Cabinet or a Committee of the Council Cabinet, during the period covered by the plan. Key Decisions (KD) are defined in Article 13 of the Constitution.

Details of decisions about recommendations to Council on Budget and Policy Framework (BPF) items are included in the Forward Plan because although the Council is responsible for the adoption of the Budget and Policy Framework, it is the responsibility of Council Cabinet to implement it once the framework is in place.

3. The Forward Plan

The format of the Forward Plan has changed very little since its inception in 2001/02. The contents are sub-divided according to the Council Cabinet portfolios. As well as the title and Forward Plan reference number, each entry comprises:

- A description of the decision
- The Overview and Scrutiny area under which the item falls
- The earliest date when the decision will be taken
- Details of who will be consulted and how
- Details of the documents that Council Cabinet will consider when making the decision
- Confirmation whether the report will be considered in public
- Details of a contact, the 'lead officer', who can provide more information on the decision.

The Forward Plan is a public document and the front sheet of each edition states that 'Anyone wishing to make representations to the Council cabinet about any of the items listed should contact the lead officer at least 10 days prior to the date of consideration'.

Appendices 2 and 3 of the covering report to SMC report contain extracts from the regulations and the guidance relating to the provision of Forward Plans.

4. Format of the review

The review was intended to examine the way in which the Forward Plan was being used and in particular, to quantify how long items remained on the Forward Plan before being considered by Council Cabinet.

The first part of the review involved listing all the items placed on the Forward Plan in the period January to December 2007. These items are listed in the spreadsheet comprising Table 1. The spreadsheet contains details of:

1. Date of the Forward Plan
2. Department to which the decision relates
3. Forward Plan Item Reference Number
4. Date the item first placed on the Forward Plan
5. Date(s) the item entry subsequently amended
6. Earliest decision date shown on the first and each subsequent Forward Plan
7. Date actually considered by Council Cabinet
8. The period for which the item was on the Forward Plan and hence available for comment/consultation

The dates when decisions were made about Forward Plan items were obtained from the Minutes of the Cabinet meetings in January – December 2007. The period for which the item was on the Forward Plan and hence

available for comment/consultation is the difference between the date the Forward Plan was published and the date the decision was made.

Table 2 lists the key and budget and policy framework decisions made by Council Cabinet during the period January to December 2007. For each decision the table contains details of:

1. The date of the Cabinet meeting
2. The key and budget and policy framework decisions made at the meeting
3. The Forward Plan number of the item relating to the decision – where it has been possible to identify this
4. The date that the item to which the decision relates was placed on the Forward Plan – for those items that appear on the Forward Plan
5. The Council Cabinet portfolio within which the item falls
6. The department responsible for the item

4.1 General Exception and Special Urgency Provisions

There is provision in the Council's Constitution for the making of urgent key decisions on matters that have not been included in the Forward Plan. This provision is contained in Rule A126 of the Constitution and, where it is impracticable to defer the decision until it has been included in the next Forward Plan, allows the decision to be made if the Director of Corporate Services has informed the Chair in writing of the matter to which the decision is to be made.

Details of the 16 urgent decisions taken at Council Cabinet meetings are recorded in the minutes of the Cabinet meetings of 2007 and have been as A126 in the table in Figure 2.

5. Outcomes of the review

5.1 Time for which items remain on the Forward Plan before a Cabinet is made.

From the spreadsheet in Table 1 it will be seen that a total of 83 items were placed on the Forward Plan in the period January to December 2007. The spreadsheet also shows that in 2007 Council Cabinet made decisions relating to 47 Forward Plan items. Some of these decisions will relate to items placed on the Forward Plan in years prior to 2007.

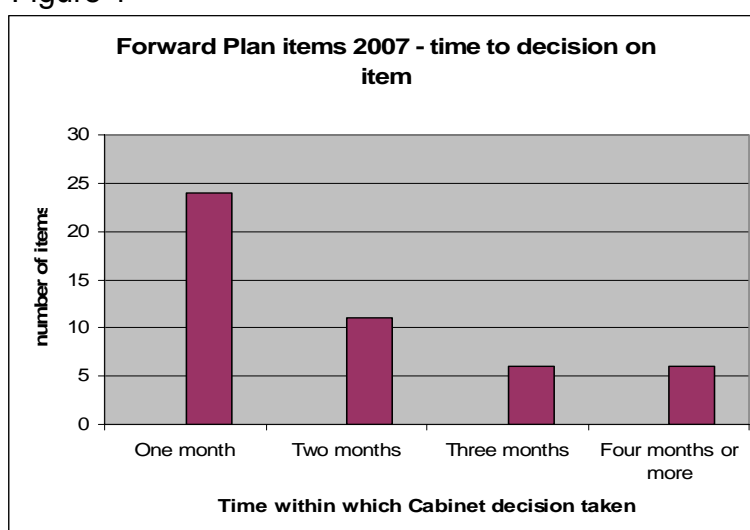
The 47 Forward Plan items for which a decision has been recorded in the minutes of a 2007 Council Cabinet meeting have been highlighted on the spreadsheet.

It was in some cases difficult to relate a Council Cabinet decision directly to a Forward Plan item. This was mainly because the Forward Plan item Reference Number is not used on the Council Cabinet agenda or in the minutes of Council Cabinet meetings and because of difference in the title of

the Forward Plan item and that of the report to Council Cabinet. Also, in some cases, decisions relating to Forward Plan items have been reported under other, more general headings.

The spreadsheet shows when each of the 83 items were placed on the Forward Plan and where a decision has been made by Cabinet, the date of the Council Cabinet meeting at which the decision was made. The ninth column of the spreadsheet shows the time for which each item remained on the Forward Plan before a decision was taken. This information is presented in graphical form in Figure 1 below.

Figure 1



From Figure 1 it will be seen that 50% of the Forward Plan decisions made by Council Cabinet in 2007 were made within one month of the item being placed on the Forward Plan. In addition to the implications that this has for scrutiny, it will be difficult for anyone wishing to make representations to Council Cabinet about a Forward Plan item to do so if the decision is made by Cabinet within one month of the item being placed on the Forward Plan.

5.2 Decision making by Council Cabinet

Table 2 is based on information from the Minutes of the Council Cabinet meetings. The table shows that during the period January to December 2007 Council Cabinet made 103 key and budget and policy framework decisions. Table 2 also shows that a total of four 'urgent decisions to which Call-in will not apply' were made at the Council Cabinet meetings during the period January to December 2007. The table also identifies the 16 'urgent decisions' that were made by Cabinet on items not included in the Forward Plan. These figures were obtained from the minutes of the Cabinet meetings.

Of the 103 key and BPF decisions made by Council Cabinet, 57 can be clearly related to items that have appeared on the Forward Plan and 16 were urgent decisions on items that did not appear in the Forward Plan. It may be that some of the remaining 32 decisions can be linked to Forward Plan items,

but this is not immediately apparent from the Council Cabinet minutes. This is mainly because the Forward Plan item Reference Number is not used on the Council Cabinet agenda or in the minutes of Council Cabinet meetings, but the situation is further complicated by the fact that some key and BPF decisions have been made as part of a broader decision. An example of this is the Cathedral Green/River Derwent footbridge where it is understood that the decision in respect of Forward Plan item 63/06 was made as part of wider Public Realm proposals.

