

COUNCIL BUSINESS COMMITTEE

Functioning of the Forward Plan

24th May, 2006

Report of the Audit Committee

PURPOSE OF REPORT

To advise the Council Business Committee of the recommendations of the Audit Committee on the Functioning of the Forward Plan, in order that the constitution can be amended.

This report is public

RECOMMENDATIONS

That the Constitution be amended as set out in Appendix B, in line with the recommendations of Audit Committee as set out in (1) and (2) below.

1. Report

The Overview and Scrutiny Committee has been considering the functioning of the Forward Plan and at its meeting on 8th March, 2006, made the following recommendations which were subsequently endorsed by Audit Committee on 26th April 2006, they are now presented to the Council Business Committee in order for the Constitution to be amended as required – a copy of the original report to Overview and Scrutiny is attached at Appendix A:

- (1) That a 12 month Forward Plan, with monthly updates, be recommended to the Audit Committee for the reasons set out above, with Officers being advised that Rule 15 may only be used in exceptional circumstances and with the approval of the Chief Executive, or in his absence, the relevant Corporate Director. The 12 month Forward Plan to be introduced at the commencement of the new municipal year (May) so that Key Decisions can be fed into the process.**
- (2) That an additional section be introduced into the Forward Plan Decision Form to be completed by the author stating the reasons for urgency.**
- (3) That linkages are made between the Forward Planning process and the Council's Consultation Strategy, as outlined above, creating a consultation culture within and outside the Council and also in accordance with good practice.**

- (4) That it be noted that the Forward Plan remains the responsibility of the Leader of the Council.
- (5) That it be noted that an additional section has already been added to the report template to indicate when an issue was published in the Forward Plan module.
- (6) That it be noted that the Committee Management System Forward Plan will be rolled out and is included in Service Business Plans for implementation as soon as possible.
- (7) That the electronic submission of Forward Plan items be introduced with the above mentioned information contained within the submission form.

RELATIONSHIP TO POLICY FRAMEWORK	
None directly.	
CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)	
None directly.	
FINANCIAL IMPLICATIONS	
None arising from this report.	
SECTION 151 OFFICER'S COMMENTS	
The Section 151 Officer has been consulted and would add that the introduction of a 12 month Forward Plan may also help strengthen financial planning, through the earlier identification of any issues or proposals that may have financial implications for the future.	
LEGAL IMPLICATIONS	
None arising from this report.	
MONITORING OFFICER'S COMMENTS	
The Monitoring Officer has been consulted and has no comments to add.	
BACKGROUND PAPERS	Contact Officer: James Doble Telephone: 01524 582057 E-mail: jdoble@lancaster.gov.uk
None	

OVERVIEW & SCRUTINY**FUNCTIONING OF THE FORWARD PLAN
8TH MARCH 2006****REPORT OF THE CORPORATE DIRECTOR (CENTRAL
SERVICES)****PURPOSE OF REPORT**

To report upon and advise the Overview and Scrutiny Committee, of the function of the Forward Plan in order to identify areas where the Plan may be failing to meet member expectations and ensuring there is transparency in the decision making process.

This report is to be considered in the public part of the meeting.

RECOMMENDATIONS

- (1) That Members consider the report.**
- (2) That Members consider what recommendations, if any, they wish to make to the Audit Committee with regard to the efficiency and functioning of the Forward Plan process and amendments to the Constitution in this respect.**
- (3) That Cabinet, and in particular the Leader of the Council, be informed of the recommendations to allow their comments to be included in the report referred to in (2) above.**

1.0 Introduction

1.1 At its meeting, held on 8th June 2005, the Committee considered a report of Councillor Stuart Langhorn, Pre-decision Scrutiny Champion, regarding the functioning of the City Council's Forward Plan (Minute 5 refers). After considering the report the Committee resolved: -

- That the Forward Plan process be reviewed and that consideration be given to replacing the current system (four month rolling Forward Plan) with a rolling 12-month Forward Plan updated on a monthly basis.
- That all Services be requested to review their Business Plan to provide details of forthcoming Key Decisions.
- That performance monitoring data be collected on compliance with the Forward Plan, that this be made available to Members and that Management intervention take place for services that repeatedly fail to publish Key Decisions in advance.
- That a review takes place of the Forward Plan form and that Officer contact details be included.

