

Standards and Governance Committee – 18 April 2024

Title of paper:	Arrangements for Commissioner Engagement in Decision Making	
Director(s)/ Corporate Director(s):	Ross Brown, Corporate Director for Finance and Resources Malcolm Townroe, Director of Legal and Governance and Monitoring Officer	Wards affected: All
Report author(s) and contact details:	Nancy Barnard, Head of Governance Nancy.barnard@nottinghamcity.gov.uk	
Other colleagues who have provided input:		
Date of consultation with Portfolio Holder(s) (if relevant)	28 March 2024	
Does this report contain any information that is exempt from publication? No		
Relevant Council Plan Outcome:		
Green, Clean and Connected Communities	<input type="checkbox"/>	
Keeping Nottingham Working	<input type="checkbox"/>	
Carbon Neutral by 2028	<input type="checkbox"/>	
Safer Nottingham	<input type="checkbox"/>	
Child-Friendly Nottingham	<input type="checkbox"/>	
Living Well in our Communities	<input type="checkbox"/>	
Keeping Nottingham Moving	<input type="checkbox"/>	
Improve the City Centre	<input type="checkbox"/>	
Better Housing	<input type="checkbox"/>	
Serving People Well	<input checked="" type="checkbox"/>	
Summary of issues (including benefits to citizens/service users):		
<p>Following their appointment, the Government appointed Commissioners require access to certain decisions and reports at the appropriate point in order for them influence or exercise their powers should they feel it appropriate.</p> <p>In the interests of transparency this report outlines the changes to Nottingham City Council's decision making processes in order to accommodate this requirement.</p>		
Recommendation(s):		
1	To note the changes to decision making processes.	
2	To note that the changes will be reviewed two months after implementation and any significant subsequent changes will be reported to this Committee.	

1. **Reasons for recommendations**

- 1.1 To provide transparency regarding the changes to internal processes required prior to the making of formal decisions.

2. **Other options considered in making recommendations**

- 2.1 As this is a requirement of the Commissioners, no other option was considered.

3. **Consideration of Risk**

- 3.1 There is a risk that the extension of decision making workflows to accommodate the Commissioners' requirement may impact on the timeliness of decisions. This has been mitigated through the agreement of a three working day turnaround for Commissioner comments, providing clarity around required timelines, and will be managed via communication with those responsible for drafting reports and decisions. The process will be reviewed two months after implementation and the impact on decision timelines will form part of this review.

4. **Background (including outcomes of consultation)**

- 4.1 Following their appointment, the Commissioners require decisions involving significant levels of spend or changes to policy to be considered by them to enable them to influence or exercise their powers in relation to the decisions being taken as they see fit. It has been agreed that the following decisions will be shared with Commissioners as a matter of course:
 - a) Portfolio Holder Decisions
 - b) Leader's Key Decisions
 - c) Reports to Executive Board
 - d) Reports to Commissioning and Procurement Executive Committee
 - e) Reports to Full Council.
- 4.2 Reports involving significant levels of spend or policy changes proceeding through other Committees may also require Commissioner consideration but these will be addressed on an ad hoc basis.
- 4.3 None of the reports/ decisions outlined above can proceed without the Commissioners' explicit consent and the inclusion of any comments they wish to make. This is in accordance with the powers they have been granted by the Secretary of State to support the council's improvement.
- 4.4 It has been agreed that decisions and reports will be shared with Commissioners following Corporate Director sign off but prior to Councillor Authorisation or publication for consideration by a Committee. Report and decision templates have been amended to reflect the new requirements.

5. **Finance colleague comments (including implications and value for money)**

- 5.1 This report relates to the amendment of an internal decision making process and therefore does not have direct financial implications. All decisions made under these processes will be subject to proper financial consideration as part of our usual governance arrangements and those arrangements put in place in response to the 114 notice.

6. **Legal colleague comments**

- 6.1 This report outlines changes to the Council's internal decision making work flows prior to formal, constitutional and legal processes for approving decisions of the authority.

Directions made by the Secretary of State on 22 February 2024 under section 15 of the Local Government Act 1999 give the Commissioners wide power to exercise all functions associated with the governance, scrutiny and transparency of strategic and financial decision making by the Authority.

The changes set out in the body of the report are required to provide the Commissioners with oversight of Council decision making at an appropriate point in the process to enable them to discharge their responsibilities.

Beth Brown, Head of Legal, 09 April 2024

7. **Other relevant comments**

- 7.1 None

8. **Crime and Disorder Implications (If Applicable)**

- 8.1 None

9. **Social value considerations (If Applicable)**

- 9.1 None

10. **Regard to the NHS Constitution (If Applicable)**

- 10.1 None

11. **Equality Impact Assessment (EIA)**

- 11.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because this report relates to internal decision making workflows. EIAs will continue to be a requirement for individual decisions taken through these processes.

12. **Data Protection Impact Assessment (DPIA)**

- 12.1 Has the data protection impact of the proposals in this report been assessed?

No



A DPIA is not required because this report relates to internal decision making workflows. DPIAs will continue to be a requirement for individual decisions taken through these processes.

13. **Carbon Impact Assessment (CIA)**

13.1 Has the carbon impact of the proposals in this report been assessed?

No



A CIA is not required because this report relates to internal decision making workflows. CIAs will continue to be a requirement for individual decisions taken through these processes.

14. **List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

14.1 None

15. **Published documents referred to in this report**

15.1 The Council's Constitution: [Nottingham City Council's constitution - Nottingham City Council](#)