6. Conclusions

1. The analysis of the 2007 Forward Plan shows that during the past year, 50% of the key and BPF decisions of Council Cabinet were made within one month of the item being placed on the Forward Plan. The time period within which these decisions were made has implications for the delivery of effective scrutiny. This is because with most Overview and Scrutiny Commission now only meeting five times per year, it will be very difficult for Commission members to scrutinise proposals for key decisions within one month of them being placed on the Forward Plan. Also, any member of an external organisation or the public wishing to make representations about a Forward Plan item will find it difficult to do so if the item is only on the Forward Plan for one month.

As has been noted elsewhere in this report, there will be occasions where decisions have to be made as a matter of urgency, and there are procedures in place for this eventuality. The Council Cabinet minutes show that during 2007 a total of four 'urgent decisions not subject to call-in' were made by Cabinet. The minutes also show that there were a total of 16 urgent decisions about items not on the Forward Plan. The latter figure represents 15% of all the key and BPF decisions made by Cabinet in 2007.

2. One of the purposes of the Forward Plan is to give the Overview and Scrutiny Commission and members of external organisations and the public the opportunity to comment on key decisions before they are made. The large proportion of decisions that have been made within one month of the item being placed on the Forward Plan and the significant percentage of decisions on 'urgent' items that have not been included in the Forward Plan suggests that the original purpose of the Forward Plan may have been forgotten and that some refresher training might be beneficial.
3. From the Minutes of the Council Cabinet meetings in 2007 it is not immediately possible to relate a number of the key decisions made by Cabinet to items on the Forward Plan.

It is considered that the lack of a clear linkage between Forward Plan items and key and BPF decisions by Council Cabinet casts doubts on

the transparency of the decision making process and is an issue that should be addressed.

It is thought that the traceability and transparency of the decision making process would be enhanced if all key and budget and policy framework decisions made by Council Cabinet were linked to the relevant Forward Plan item through use of the appropriate Forward Plan reference number.

DRR 8 January 2008.

Table 1									
Forward Plan Items from January to December 2007									
Forward		FP Ref No	Items added to Forward Plan	First shown on Forward Plan	Dates	Amended	Earliest decision date	Date considered by Cabinet	Time on Forward Plan
Plan date (department)									
Jan-07		15/12/2006							
CASS	1	46/06	Voluntary Sector grant funding for 2007/08 - Adult Social Services	Jan-07				16/01/2007	one month
CASS	2	48/06	Voluntary Sector grant funding for 2007/08 - Community Grants	Jan-07				16/01/2007	one month
	3	49/06	Joint Commissioning Framework for the Third Sector	Jan-07		20/02/2007			withdrawn
CYP	4	47/06	Voluntary Sector Grant funding for 2007/08 - Children's Social Care	Jan-07	Mar-07	20/03/2007		16/01/2007	one month
RH	5	53/06	Approval of Corporate Plan 2007/10	Jan-07		20/02/2007		16/01/2007	one month
RH/RC	6	54/06	Approval of Local Area Agreement	Jan-07		20/02/2007		20/02/2007	two months
RC	7	55/06	Arts Grant 2007/08	Jan-07				20/02/2007	two months
CASS?	8	52/06	Kingdom Hall Campion Street	Jan-07		20/02/2007			
RC	9	50/06	Revised Derby City Scape Master Plan	Jan-07		20/02/2007			
					Mar-07	17/04/2007			
					May-07	05/06/2007			
					Jun-07	03/07/2007		03/07/2007	six months
RC	10	51/06	Highways Maintenance: Term Contract Renewal	Jan-07	Feb-07	20/02/2007			
					Mar-07	20/03/2007			
					Apr-07	17/04/2007			
					May-07	05/06/2007			
					Jul-07	03/07/2007		03/07/2007	six months
RC	11	56/06	Local Development Scheme approval of draft LDS3 for Submission to Secretary of State	Jan-07		20/02/2007			
								20/02/2007	two months

Forward		FP Ref No	Items added to Forward Plan	First shown	Dates	Earliest	Date considered	Time on	
Plan				on Forward	Amended	decision	by Cabinet	Forward	
				Plan		date		Plan	
Feb-07		18/01/2006							
RC	12	57/06	Neighbourhood Libraries Lottery	Feb-07		20/03/2007	20/03/2007	two months	9
			Bid						
RC	13	58/06	Public Arts Priorities	Feb-07		20/03/2007			
					Apr-07	17/04/2007			
					May-07	05/06/2007			
					Jun-07	03/07/2007			
					Jul-07	31/07/2007			
					Sep-07	30/10/2007			
					Dec-06	18/12/2007			
CASS	14	59/06	Sale of Wilmorton School	Feb-07		20/02/2007	20/02/2007	one month	10
RC	15	60/06	East Street refurbishment -	Feb-07		20/02/2007			
			procurement and delivery				20/02/2007	one month	11
RC	16	61/06	Adoption of Public Realm Strategy	Feb-07		20/03/2007	20/03/2007	two months	12
Mar-07		15/02/2007							
CYP	17	67/06	Development of a Children's Centre	Mar-07					
			in Sinfin			20/03/2007	20/03/2007	one month	13
CYP	18	68/06	Outcome of Consultation on future	Mar-07		20/03/2007			
			Location of Ronnie MacKeith						
			Assessment Nursery				20/03/2007	one month	14
RS	19	66/06	Enforcement of Smokefree	Mar-07		20/03/2007			
			Legislation				20/03/2007	one month	15
RC	20	65/06	Rosehill Market Renewal Project	Mar-07		17/04/2007			
					May-07	05/06/2007			
					Aug-07	04/09/2007			
					Oct-07	02/10/2007			
					Dec-07	18/12/2007			

Forward		FP Ref No	Items added to Forward Plan	First shown	Dates	Earliest	Date considered	Time on	
Plan				on Forward Plan	Amended	decision date	by Cabinet	Forward Plan	
RC	21	62/06	Clean Neighbourhoods and Environment Act 2006 - Gating Orders	Mar-07		20/03/2007			
					Apr-07	17/04/2007			
					May-07	05/06/2007			
					Jul-07	03/07/2007			
					Aug-07	04/09/2007			
					Oct-07	02/10/2007			
					Dec-07	18/12/2007			
RC	22	63/06	Cathedral Green and Derwent River Footbridge	Mar-07		20/03/2007			
					Apr-07	17/04/2007			
					May-07	05/06/2007			
RC	23	64/06	PFI Street Lighting Final Business Case and Contract Signature	Mar-07					
						20/03/2007	20/03/2007	one month	16
Apr-07		16/03/2007							
CYP	24	70/06	Lakeside Primary PFI Children's Centre	Apr-07		03/07/2007			
					Aug-07	04/09/2007			
					Sep-07	04/09/2007			
					Oct-07	02/10/2007			
CASS	25	69/06	Disposal of Britannia Court	Apr-07		17/04/2007			
					May-07	05/06/2007			
					Jul-07	03/07/2007			
					Aug-07	04/09/2007			
					Sep-07	04/09/2007			
					Oct-07	27/11/2007			
					Dec-07	18/12/2007			
CASS	26	71/06	Local Authority Carbon Management Programme Strategy and Implementation Plan						
				Apr-07		17/04/2007	17/04/2007	one month	17
May-07		17/04/2007							
CYP	27	75/06	Schools Licensed Deficits	May-07		05/06/2007			