- That all Services ensure arrangements are in place to brief Cabinet Members on Key Decisions which are added to the Forward Plan.
- That all of the following should be justified on grounds of urgency and an explanation given why they were not included earlier.
 - All Key Decisions not included in the Forward Plan (at the time of publication) and sent out after publication under a separate cover.
 - Urgent Key Decisions to which no notice has been given.
 - All decisions where only a months notice is given.

1.2 In view of the above previous resolutions the following actions have been undertaken: -

Committee resolution	Action taken
That the Forward Plan process be reviewed and that consideration be given to replacing the current system (four month rolling Forward Plan) with a rolling 12-month Forward Plan updated on a monthly basis.	Report produced for consideration by Members of this Committee, prior to submission to the Audit Committee.
That all Services be requested to review their Business Plan to provide details of forthcoming Key Decisions.	To be actioned if agreed by the Audit Committee. Members attention is also drawn to proposals regarding linkages between Forward Plan information and the Council's Consultation Strategy.
That performance monitoring data be collected on compliance with the Forward Plan, that this be made available to Members and that Management intervention take place for services that repeatedly fail to publish Key Decisions in advance.	This process has commenced and data provided since the last report is set out within Appendix 1 to this report. There is also increased Management Team focus on the Forward Plan.
That a review takes place of the Forward Plan form and that Officer contact details be included.	Report and Appendix produced for consideration by Members of this Committee, prior to submission to the Audit Committee.
That all Services ensure arrangements are in place to brief Cabinet Members on Key Decisions which are added to the Forward Plan.	To be incorporated within the Council's procedures rules as good practice. This largely happens now but there have been exceptions and by formalising this in procedure rules will strengthen the position.
That all of the following should be justified on grounds of urgency and an explanation given why they were not included earlier. <ul style="list-style-type: none"> ▪ All Key Decisions not included in the Forward Plan (at the time of publication) and sent out after publication under a separate cover. ▪ Urgent Key Decisions to which no notice has been given. ▪ All decisions where only a months notice is given. 	Amended Key Decision Form attached with Section referring to "Urgency". The Appendix has been produced for consideration by Members of this Committee, prior to submission to the Audit Committee.

Members are also advised that there has been an increased Management Team focus on the Forward Plan, with the Team considering the Plan at their meetings to ensure that each Cabinet cycle receives decision reports identified for that meeting or an explanation as to why it will not be presented to that meeting.

2.0 Details

2.1 Forward Plan process:

Officers have carried out a review of the Forward Plan and the options available to the City Council regarding the operation of the Forward Planning process. These are set out below for Members' consideration.

2.2 Key Decision Process:

Members of Overview and Scrutiny Committee requested consideration of the Forward Plan process, particularly a 12 month Forward Plan updated on a monthly basis. A number of other local authorities already have a 12 month Forward Plan, where additional items can be added as required in order to ensure that the process complies with the Regulations brought about by the Local Government Act 2000. One of the main advantages of adopting such an approach is that Officers will be aware at the stage of formulating their Service Business Plans, of cyclical and major issues to be considered by the City Council in the forthcoming Municipal Year and how they contribute to the Corporate Plan priorities. Therefore, when Service Plans are agreed, Key Decisions should be identified and entered into the 12 month Forward Plan at that stage. This process would assist in focusing the minds of Service Heads on the decisions to be taken in the forthcoming year and would aid the City Council's forward planning process, increase awareness of the matters that require a decision, enable pre-scrutiny of Cabinet decisions and ensure that the decision-making process is transparent and operates in a more cohesive manner.

Service Business Plans will be available from the commencement of each financial year (April). Therefore, it would seem appropriate for the 12 month Forward Plan to be introduced at the commencement of the new municipal year (May) so that Key Decisions can be fed into the process. Members attention is also drawn to the "Groups Identified for Consultation" section of the Key Decision Notice. In order to ensure that the Key Decision Notice is adequately completed, effective consultation should take place in accordance with the principles of Best Value and the Government's Agenda for Modernising Local Government. It is, therefore, suggested that linkages are made between the Forward Planning process and the Council's Consultation Strategy. This would also assist in creating a consultation culture both within and outside the Council and would also be in accordance with good practice.

