

**REPORT FOR: Performance and Finance
Scrutiny Sub-Committee**

Date of Meeting:	22 November 2011
Subject:	INFORMATION REPORT – Cabinet Decision Making Protocol
Responsible Officer:	Julie Alderson, Interim Director of Finance Hugh Peart, Director of Legal & Governance
Scrutiny Lead Member area:	Councillor Jerry Miles, Corporate Effectiveness Policy Lead Member and Councillor Tony Ferrari, Corporate Effectiveness Performance Lead Member
Exempt:	No
Enclosures:	Appendix A – Cabinet Report 18 th October 2011 and Cabinet Decision Making Protocol. Appendix B the Cabinet Recommendation to Council. Appendix C Cabinet Terms of Reference.

Section 1 – Summary and Recommendations

This report sets out at the request from the scrutiny leadership group, for further explanation of the implications of the cabinet decision making protocol on the ability of either members, co opted members or the public to call in decisions of the executive.

Recommendations: That the report be noted.

Section 2 – Report

Introductory paragraph

The scrutiny leadership group requested that an item on the cabinet decision making protocol and the financial regulations be submitted to this sub committee. The Head of Legal and Divisional Director of Corporate Finance and Procurement will be in attendance to respond verbally to questions from sub-committee members on this report. Further details are contained in appendix A to the report.

Current situation

The cabinet decision making protocol was approved by council on 3 November 2011. It brings together the officer delegations and the revised key decision thresholds. It gives guidance to officers about which matter should go to cabinet, this is not only restricted to key decisions but also other decisions that may be politically sensitive, have unusual features or which are not covered by an approved policy. This guidance is taken from the existing officer delegations contained in part 3B of the constitution which have not changed.

Despite the key decision threshold being increased the terms of reference of cabinet have not changed and, for example, contracts over a value of £500,000 are still reserved to cabinet.

Before making a decision officers should consider where authority should be sought from. They should consider if the decision is a key decision or a matter which should go to cabinet, council or any other committee. They should consider whether the decision should fall under the terms of reference of a portfolio holder or if would fall within the officer delegations.

The officer delegations within 3B of the constitution and portfolio holder terms of reference remain unchanged.

The Financial Regulations have been updated and approved by council on 3 November. The scheme of delegation including approval levels for signing off contracts within previously agreed frameworks have been amended. These need to be considered alongside the cabinet decision making protocol.

Members will be aware that call in is not restricted to key decisions but covers any executive decision cabinet and portfolio holder decisions.

Section 3 - Contact Details and Background Papers

Contact: Jessica Farmer Head of Legal 020 8424 1889

Background Papers: None