					Jul-07	03/07/2007			
Forward		FP Ref No	Items added to Forward Plan	First shown	Dates	Earliest	Date considered	Time on	
Plan				on Forward	Amended	decision	by Cabinet	Forward	
				Plan		date		Plan	
CYP/RC	28	76/06	School Transport	May-07		05/06/2007			
					Jul-07	03/07/2007	31/07/2007	three months	18
RC	29	73/06	Waste Disposal - approval of loan as part of Capital Programme	May-07		05/06/2007			
							05/06/2007	two months	19
R	30	74/06	To approve the Council's Best Value Performance Plan	May-07		05/06/2007			
					Jul-07	03/07/2007			
RC	31	72/06	Joint Mineral Sites Development	May-07		03/07/2007			
			Plan Document				31/07/2007	three months	20
Jun-07		18/05/2007							
CYP	32	79/06	Establishment of new Special School and Pupil Referral Unit	Jun-07		03/07/2007			
			Facilities				03/07/2007	two months	21
R	33	80/06	Approval of Corporate and Financial Planning Framework for 2008/11	Jun-07		03/07/2007			
							03/07/2007	two months	22
R	34	77/06	Sale of Textile: Support for Padley Group	Jun-07		05/06/2007			
					Jul-07	03/07/2007			
RC	35	78/06	City Centre Eastern Fringes Area	Jun-07		03/07/2007	18/12/2007	seven months	23
			Action Plan; Publication of amended preferred option report for Public Consultation		Sep-07	04/09/2007			
					Oct-07	30/10/2007			
					Dec-07	18/12/2007			
Jul-07		15/06/2007							
CASS	36	.9/07	Options Appraisal for the Council's Residential Homes for Older People	Jul-07	Jul-07	03/07/2007			
						31/07/2007	31/07/2007	one month	24
CYP	37	.6/07	Establishment of a new Children's home for autistic children	Jul-07		03/07/2007			
					Sep-07	06/10/2007			
					Oct-07	02/10/2007	27/11/2007	five months	25
R	38	.10/07	Council's ICT Strategy Statement	Jul-07		31/07/2007	31/07/2007	one month	26

R	39	.1/07	Capital Programme 2006/07	Jul-07		03/07/2007			
			Outturn				31/07/2007	one month	27

Forward		FP Ref No	Items added to Forward Plan	First shown	Dates	Earliest	Date considered	Time on	
Plan				on Forward	Amended	decision	by Cabinet	Forward	
				Plan		date		Plan	
R	40	.2/07	Capital Strategy 2008/9-2010/11	Jul-07		03/07/2007			
					Aug-07	04/09/2007			
					Sep-07	04/09/2007			
					Oct-07	02/10/2007	02/10/2007	four months	28
R	41	.3/07	Revenue Outturn 2006/07	Jul-07		03/07/2007	31/07/2007	one month	29
R	42	.4/07	Revenue Budget Strategy 2008/09	Jul-07		03/07/2007	31/07/2007	one month	30
R	43	.5/07	Treasury Management Outturn	Jul-07		03/07/2007	31/07/2007	one month	31
			2006/07						
	44	.7/07	Community Cohesion Strategy for	Jul-07					
			Derby			31/07/2007	31/07/2007	one month	32
RC	45	.8/07	Section 106 Supplementary Planning	Jul-07		02/10/2007			
			Document Consultation						
Aug-07		18/07/2007							
CASS	46	.11/07	Corporate Asset Management Plan	Aug-07		04/09/2007			
					Oct-07	02/10/2007	02/10/2007	three months	33
CYP	47	.12/07	Building Schools for the Future	Aug-07		30/10/2007			
					Sep-07	18/12/2007	18/12/2007	five months	34
CYP	48	.13/07	Children's Trust Arrangements	Aug-07		04/09/2007			
					Sep-07	04/09/2007	04/09/2007	three months	35
CASS	49	.14/07	Compulsory Purchase of 22-24	Aug-07					
			Leopold Street and 2-4 Arboretum						
			Square			04/09/2007	04/09/2007	three months	36
RC	50	.15/07	Approve communication of high	Aug-07		04/09/2007	withdrawn		Oct-07
			level objectives and initiatives to be						

			considered to support the Council's travel plan						
ES	51	.16/07	Proposal to increase School Meal Charges by 5p due to the cost of the healthier eating agenda	Aug-07		04/09/2007	04/09/2007	three months	37

Forward Plan		FP Ref No	Items added to Forward Plan	First shown on Forward Plan	Dates Amended	Earliest decision date	Date considered by Cabinet	Time on Forward Plan	
Sep-07		11/08/2007							
CASS	52	.18/07	Joint Commissioning framework for the Community and Voluntary Sector	Sep-07	Sep-07 Dec-07	04/09/2007 02/10/2007 18/12/2007			
CYP	53	.20/07	Building Schools for the Future Choice and Diversity	Sep-07	Oct-07	04/09/2007 02/10/2007	02/10/2007	two months	38
RC	54	.19/07	Proposed changes to the Council's transport procurement and operations services	Sep-07	Dec-07	04/09/2007 18/12/2007			
RC	55	.21/07	Three Cities and three Counties New Growth Point Programme of Development	Sep-07		02/10/2007	02/10/2007	two months	39
Oct-07		14/09/2007							
CASS	56	.22/07	Development of Home Care Services	Oct-07	Dec-07	02/10/2007 18/12/2007	withdrawn Jan 08		
CASS	57	.23/07	Derby Older People's Plan	Oct-07		02/10/2007	02/10/2007	one month	40
RC	58	.24/07	Network and Telephony Strategy	Oct-07		02/10/2007			
ES	59	.28/07	A Derby City Parks and Open Spaces Strategy	Oct-07	Dec-07	02/10/2007 18/12/2007			
CASS	60	.25/07	Derbyshire Traveller Issues Working Group Inter Agency Guidance Document	Oct-07	Dec-07	02/10/2007 18/12/2007			
CASS	61	.26/07	Refurbishment of Rebecca House	Oct-07		02/10/2007	02/10/2007	one month	41