A further issue regarding the current process is the additional Officer time that is currently required to ensure that late items are published after the publication of the Forward Plan, particularly where a particular Service has not planned ahead and provided the relevant notice within the published timescales. Currently this can mean that reports are published later than expected giving Members less time to consider reports in order to make informed decisions, causing additional workload for Officers and effectively preventing scrutiny.

Issues which occur after the formulation of the 12 month Forward Plan could be added, with the City Council's electronic Committee Management System being used to place such items on the City Council's website and Members being informed via e-mail (see below) in accordance with prescribed deadlines, usually at least 14 days prior to the commencement of the statutory three month period covered by the Forward Plan, therefore enabling pre-decision scrutiny. It is recommended that these

rolling amendments are the exception as opposed to the rule and should not be used for cases where Service Business Plans have not been adequately prepared.

Members are also advised of Rule 15 of the constitution – General Exception (Part 4, Section 2 - Access to Information Procedure Rules), where the Notice has not been included in the original Forward Plan, or monthly update and notice (as referred to in the previous paragraph) cannot be given. It is suggested, that in order to ensure that Regulation 15 is not used unnecessarily, it is proposed to introduce an additional section into the Forward Plan Decision Notice Form to be completed by the author stating the reasons for urgency.

A 12 month Forward Plan will enable Officers to make the necessary arrangements to ensure that reports are provided for and cleared by the statutory Officers in plenty of time to enable compliance with relevant legislation and submitted in accordance with the City Council's Agenda deadlines. Members of the City Council will have more time to consider issues and their implications prior to a decision being required.

Members are reminded that the Forward Plan is the responsibility of the Leader of the Council and the Plan is submitted to him for approval and copied to the remaining Cabinet Members prior to publication. These current arrangements would still remain under this proposal with the Leader being provided with the 12 month Forward Plan for approval, together with any further Notices provided after the publication of the Plan.

Appendices 2 and 3 show the current and proposed Forward Plan Key Decision Notices.

Officer Recommendations:

- (1) That a 12 month Forward Plan, with monthly updates, be recommended to the Audit Committee for the reasons set out above, with Officers being advised that Rule 15 may only be used in exceptional circumstances and with the approval of the Chief Executive, or in his absence, the relevant Corporate Director. The 12 month Forward Plan to be introduced at the commencement of the new municipal year (May) so that Key Decisions can be fed into the process.**
- (2) That an additional section be introduced into the Forward Plan Decision Form to be completed by the author stating the reasons for urgency.**
- (3) That linkages are made between the Forward Planning process and the Council's Consultation Strategy, as outlined above, creating a consultation culture within and outside the Council and also in accordance with good practice.**
- (4) That it be noted that the Forward Plan remains the responsibility of the Leader of the Council.**

2.3 Report Template:

To ensure that there is a check on issues being included in the Forward Plan an additional section has been added to the report writing template. The additional section is headed "Forward Plan" and the report authors are now required to complete the section with the month when the Notice was published in the Forward Plan. This will assist in ensuring that items are not considered prematurely by Members, where inadequate notice has been given. This amendment has already been implemented by Officers and is now used by report authors when producing reports for Cabinet and its Committees.

2.4 Committee Management System and Key Decision Form:

The Committee Management System provides a Forward Plan module. It is intended to take this opportunity to role out this module. In doing so this will provide for an effective means for Officers to submit Forward Plan items on-line and directly into the System, using a revised proforma to take account of the recommendations as set out above.

Instead of filling in a template, in future Officers will complete a form on the Council's intranet, directly in to the Committee Management System.

The electronic form will allow submission of the following information: -

- Additional space for areas that require more of a description, i.e. consultations etc.
- Greater detail of the proposals and the likely suggested Officer recommendations in the forthcoming report.
- Confirmation that the Cabinet Member with Special Responsibility has been briefed upon the matter.
- Identification and contact details of the author of the Notice.
- Additional requirement for the reason to be stated why a report has not been included in the original Forward Plan and why it is now urgent.

