

# GUIDANCE NOTE ON PREPARING REPORTS IN ACCORDANCE WITH THE PRINCIPLES OF DECISION MAKING

Date: February 2024

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## PURPOSE OF THIS GUIDANCE NOTE

This guidance note has been developed to assist report authors when preparing reports for decision making.

Members and decision-makers may also use this guidance to reassure themselves that all decisions are made in accordance with the principles of decision making in [Article 1.3 of the Constitution](#) together with the procedures in the [Constitution](#).

This guidance note provides greater clarity and transparency around Call-in, including the criteria for Call-in and the reasons why members may want to call-in a decision due to a flaw or deficiency in the way the decision was made.

Our residents, partners, and key stakeholders will also find this guidance useful to understand how decisions are made, the principles which guide decision making and the steps that can be taken to hold officers and the Executive to account, through the role of Scrutiny and call-in.

## INTRODUCTION

All decisions of the council are to be made in accordance with the principles set out in Article 1.3 of the Constitution. This relates to both executive and non-executive decisions. All decision makers when making a decision must be provided with sufficient information to make a reasoned and informed decision.

The governance for the decision making process should be thought and mapped with advice from legal, constitutional, financial and policy colleagues (including those who specialise in climate, equality and health impacts). Advice should be taken from the relevant officers at the formative stage in the development of the decision.

In accordance with the [Overview and Scrutiny Rules](#), a relevant executive decision (as defined by the rules) may be called in if there is evidence that the decision-maker did not take the decision in accordance with the principles of decision making as set out in Article 1.3 of the constitution (see paragraphs 16-19 of the OSC Rules).

## PRINCIPLES OF DECISION MAKING

**ALL** decisions of the Council should be made in accordance with the Principles of Decision Making which are set out in [Article 1.3 of the Constitution](#) which are listed and explained below:

### **a. The link between strategy and implementation must be maintained**

There should always be a clear explanation as to how a decision fits with Southwark Council's overall strategy such as Southwark 2030, Future Southwark or the Council Delivery Plan. This principle ensures that the Council is able to achieve its corporate aims and focuses decision making so that it aligns with the current strategy. A decision making report should make clear the connection between its recommended actions and the Council's strategy.

### **b. Decision making generally, whether by individual officers, individual cabinet members or the cabinet collectively, should have reference to the policy framework**

The plans and strategies comprising the policy framework are set out in Part 3A of the constitution. Where relevant, any decision-making report should make reference to the following documents and plans:

[Council Delivery Plan](#)

[Southwark Plan 2022 - Southwark Council](#)

[Treasury management strategy \(including prudential borrowing arrangements\).](#)

[Southwark Climate Strategy](#)

### **c. Respect for human rights, law, probity and our constitution**

Clear reference should be made to any relevant human rights implications of a decision and the legal basis on which the decision is made. Reference may be made to these issues in the legal implications paragraph or the body of the decision making report.

The concurrent from the Monitoring Officer will address any governance issues and highlight any legal duties of the decision-maker. Decision-makers need to ensure that proper consideration is given to any potential conflicts of interests and to avoid any appearance of bias or having pre-determined views when making a decision.

Decision-makers should also satisfy themselves that the decision making process within the Constitution has been followed.

#### **d. Reasonable and proportionate consultation**

Some decisions require consultation by law ('statutory consultation') while others may not. Where consultation is not a legal requirement, the necessity to consult is dependent on whether it is:

- **reasonable** to expect consultation; and,
- **proportionate** to carry out consultation for that particular decision.

The reasonable expectation of consultation may come about where there has been an established practice of consultation, or in exceptional circumstances where not consulting would lead to unfairness.

Where consultation is required by statute then any relevant legal requirements must be satisfied and sufficient time should be provided for the consultation to be carried out properly.

There must be clarity about the issues being consulted on these should be outlined in the decision-making report. The results of consultations should be clearly set out in the report, including any response to the points being made so that the decision-maker can demonstrate that they have conscientiously taken the consultation into account.

#### **e. The taking of reasonable and appropriate professional advice from officers**

Advice from relevant officers should be obtained at a formative stage of decision making, report writing or policy development for the duration of the project.

Every decision-making report should include the advice of relevant officers, including the strategic director of finance and the Monitoring Officer who will provide financial and legal concurrents respectively, together with any other relevant professional officer advice.