CASS	62	.27/07	Funding bid for establishment of a permanent Gypsy and Traveller Site	Oct-07					
						02/10/2007			
	63	.29/07	Affordable Housing, Cohesive Communities	Oct-07		30/10/2007			
					Dec-07	18/12/2007			
ES	64	.30/07	A review of the Council's Bereavement Services	Oct-07		02/10/2007			
					Dec-07	18/12/2007			
RC	65	.31/07	Housing PFI Project	Oct-07		02/10/2007			
						27/11/2007	27/11/2007	two months	42

Forward Plan		FP Ref No	Items added to Forward Plan	First shown on Forward Plan	Dates Amended	Earliest decision date	Date considered by Cabinet	Time on Forward Plan	
Nov-07		17/10/2007							
RC	66	.32/07	Home to School Transport	Nov-07		15/01/2008			
R	67	.36/07	Capital Programme 2008/09-2010/11			19/02/2008			
R	68	.37/07	Revenue Budget and Council Tax 2008/09 and 2010/11	Nov-07		19/02/2008			
R	69	.38/07	Updated Revenue Budget Strategy 2008/09-2010/11	Nov-07		18/12/2007	18/12/2007	two months	43
R	70	.39/07	Treasury Management Strategy and Prudential Indicators	Nov-07		19/02/2008			
CASS	71	.33/07	Derby Advice and Community Legal Advice Centre	Nov-07		27/11/2007			
					Dec-07	18/12/2007			
	72	.34/07	HRA Budget and Business Plan	Nov-07		19/02/2008			
	73	.35/07	Housing Rents and Service Charges	Nov-07		15/01/2008			
RC	74	.40/07	Castleward - Cityscape Property Acquisitions	Nov-07		27/11/2007			
					Dec-07	18/12/2007			
Dec-07		16/11/2007							
CYP	75	.48/07	Learning Disability Integration of Commissioning	Dec-07		18/12/2007			
CYP	76	.43/07	School Funding 2008-11	Dec-07		19/02/2008			
CYP	77	.45/07	BSF Local Education Partnerships	Dec-07		18/12/2007			
R	78	.42/07	Replacement of Featurenet	Dec-07		18/12/2007	withdrawn		

							Jan 08		
R	79	.44/07	Council Tax Base	Dec-07		15/01/2008			
ES	80	.49/07	Disposal of Disinfestation Centre	Dec-07		18/12/2007	18/12/2007	one month	44
RC	81	.46/07	Proposed Changes to						
			Concessionary Bus Travel Scheme						
			for Elderly and Disabled People	Dec-07		18/12/2007	27/11/2007	one month	45
RC	82	47/07	Local Development Framework	Dec-07		18/12/2007	18/12/2007	one month	46
			Annual Monitoring Report and						
			Revisions to Land Development						
			Scheme	Dec-07		18/12/2007			
CASS	83	41/07	Longbridge Weir Hydro Electric						
			Power Station Finance Proposal	Dec-07		18/12/2007	18/12/2007	one month	47
Jan-08		14/12/2007							
CASS		50/07	Community Grants Budget Funding	Jan-08		15/01/2008			
			for 2008/09						
CASS		51/08	Adult Social Services Grant	Jan-08		15/01/2008			
			Funding for 2008/08						
R		52/07	Approval of Transforming Derby	Jan-08		15/01/2008			
			Programme Strategy and						
R		53/07	Approval of Corporate Plan	Jan-08		19/02/2008			
R		54/07	Approval of Local Area Agreement	Jan-08		19/02/2008			
RC		55/07	How Physically Active are People in						
			Derby	Jan-08		19/02/2008			
RC		56/07	Highways and Transportation Work						
			Programme	Jan-08		15/01/2008			
CASS		57/07	Establishment of Village Adult						
			Learning Centre	Jan-08		15/01/2008			

Table 2 - Cabinet Key and Budget and Policy Framework Decisions – January to December 2007.

Date of Cabinet meeting	Item Considered	Listed as	FP No	Date of FP entry	Cabinet Portfolio	Department	Time on Forward Plan	
9/1/07	Urgent Items No urgent items							
1	Local Government Revenue Grant Settlement	BPF	?	?	CP	RH	?	1
2	Revenue Budget Consultation 2007/08-2009/10	BPF	?	?	CP	RH	?	2
16/1/07	Urgent Items Street Lighting PFI Glossop Street							
1	Children's Social Care Voluntary and Community Sector Grant Funding for 2007/08	KD	47/06	Jan 07	CYP	CYP	One month	3
2	Community Grants Voluntary and Community Sector Grant Funding for 2007/08	KD	48/06	Jan 07	AS	CASS	One month	4
3	Adult Social Services Voluntary and Community Sector Grant Funding for 2007/08	KD	46/06	Jan 07	AS	CASS	One month	5
4	Revised Tree Management Policy	KD	?	?	LDS	ES	?	6
5	Responding to Climate Change	KD			CP/LEADER	RC	AI26	7
6	Disposal of Land at Vicarage Road	KD	?	?	PPMED	CASS	?	8
ate of Cabinet meeting	Item Considered	Listed as	FP No	Date of FP entry	Cabinet Portfolio	Department	Time on Forward Plan	

7	Disposal of Land at former Merrill College Site Jubilee Road	KD	?	?	PPMED	CASS	?	9
8	Statement of Community Involvement – consideration of Inspector's report and adoption	BPF	32/06	Nov 06	PT	RC	Three months	10
9	Council Tax Base 2007/08	BPF	39/06	Dec 06	CP	RH	Two months	11
10	Housing Rents and Service Charges	BPF	?	?	NSCHS	RH	?	12
11	Council Priorities and Draft Corporate Plan 2007/10	BPF	53/06	Jan 07	CP	RH	One month	13
12	Street Lighting PFI	KD			PT	RC	AI26	14
20/2/07	Urgent Items None							
1	East Street Refurbishment – Procurement and Delivery	KD	60/06	Feb 07	PT	RC	One month	15
2	Modernisation of Learning Disabilities Day and Residential Services – The Knoll Residential Home	KD	?	?	AS	CASS	?	16
3	Modernisation of Learning Disabilities Day and Residential Services – Humbleton View Day Centre	KD	?	?	AS	CASS	?	17
Date of Cabinet meeting	Item Considered	Listed as	FP No	Date of FP entry	Cabinet Portfolio	Department	Time on Forward Plan	
4	Future Arrangements for the Management and Delivery of Services for People with Learning Disabilities	KD	?	?	AS	CASS	?	18
5	Annual Arts Grant 2007/08	KD	55/06	Jan 07	LDS	RC	Two months	19
6	2007/08 Highway and Transport Work Programme	KD	?	?	PT	RC	?	20