Officer Recommendations:

- (1) That it be noted that an additional section has already been added to the report template, as outlined above.**
- (2) That it be noted that the Committee Management System Forward Plan will be rolled out of a module included in Service Business Plans for implementation as soon as possible.**
- (3) That the electronic submission of Forward Plan items be introduced with the above mentioned information contained within the submission form.**

2.5 Analysis of decisions taken:

The table set out at Appendix 1 shows the number of decisions contained within the Forward Plan and also urgent decisions published in accordance with the Regulations since the last report to this Committee (8th June 2005) to date. If this were to be analysed in the same way as in the previous report to Overview and Scrutiny, it would read:

- There were 145 (137) Key Decisions since the last report in June 2005.
- 135 (101) Key Decisions were submitted in time to be included in the relevant months Forward Plan.
 - 109 (32) decisions had more than one months notice and therefore allowing pre-decision scrutiny to take place.
 - 26 (69) decisions, gave little or no opportunity for pre-decision scrutiny as only one months notice was given.
- 10 (34) items were submitted late, that is had to be published after the Forward Plan and resulted in less than one months notice being given and realistically prevented pre-decision scrutiny.
- Only 3 (2) decisions had to be considered as Urgent Key decisions, which is not felt to be excessively high or a cause for concern.

The figures shown above in brackets provide details from the previous report, which advised of statistics for the Municipal Year 2004/05. This report only covers the period from that report to date.

The analysis shows, to date:

- 8 more Key Decisions.
- 34 more Key Decisions submitted in time to be included in the relevant months Forward Plan.
- 77 more decisions that had more than one months notice and therefore allowing pre-decision scrutiny to take place.
- 43 fewer decisions, gave little or no opportunity for pre-decision scrutiny as only one months notice was given.
- 24 fewer items were submitted late, that is had to be published after the Forward Plan and resulted in less than one months notice being given and realistically prevented pre-decision scrutiny.
- 1 more decision had to be considered as Urgent Key decisions, which is not felt to be excessively high or a cause for concern.

These statistics suggest that the operation of the Forward Plan is settling down and improving as report writers become more familiar with it.

3.0 Conclusion

- 3.1 In order to improve and assist the City Council's Forward Plan process, providing a transparent decision-making process, the Committee is asked to consider the Officer recommendations, as set out within the report, and any other proposals which may be put forward at the meeting in order to recommend improvements to Cabinet.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

No direct implications arising from this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report.

SECTION 151 OFFICER'S COMMENTS

The S151 Officer has been consulted and has no further comments to add.

LEGAL IMPLICATIONS

Legal Services have been consulted and have no further comments to add.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments to add.

BACKGROUND PAPERS

None.

Contact Officer: Stephen Metcalfe
Telephone: 01524 582073
E-mail: smetcalfe@lancaster.gov.uk

ANALYSIS OF DECISIONS TAKEN

MONTH FORWARD PLAN PUBLISHED AND DURATION	NUMBER OF KEY DECISIONS PUBLISHED IN FORWARD PLAN ONE MONTH PRIOR TO DECISION	DECISIONS SUBMITTED WITH MORE THAN ONE MONTHS NOTICE	ADDITIONAL KEY DECISIONS WHERE AN ADDITIONAL NOTICE WAS PUBLISHED LESS THAN A MONTH BEFORE THE DECISION WAS MADE AND SERVICE RESPONSIBLE	ITEMS OF URGENT BUSINESS THAT WERE KEY DECISIONS CONSIDERED BY CABINET
May 2005 (duration June – September 2005).	0	4	2 for June, 1 of which was undertaken in accordance with the Urgent Business Procedure. Both submitted by the Planning and Building Control Service.	-.
June 2005 (duration July – October 2005).	5	7	2 for July, 1 submitted by Engineering and 1 by Property Services.	-.
July 2005 (duration August – November 2005).	0 (No August meeting).	9	N/a.	N/a.
August 2005 (duration September – December 2005).	9	12	-	-.
September 2005 (duration October 2005 – January 2006).	2	14	-	-.
October 2005 (duration November 2005 – February 2006).	1	13	1 for November and December 2005, November meeting to be considered at the meeting as Urgent Business, submitted by Engineering Services.	1