A non-exhaustive list of the relevant key officers to seek advice from are listed in the table below:

Officer name	Title
Evereth Willis <a href="mailto:evereth.willis@southwark.gov.uk">evereth.willis@southwark.gov.uk</a>	Head of Equality Diversity and Inclusion
Louise Neilan <a href="mailto:louise.neilan@southwark.gov.uk">louise.neilan@southwark.gov.uk</a>	Head of Communications and Corporate Consultations
Jessica Leech <a href="mailto:jessica.leech@southwark.gov.uk">jessica.leech@southwark.gov.uk</a>	Community Engagement Manager
Elaine McLester <a href="mailto:elaine.mclester@southwark.gov.uk">elaine.mclester@southwark.gov.uk</a>	Head of Procurement
Sarah Feasey <a href="mailto:sarah.feasey@southwark.gov.uk">sarah.feasey@southwark.gov.uk</a>	Head of Law (Communities)
Nagla Stevens <a href="mailto:nagla.stevens@southwark.gov.uk">nagla.stevens@southwark.gov.uk</a>	Head of Law (Planning & Development)
Everton Roberts <a href="mailto:everton.roberts@southwark.gov.uk">everton.roberts@southwark.gov.uk</a>	Head of Scrutiny
Chidi Agada <a href="mailto:chidilim.agada@southwark.gov.uk">chidilim.agada@southwark.gov.uk</a>	Head of Constitutional Services
Tim Jones <a href="mailto:timothy.jones@southwark.gov.uk">timothy.jones@southwark.gov.uk</a>	Director of Finance
Tom Sharland <a href="mailto:tom.sharland@southwark.gov.uk">tom.sharland@southwark.gov.uk</a>	Head of Climate Change and Sustainability

**f. Proportionality (i.e. the action must be proportionate to the desired outcome)**

The decision being made should achieve the desired outcome in the least impactful way both on the community and financially. If other less impactful methods could achieve the same outcome then they should be explored and the reasons why they were not implemented should be explained. A decision making report must have an options appraisal outlining alternative measures that have been considered.

**g. A presumption in favour of openness**

Reports should contain all relevant and appropriate information and material to enable a properly informed decision. Reasons for the proposed decision should be set out adequately and intelligibly so that they can be easily understood. The recommendations should be clearly worded to avoid any ambiguity. All decisions must have a clear recommendation and, where appropriate, relevant and reasonable

background papers as evidence of information taken into account to inform the decision and decision-maker.

There are particular circumstances when decisions can be made based on closed reports in accordance with the statutory criteria, but wherever possible closed reports should be avoided.

**h. Clarity of aims and desired outcomes, including a summary of the reasonable options considered**

Reports for relevant decisions should clearly set out the aims and desired outcomes arising from the decision together with all necessary supporting information and evidence. The report should identify all relevant evidence to be taken into account in the appendices and background papers sections.

**i. Consideration of the likely climate consequences and the likely equality (including socio-economic disadvantage and health inequality) consequences of the relevant decision**

Reports should include reference to any climate consequences of the decision, and if relevant, references to the council's climate change strategy and action plan (linked above).

Consideration should always be given to the Public Sector Equality Duty ('PSED') contained in section 149 of the Equality Act 2010. The decision-maker will need to have due regard to the need to eliminate discrimination, advance equality of opportunity, and to foster good relations between people with protected characteristics and others in accordance with the PSED.

Although not required by statute, the council has also decided that the socio-economic and health impacts of decisions will be taken into account and where relevant these should be evidenced in any decision-making report.

## CHALLENGES TO DECISION MAKING

Failure to adhere to any of the Principles of Decision Making will open the possibility of a challenge to the decision made, which can be through:

- A **legal challenge** which can be initiated by any person through the courts in a process called judicial review. This could lead to the council's decision being 'quashed' meaning that it is reversed; or,
- A '**call-in**' which is initiated by at least **five councillors** of Southwark Council. The call-in may result in a recommendation by the Overview & Scrutiny Committee for the decision-maker to reconsider their decision.

In either case there will be delay, wasted costs and the potential for reputational damage. As such it is imperative that the Principles of Decision Making are followed absolutely.

## CONCLUSION

Members and officers are advised to ensure that decisions and reports are made in accordance with the Decision Making Principles. If these principles are not followed then the risk of a legal challenge or a call-in increases.

Report writing which incorporates advice taken from officers from the beginning and throughout the process works towards efficient and effective decision making.

## CONTACTS FOR FURTHER ENQUIRIES

Sarah Feasey, Head of Law (Communities)	<a href="mailto:sarah.feasey@southwark.gov.uk">sarah.feasey@southwark.gov.uk</a>
Nagla Stevens, Head of Law (Planning & Development)	<a href="mailto:nagla.stevens@southwark.gov.uk">nagla.stevens@southwark.gov.uk</a>
Chidi Agada, Head of Constitutional Services	<a href="mailto:chidilim.agada@southwark.gov.uk">chidilim.agada@southwark.gov.uk</a>
Everton Roberts, Head of Scrutiny	<a href="mailto:everton.roberts@southwark.gov.uk">everton.roberts@southwark.gov.uk</a>
Charles Meredith, Assistant Governance Lawyer	<a href="mailto:charles.meredith@southwark.gov.uk">charles.meredith@southwark.gov.uk</a>

## FURTHER DETAILED REPORT WRITING GUIDANCE

All reports to Cabinet, Committee, Individual Decision-Maker, or Chief Officer Decision must comply with the Report Writing Guidance for Officers which can be via this link: [Report writing guidance](#)