7	Local Development Scheme approval of Draft LDS3 for submission to Secretary of State	KD	56/06	Jan 07	PT	RC	Two months	21
8	Acquisition of Community Building on Stepping Lane	KD	?	?	PPMED	CASS	?	22
9	Former Wilmorton Primary School	KD	59/06	Feb 07	PPMED	CASS	One month	23
10	Building Schools for the Future	KD		?	CYP	CYP	AI26	24
11	Approval of Corporate Plan 2007-10	BPF	53/06	Jan 07	CP	RH	Two months	25
12	LAA 2007/08 Refresh	BPF	54/06	Jan 07	CP	RH/RC	Two months	26
13	Revenue Budget and Council Tax 2007/08	BPF	?	?	CP	RH	?	27
14	Housing Revenue Account Business Plan and Budget	BPF	?	?	NSCHS	RH	?	28
15	Treasury Management Strategy and Prudential Code indicators	BPF	40/06	Dec 06	CP	RH	Three months	29
15	Capital Programme	BPF	?	?	CP	RH	?	30
Date of Cabinet meeting	Item Considered	Listed as	FP No	Date of FP entry	Cabinet Portfolio	Department	Time on Forward Plan	
20/3/07	Urgent Items 228/06 and 256/06 Street Lighting PFI							
1	Derby Street Lighting PFI: Approval of Final Business Case and Commercial and Financial Close	KD	64/06	Mar 07	PT	R/RC	One month	31
2	Determination of Admission Arrangements for Community and Voluntary Controlled Schools 2008-09	KD	37/06	Dec 06	CYP	CYP	Four months	32
3	Development of a Children's Centre –	KD	67/06	Mar 07	CYP	CYP	One	33

	Sinfin						month	
4	Connexions Derbyshire Transitional Arrangements	KD			CYP	CYP	AI26	34
5	Future location of the Ronnie MacKeith Nursery	KD	68/06	Mar 07	CYP	CYP	One month	35
6	Bid to Community Libraries Programme of the big Lottery Fund	KD	57/06	Feb 07	LDS	RC	Two months	36
7	Changes to Gold Card Concessionary Travel Scheme for Elderly and Disabled People	KD			PT	RC	AI26	37
8	Policy Implementation of Smoke Free Legislation	KD	66/06	Mar 07	E	ES	One month	38
9	Disposal of Grove House – Arboretum Park	KD	?	?	PPMED	CASS/RH	?	39
	Item Considered	Listed as	FP No	Date of FP entry	Cabinet Portfolio	Department	Time on Forward Plan	
10	Derby City Centre Public Real Strategy	KD	61/06	Feb 07	PT	RC	Two months	40
11	Capital Programme	BPF	?	?	CP	RH	?	41
17/4/07	Urgent Items None						43	
1	Establishing a new Community Special School	KD	?	?	CYP	CYP	?	42
2	Local Authority Carbon Management Programme	KD	71/06	Apr 07	PPMED	CASS	One month	43
3	Public Realm and associated Asset Management Programme	KD	?	?	CP/LEADER	RC/CE	?	44
4	Chellaston Business Park	KD	?	?	PPMED	CASS	?	45
5/6/07	Urgent Items None							
1	Derby Community Legal Advice Centre	KD	42/06	Dec 06	NSCHS	CASS	Six months	46

2	Bemrose Community School	KD			CYP	CYP	AI26	47
3	Waste Disposal – Approval of Loan as part of Capital Programme	CFPM	73/06	May 07	LDS	ES		48
3/7/07	Urgent Items None							
1	Home to School Transport	KD	76/06	May 07	PT/CYP	CYP/RC	Three months	49
	Item Considered	Listed as	FP No	Date of FP entry	Cabinet Portfolio	Department	Time on Forward Plan	
2	Establishment of a new Community Special School	KD	79/06	Jun 07	CYP	CYP	Two months	50
3	Revised Derby Cityscape Master Plan	KD	50/06	Jan 07	PT	RC	Six months	51
4	Highways Maintenance Term Contract Renewal	KD	51/06	Jan 07	PT	RC	Six months	52
5	Modernisation of Learning Disability Day and Residential Services – Humbleton View	KD			AS	CASS	AI26	53
6	East Midlands Centre of Excellence High Cost Placement Project	KD			AS	CASS	AI26	54
7	Direct Payments Rate Paid to Service Users	KD			AS	CASS	AI26	55
8	Springwood Leisure Centre and Library	KD			LDS	ES	AI26	56
9	Approval of Corporate and Financial Planning Framework for 2008/11	CFPM	80/06	Jun 07	CP	R	One month	57
31/7/07	Urgent items None							

1	Home to School Transport	KD	76/06	May 07	PT/CYP	CYP/RC	Three months	58
2	Derby Older Peoples Plan	KD			AS	CASS	AI26	59
3	Retained School Balances	KD			CYP/CP	CYP/R	AI26	60
Date of Cabinet meeting	Item Considered	Listed as	FP No	Date of FP entry	Cabinet Portfolio	Department		
4	Roundhouse and Associated Listed Buildings with adjoining lane – Pride Park	KD	?	?	PPMED	CASS	?	61
5	Demolition of Exeter House	KD	?	?	NSCHS	CASS	?	62
6	Joint Minerals Aggregates Sites Development Plan Document – Preferred Options Consultation	KD	72/06	May 07	PT	RC	Three months	63
7	Revenue Outturn 2006/07	BPF	3/07	Jul 07	CP	R	Two months	64
8	Revenue Budget Strategy 2008/09 – 2010/11	BPF	4/07	Jul 07	CP	R	Two months	65
9	Treasury Management Outturn 2006/07	BPF	5/07	Jul 07	CP	R	Two months	66
10	Community Cohesion Strategy for Derby	KD	7/07	Jul 07	NSCHS	CASS	Two months	67
11	ICT Strategy Statement	KD	10/07	Jul 07	CSEG	R	One month	68
12	Public Realm Programme 2007/08	KD	?	?	PT	RC/CE	?	69
13	Community Cohesion Strategy	KD	?	?	NSCHS	DCSP	?	70
14	Capital Programme 2006/07 Outturn	BPF	1/07	Jul 07	CP	R	One month	71
15	Options Appraisal for Council Residential Homes for Older People	KD	9/07	Jul 07	AS	CASS	One month	72

Date of Cabinet meeting	Item Considered	Listed as	FP No	Date of FP entry	Cabinet Portfolio	Department	Time on Forward Plan	
4/9/07	Urgent items None							
1	Joint Waste Sites Development Plan Document (DPD) Preferred Options Consultation	KD	?	?	PT	RC	?	73
2	Waste Strategy for Derby and Derbyshire	KD	?	?	LDS	ES	?	74
3	Compulsory Purchase of Nos 22-24 Leopold Street and Nos 2-4 Arboretum Square	KD	14/07	Aug 07	NSCHS	CAS		75
4	Proposed increase in price of School Meals	KD	16/07	Aug 07	LDS	ES	Two months	76
5	Children's Trust Arrangements	KD	13/07	Aug 07	CYP	CYP	Two months	77
6	Inspection by the Interception of Communication Commissioner's Office	KD			CP	CAS	AI26	78
2/10/07	Urgent Items The Provision of a Permanent Site for Travellers and Gypsies in Derby	KD						
1	Corporate Asset Management Plan	KD	11/07	Aug 07	PPMED	CAS	Three months	79
2	Older People's Plan	KD	23/07	Oct 07	AS	CAS	One month	80
3	Building Schools for the Future – Choice and Diversity	KD	20/07	Sep 07	CYP	CYP	Two months	81
Date of Cabinet meeting	Item Considered	Listed as	FP No	Date of FP entry	Cabinet Portfolio	Department	Time on Forward	