November 2005 (duration December 2005 – March 2006).	6	15	3 for December, 1 submitted by Arts and Events and 2 submitted by Leisure Services.	1
December 2005 (duration January – April 2006).	1	16	-	1
January 2006 (duration February – May 2006).	1	14	1 for February, submitted by Economic Development and Tourism Service.	Not available at the time of writing the report.
February 2006 (duration March – June 2006).	1	5	1 for March submitted by CCS.	Not available at the time of writing the report.

APPENDIX 2

Current Forward Plan Notice

LANCASTER CITY COUNCIL

..... **2005**

**KEY DECISIONS TAKEN BY CABINET OR
KEY DECISIONS DELEGATED BY CABINET TO OFFICERS**

SERVICE:		REFERENCE:	
ITEM FOR DECISION:			
DECISION MAKER:	CABINET		YES/NO
	DELEGATED OFFICER		YES/NO
RESPONSIBLE CABINET MEMBER:	COUNCILLOR		
KEY DECISION CRITERIA:	EXCESS FINANCIAL THRESHOLD AS PER KEY DECISION CRITERIA	<u>YES/NO</u>	COMMUNITY IMPACT IE HAVING A SIGNIFICANT AND LASTING IMPACT ON: (i) REPUTATION OF COUNCIL (ii) ENVIRONMENT (iii) LOCAL ECONOMY (iv) COMMUNITY SAFETY (v) HUMAN RIGHTS, EQUAL OPPORTUNITIES OR RACIAL EQUALITY <u>YES/NO</u>
SUMMARY DESCRIPTION OF RELEVANT ISSUES:			
DATE OF CABINET MEETING/DATE FOR OFFICER DECISION <i>Delete not applicable</i>			
LIST OF BACKGROUND PAPERS FOR CONSIDERATION:			
GROUPS IDENTIFIED FOR CONSULTATION:			
PROCESS FOR MAKING REPRESENTATIONS TO DECISION MAKER:			
DATE FOR REPRESENTATIONS TO BE RECEIVED:			

APPENDIX B

Proposed Constitutional Amendment to Part 4 Rules of Procedure, Section 2 Access to Information

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a Key Decision may not be taken unless:

- (a) a notice (called here a Forward Plan) has been published in connection with the matter in question, ***where this is additional to the published Forward Plan or not included in a monthly update or less than four months notice has been given, reasons for urgency must be given on the notice;***
- (b) at least five days have elapsed since the publication of the Forward Plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. THE FORWARD PLAN

14.1 Period of Forward Plan

Forward plans will be prepared by the leader to cover a period of ~~four~~ **twelve** months, beginning with the first day of ***the new municipal year*** ~~any month~~. ~~They~~ **Updates** will be prepared on a monthly basis. ~~and subsequent plans will cover a period beginning with the first day of the second month covered by the update preceding plan.~~

14.2 Contents of Forward Plan

The Forward Plan will contain matters which the leader has reason to believe will be subject of a Key Decision to be taken by the Cabinet, a committee of the Cabinet, Officers, Area Committees or under joint arrangements in the course of the discharge of a Cabinet function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name, title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision maker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;

- (f) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

The Forward Plan must be published at least fourteen days before the start of the period covered. The Proper Officer will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (i) that Key Decisions are to be taken on behalf of the Council;
- (ii) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (iii) that the plan will contain details of the Key Decisions to be made for the ~~four~~ **twelve** month period following its publication;
- (iv) that each plan will be available for inspection at reasonable hours free of charge at Lancaster Town Hall and Morecambe Town Hall;
- (v) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the Key Decisions on the plan;
- (vi) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;
- (vii) that other documents may be submitted to decision takers;
- (viii) the procedure for requesting details of documents (if any) as they become available; and
- (ix) the dates on each month in the following year ~~on which each~~ **when the** Forward Plan **and updates** will be published and available to the public at the Council's offices.

Exempt information need not be included in a Forward Plan and confidential information cannot be included.