							d Plan	
4	3 Cities and 3 Counties New Growth Point Programme of Development	KD	21/07	Sep 07	PT	RC	Two months	82
5	Capital Funding to Support the Refurbishment of Rebecca House to make it suitable for use as an Extra Care Home	KD	26/07	Oct 07	NSCHS	CAS	One month	83
6	Capital Strategy 2008/09 to 2010/11	CFPM	2/07	Jul 07	CP	R	Four months	84
30/10/07	Urgent Items None							
1	Planning Obligations Supplementary Planning Document	KD	?	?	PT	RC	?	85
2	Building Schools for the Future Choice and Diversity	KD	20/07	Sep 07	CYP	CYP	Two months	86
3	Lakeside Community Primary School PFI Children's Centre	KD	?	?	CYP	CYP	?	87
4	Derby Older Person's Housing Strategy	KD	?	?	NSCHS	CAS	?	88
5	Development of a Central Transport Procurement Resource for the Council	KD	?	?	PT	RC	?	89
6	Treasury Management Progress Report 2007/08	BPF	?	?	CP	R	?	90
Date of Cabinet meeting	Item Considered	Listed as	FP No	Date of FP entry	Cabinet Portfolio	Department	Time on Forward Plan	
27/11/07	Urgent Items None							
1	Consultation on the Closure of Bramblebrook House Residential Home for Older People	KD	?	?	AS	CASS	?	91
2	Adoption of the Derby Rights of Way Improvement Plan	KD			PT	RC	AI26	92
3	Development of a Specialist Children's	KD	6/07	Jul 07	CYP	CYP	Five	93

	Home for Autistic Children						months	
4	Changes to Gold Card Concessionary Travel Scheme for Elderly and Disabled people	KD			AS	RC	AI26	94
5	National Performance Framework and Development of the new Local Area Agreement for 2008-2011	KD			PT	R	AI26	95
6	Capital Monitoring Update 2007/08	BPF	?	?	CP	R	?	96
7	Revenue Budget Update for 2007/08	BPF	38/07	Nov-07	CP	R	One month	97
8	Housing Private Finance Initiative – PFI – Project: De-selection of Bidder	KD	31/07	Oct 07	NSCHS	CASS/R	Two months	98
18/12/07	Urgent items None							
1	Building Schools for the Future – Strategy for Change part 1	KD	12/07	Aug-07	CYP	CYP	Six months	99
Date of Cabinet meeting	Item Considered	Listed as	FP No	Date of FP entry	Cabinet Portfolio	Department	Time on Forward Plan	
2	Disinfestation Centre and Adjoining Freehold Interest	KD	49/07	Dec-07	CP	ES	One month	100
3	Longbridge Weir Hydro Electric Power Station	KD	41/07	Dec-07	PPMED	RC	One month	101
4	Local Development Framework – Annual Monitoring Report	KD	47/07	Dec-07	PT	RC	One month	102
5	City Centre Eastern Fringes Action Plan – Report on Progress and Changes to Future Programme	KD	78/06	Jun-07	PT	RC	Seven	103

Chapter 7: Accountable decision making (from the Department for Communities and Local Government publication 'New Council Constitutions: guidance to English Authorities')

This replacement chapter forms part of the "Local Government Act 2000: Guidance to English Local Authorities". It replaces the existing chapter 7 issued on 19 December 2000 which is superseded by this replacement chapter. This guidance is issued to English county councils, English district councils and London borough councils, and deals with:

- the content and operation of a new constitution including executive arrangements or alternative arrangements; and
- the process of changing to or revising a new constitution including executive arrangements or alternative arrangements.

The guidance includes a combination of description of the main statutory provisions of the Local Government Act 2000 (c.22) (the Act) and subordinate legislation (both that which is in force and that which the Secretary of State intends to make); statutory guidance to which local authorities must have regard; and illustrative and good practice examples. The statutory guidance is presented in maroon text with a 'tick' in the left hand margin to distinguish it from the descriptive text, and the examples are enclosed in boxes to separate them from the main body of the text.

The statutory guidance underpins the provisions of Part II of the Act and is issued under section 38 of the Act. Paragraphs 5.51 to 5.63 in chapter 5 are also issued for the purposes of section 7 of the Local Authorities Social Services Act 1970 (c.42).

The Secretary of State will keep the content of the guidance under review in the light of local authorities' experience of operating executive and alternative arrangements. The guidance will be updated as necessary to reflect this and subsequent legislative changes.

This replacement chapter is issued on: 26 February 2001

Previous versions of this chapter were issued on: 26 October 2000 and 19 December 2000

This document contains replacement pages for incorporation into New Council Constitutions: Guidance Pack Volume 1 and should be inserted instead of the existing chapter.

General background

7.1 The principal aims of executive arrangements are to make decision making more efficient, transparent and accountable so that local authorities can be more open and responsive to the needs and aspirations of the communities they serve. Central to executive arrangements there will need to be effective access for the public to decision making and decision makers. The key characteristics of effective access which local authorities should follow are:

- it is publicly known who is responsible for decisions;
- it is publicly known what decisions they are planning to take;
- people know how they can make an input to those decisions and at what point in the process they can best influence them;
- people have access to information about decisions;
- people know what decisions have been taken and the reasons for them; and
- significant decisions should not be a surprise to those whom they affect.

7.2 Key decisions which have significant effects within the community or on interests outside the local authority will need to be identified and properly consulted on. Such key decisions may be delegated to various bodies within the local authority, including officers but, no matter who is taking the decision, the same principles should apply.

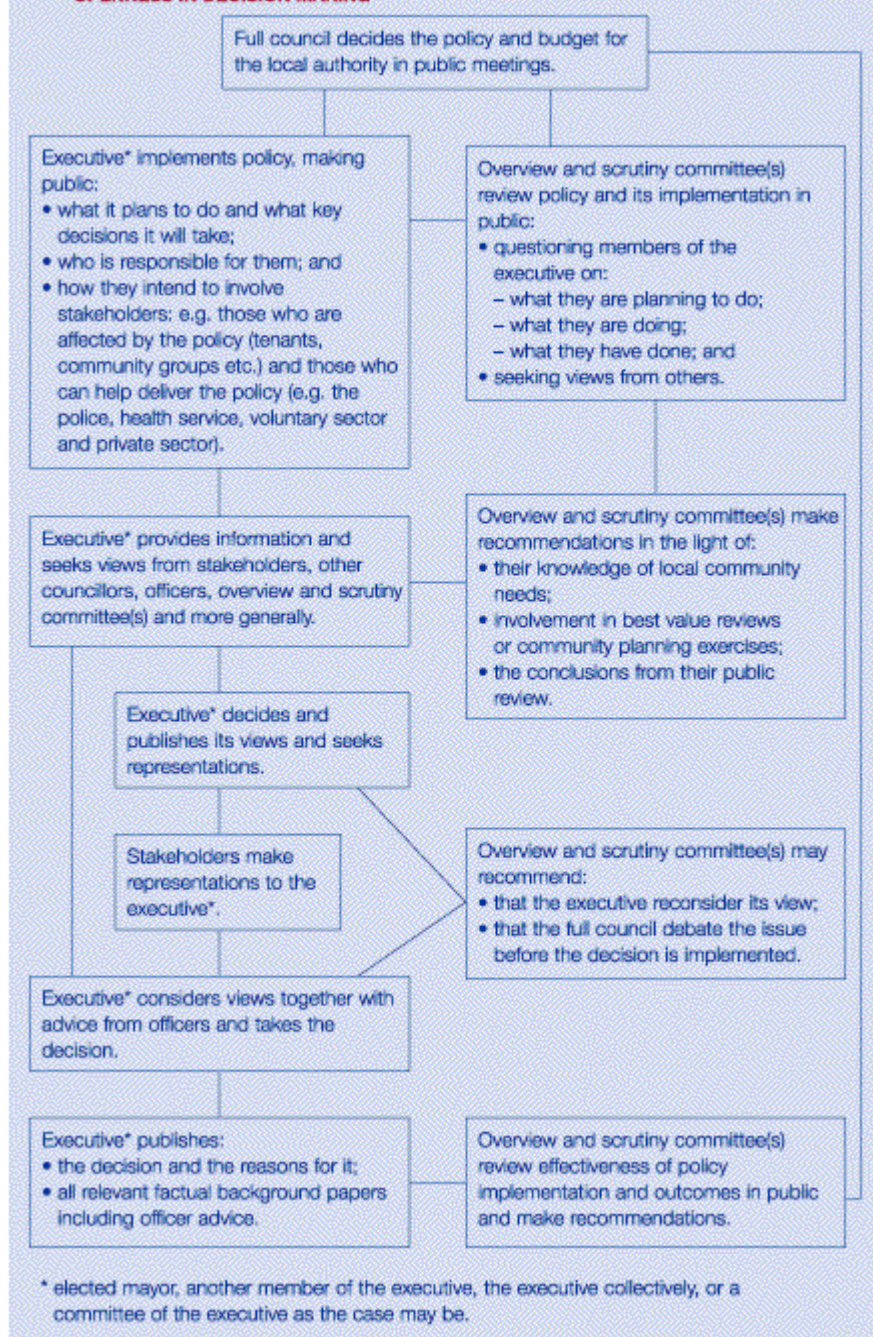
7.3 All decisions of a local authority (whether they are the responsibility of the executive or not), will need to be made in accordance with the following principles:

- proportionality (i.e. the action should be proportionate to the desired outcome);
- decisions should be taken on the basis of due consultation and professional advice from officers;
- respect for human rights;
- a presumption in favour of openness; and
- clarity of aims and desired outcomes.

7.4 Figure 7.1 provides an overview of how this is to be achieved.

FIGURE 7.1:

OPENNESS IN DECISION MAKING



Decisions of the full council

7.5 The policy framework and budget will be set by the full council, meeting in public (see chapter 2). The executive will make recommendations to the full council at that public meeting and it will, of course, also be open to members of overview and scrutiny committees and other members of the local authority to make recommendations at that meeting. Part VA of the Local Government Act 1972, as modified by the Local Government Act 2000, will continue to apply to meetings of the authority.

7.6 Development and agreement of this policy framework should be an inclusive process involving the public and other local stakeholders as well as all councillors.

Advance notification of decisions of the executive

7.7 The executive is responsible for delivering the local authority's policy framework either

through taking decisions individually or collectively in respect of functions which are the responsibility of the executive or through delegation of decisions to officers, particularly for day-to-day operational and management decisions, and to area committees etc.

7.8 The Local Government Act 2000 (Constitutions) (England) Direction 2000 requires a local authority to include as part of its constitution the scheme of delegations (within and outside the executive) for functions which are the responsibility of the executive. This scheme of delegations will have to include a description of those functions exercisable by the executive collectively or a committee of the executive, making clear the membership of each body. It will also have to include a description of those functions exercisable by individual executive members, stating which individual is responsible for what and those functions which have been delegated to an officer stating the title of the officer. This would not include any powers exercisable by an officer for less than six months. In addition, there will need to be a description of those functions which have been delegated to area committees (if any) or are the subject of joint arrangements with, or have been delegated to another local authority, again making clear the details of the body who is exercising that function.

7.9 The constitution will be a publicly-available document but local authorities should ensure in addition that the scheme of executive delegations is separately available in summary form to the public on request. This should be sufficiently clear to allow the public to know broadly who is responsible for which decisions within the executive and how they can be contacted.

7.10 With a move to a new constitution, there should be greater dialogue between all councillors, the public and other stakeholders than has often been the case in the past. Wide participation is essential to an effective local authority. Local authorities will need to ensure that people know what decisions are planned and how they can influence those decisions. In addition, the executive will need to ensure that any decisions it takes are consistent with the agreed policy framework and take into account the needs and aspirations of the local community.

7.11 To underpin these principles of greater accountability and transparency, regulation 13 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 requires the executive to set out its programme of work in the coming four months, as far as it is known, in a forward plan. Regulation 12 requires an annual statement to be published by the proper officer of the local authority giving notice of when forward plans will be published for the coming year, explaining what a forward plan is and how it can be obtained from the local authority.

7.12 The Regulations require the forward plan to be made publicly available and in particular a local authority executive should ensure that it is made available to the relevant overview and scrutiny committee at least two weeks in advance of the commencement of the period covered.

7.13 The forward plan, which will need to be updated each month on a rolling basis, will, in accordance with regulation 14 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 have to set out:

- a short description of matters under consideration and when key decisions are expected to be taken;
- who is responsible for taking the decisions and how they can be contacted;
- what relevant reports and background papers are available; and

- how and when the decision maker intends to involve local stakeholders in the decision making process.

7.14 The timing of the publication of the plan should have regard to the cycle of meetings of overview and scrutiny committees and electoral cycles (the forward plan should not bind an incoming new administration although it would be useful to make clear what issues will be in the "in-tray" of any incoming executive). The forward plan cannot be an exhaustive list of all decisions but it should give an indication of those decisions which it is known the executive will need to consider in the coming period, as well as relevant decisions which will be delegated by the executive to officers or to devolved structures.

7.15 Regulation 8 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 sets out the definition of decisions which must be included in the forward plan (i.e. key decisions). The definition is a two-stage test.

7.16 Any decision in relation to an executive function which results in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates, is a key decision.

7.17 It will be for the potential decision-maker to decide, in any one case, whether a decision to be taken is likely to involve significant expenditure. In order to assist potential decision-makers within a local authority reach consistent and demonstrative objective judgements and to ensure the public are clear about what is regarded as significant locally, the local authority should agree as a full council limits above which items are significant. The agreed limits should be published. A local authority is able to set different thresholds for different services or functions, bearing in mind the overall budget for those services and functions and the likely impact on communities of each service or function. A decision involving expenditure or saving above the limit for the service or function concerned would be a key decision.

7.18 In setting such thresholds, a local authority will need to bear in mind the underlying principles of accountable decision-making that there should be a presumption towards openness so that local people have knowledge sufficiently in advance of all those decisions which will be of genuine concern to local communities. In particular, local authorities will need to ensure that there is a consistency of openness between neighbouring local authorities at the same tier. Thus, whilst there may be a higher threshold set for certain matters in a large metropolitan local authority than in a small shire district operating executive arrangements, there should not be a wide discrepancy of approach, for example, between similar districts within a county or between neighbouring metropolitan boroughs.

7.19 The Secretary of State intends to issue further guidance which will specify indicative thresholds for service or function budgets and that any executive decision which is likely to give rise to expenditure or savings above such thresholds should be treated as a key decision. The Secretary of State will be consulting shortly on what these thresholds should be and how this guidance might best be framed to ensure that, taking into account the need to ensure consistency between councils of the same type and size, thresholds can be set which will suit local circumstances and arrangements.

7.20 The second test for a key decision focuses on those decisions which are not likely to involve significant expenditure or savings but which nevertheless are likely to be significant in terms of their effects on communities. The Regulations require that a

decision which is likely to have a significant impact on two or more wards or electoral divisions is a key decision. Nevertheless, local authorities should, unless it is impracticable to do so, specify that they will treat as if they were key any decisions which are likely to have a significant impact on communities in one ward or electoral division. For example, a council should regard as key a decision to close a school or carry out roadworks (such as introducing or altering traffic calming measures) in a neighbourhood, notwithstanding the thresholds of financial significance and that there may be an impact in only one ward. Where a decision is only likely to have a significant impact on a very small number of people in one ward or electoral division the decision maker should ensure that those people are nevertheless informed of the forthcoming decision in sufficient time for them to exercise their rights to see the relevant papers and make an input into the decision making process.

7.21 In considering whether a decision is likely to be significant, a decision-maker will need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality affected. Regard should again be given to the underlying principles of accountable decision-making in paragraph 7.3 of this guidance to ensure that there is a presumption towards openness. While in broad terms, a key decision for the purposes of this test should be regarded as something which under traditional arrangements would have been referred to a committee or sub-committee of the council for decision, rather than being delegated to officers, the Secretary of State recognises that there are large variations in the levels of delegation in decision-making by authorities at present. Local authorities should seek, through consultation with other local authorities of the same type and size, to ensure there are not large variations in the level of openness between authorities in the future, and that any convergence in the practice of authorities is in the direction of greater openness.

7.22 The Secretary of State is of the view that any decision made by an executive in the course of developing proposals to the full council to amend the policy framework would be a key decision within the definition in regulation 8. Nevertheless, if a decision maker is of the view that any such decision does not fall within the regulation 8 definition then that decision should be treated as a key decision. Similarly, where the executive has been granted power by the full council to amend any aspect of the policy framework then the Secretary of State is clear that any decision to do so would also be a key decision within the definition in regulation 8, but that if a decision maker is of the view that any such decision does not fall within the regulation 8 definition then that decision should be treated as a key decision.

7.23 The Secretary of State recognises that not all key decisions will need to be, or indeed will be capable of being, identified four months in advance of the decision being taken. Some decisions (such as the adoption of certain plans or strategies in the policy framework) will be able to be identified that far in advance and therefore will be on the forward plan for some time whereas others will not be known until, say, a few weeks before the decision is due to be taken. The forward plan will inevitably include more decisions which will be taken within, say, one month than it will decisions to be taken in, say, three or four months and can therefore be viewed as a planning tool for managing the work programme of the executive.

7.24 Local authorities should make widespread use of electronic media in disseminating a forward plan. Where a local authority has a website, the forward plan should be accessible on that website, together with relevant papers. Local authorities should also consider the opportunities to ensure that communities have advance notification of decisions which, whilst they may not be of significance across the local authority as a

whole, will be of particular relevance to a particular locality within that local authority. The use of electronic media should assist in that respect. In particular, local authorities should consider ways of allowing local people to comment electronically on issues raised by the forward plan although they will also need to ensure that local people without access to the Internet are equally able to comment effectively to the local authority.

7.25 Where key decisions need to be taken and timing means it is unfeasible to include them on the forward plan, regulation 15 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 allows that, in such cases, the person or body to whom, the decision has been delegated will be able to make the decision even though it was not notified on the forward plan. However, at least three clear days notice of the decision will need to be given to the relevant overview and scrutiny committee(s) and the public before it is formally taken.

7.26 The Secretary of State also intends to consult on whether three days is sufficient or whether that period should be extended to, say, five days. The Secretary of State also intends to consult on whether existing definitions of exempt and confidential information should be modified. Any such changes which arise as a result of that consultation would apply to both executive and non-executive decision-making.

7.27 In very rare circumstances it may be necessary for a decision to be taken with less than three clear days' notice. In such cases, regulation 16 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 states that the decision maker will need to obtain agreement from the chair of a relevant overview and scrutiny committee (and in her or his absence the chairman of the local authority or in her or his absence the vice-chairman of the local authority) that the decision could reasonably be regarded as urgent in the circumstances. If the relevant person does not agree that the decision may reasonably be regarded as urgent in the circumstances then the decision cannot be taken without three days' notice for publication of the relevant papers. Under regulation 20, the executive leader, elected mayor (in mayor and cabinet constitutions) or council manager (in mayor and council manager constitutions) will need to report quarterly to full council on how often the urgency procedure has been used together with the reasons for the decision and why the matter was urgent.

7.28 Under regulation 19 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 if a particular decision was not included on the forward plan or was not dealt with in accordance with the provisions of regulations 15 or 16 (i.e. has not been regarded as a key decision) but an overview and scrutiny committee comes to the view that it should have been, that overview and scrutiny committee will be able to require the executive to make a report to the local authority on the decision and the reason why it was not regarded as a key decision.

7.29 Figure 7.2 provides an analysis by one local authority of what would have been included in a forward plan had such procedures been in operation previously.

FIGURE 7.2:

ANALYSIS OF KEY DECISIONS

One metropolitan council has carried out a retrospective analysis of its cabinet agendas to identify the proportion of key decisions that were anticipated and which could therefore have been notified in advance in a forward plan. Over a four month period, a total of 351 items were considered for decision of which 107 (30.5%) were considered to be key decisions.

Of the key decisions, 66% were considered to have been predictable, on the basis of known issues arising, for a period of at least four months, with 12% and 9% respectively being predictable for two months and one month. Only 11 key decisions (10%) were felt to relate to unforeseen issues, or issues which would only have reached the cabinet agenda within one month of needing to make a decision.