

RECOMMENDED ACTION PLAN IN RESPONSE TO KPMG REPORT

Statutory Recommendation under Section 11 of the Audit Commission Act 1998		
It is recommended that the Council “consider and respond to the detailed recommendations included in this report”.		
Recommended Action That the Council accepts the statutory recommendation and approves the actions set out below in response to the 26 recommendations within the report		
RECOMMENDATIONS		
The Role of the Borough Solicitor		
R1. Review the constitution to make clear what the Borough Solicitor can and cannot do regarding decisions to instigate and continue legal action, whether financial limits should apply to the Borough Solicitor’s delegated authority, and when and from whom further sanction is required for financial expenditure above that limit.		
Recommended Action	Due Date	Lead officer
1. That the powers delegated to the Borough Solicitor will be considered as part of the review of the Constitution (including the Employee Delegation Scheme). Specific consideration will be given to the scope of delegation of decisions to instigate and continue legal action and to any financial limits which should apply and, how and from whom authority to exceed that limit is obtained.	30 th September 2010	Borough Solicitor
2. That the Borough Solicitor is tasked to undertake a comprehensive review of the Constitution and to produce a report by the 30 th September 2010 for consideration by the Staff and Support Services Committee.		
R2. Review the constitution for other potential instances where authority is delegated to individuals without clarity over the extent of their financial authority.		
Recommended Action	Due Date	Lead officer
1. That the Employee Delegation Scheme to be reviewed by the Borough Solicitor as part of the review of the Constitution. The review will consider whether there is sufficient clarity as to the financial restrictions which should appropriately apply and how and from whom authority to exceed any limits is obtained.	30 th September 2010	Borough Solicitor

2. That the Borough Solicitor is tasked to undertake a comprehensive review of the Constitution and to produce a report by the 30 th September 2010 for consideration by the Staff and Support Services Committee.		
The Role of the Borough Solicitor		
R3. Ensure that where there are alternative people or bodies who could take a lead decision making role, that all options are evaluated and the conclusion is documented clearly.		
Recommended Action	Due Date	Lead officer
That a process, to be implemented corporately, be devised whereby, in circumstances where there are alternative officers or committees who could make a particular decision, the options for the decision making are evaluated and the conclusion clearly documented. The process is to be explained within the guidance note being prepared by the Assistant Chief Executive for the Senior Leadership Team (SLT) and Service Managers.	30 th June 2010	Assistant Chief Executive
The Role of Members		
R4. Review the need for, and remit of, the S&SSC and other committees. In a Cabinet/Scrutiny model, a Council may only need regulatory committees (Licensing, Audit, Planning). Mixing decisions between Cabinet and S&SSC can be confusing. It may be possible for many operational matters to be delegated to the officers and the Chief Executive as head of paid service, perhaps supported by ad hoc Member Panels or other fora for advisory purposes.		
Recommended Action	Due Date	Lead officer
<ol style="list-style-type: none"> 1. That the need for and remit of the Staff and Support Services Committee and other Committees should be reviewed as recommended as part of the comprehensive review of the Constitution. 2. That a Member Working Group be established to undertake the review of the remit of Committees and any other aspect of the Constitution as is deemed appropriate by the Staff and Support Services Committee. 3. That the Borough Solicitor is tasked to undertake a comprehensive review of the Constitution and to produce a report by the 30th September 2010 for consideration by the Staff and Support Services Committee. 	30 th September 2010	Borough Solicitor & AD Human Resources

The Role of Members		
R5. Review constitutionally whether 'key decisions' made by committees should be subject to similar procedural and notification requirements as those made by Cabinet.		
Recommended Action	Due Date	Lead officer
1. That consideration as to whether there should be procedural and notification requirements for decisions made by Committees which are similar to the procedures for "key decisions" to be included as part of the comprehensive review of the Council's Constitution. 2. That the Borough Solicitor is tasked to undertake a comprehensive review of the Constitution and to produce a report by the 30 th September 2010 for consideration by the Staff and Support Services Committee.	30 th September 2010	Borough Solicitor
R6. When important constitutional questions are raised, then the Council should take care to answer the precise question and also to look further at the underlying implications.		
Recommended Action	Due Date	Lead officer
1. That the requirement to identify, answer and consider underlying implications of important constitutional questions should be included within the guidance note being prepared by the Assistant Chief Executive for the Senior Leadership Team (SLT) and Service Managers. 2. That the Corporate Governance Group recommend a process / procedure to ensure that constitutional questions are identified and dealt with.	30 th June 2010	Assistant Chief Executive

The Role of Members		
R7. Where decisions are made by committees or officers, ensure there is sufficient briefing of, and involvement from, the relevant Cabinet leads at appropriate stages.		
Recommended Action	Due Date	Lead officer
1. This has been implemented. 2. That the need for timely and sufficient briefing of Cabinet Leads (and Shadow Leads as appropriate), be included within the guidance note which is being prepared for the Senior Leadership Team and Service Managers.	Implemented 30 th June 2010	Assistant Chief Executive
Objectives and Option Appraisal		
R8. Review the process for taking forward, and reporting back on, decisions made by committees to ensure agreed actions are delivered (or explanations provided as to why they are not).		
Recommended Action	Due Date	Lead officer
1. Implement a centralised log of decisions taken with mechanisms for recording and monitoring actions taken in accordance with those decisions. 2. Devise a mechanism whereby Committees review progress of implementation of decisions which they have made.	30 th June 2010	Assistant Chief Executive
R9. Ensure that all relevant options are assessed when considering crucial decisions.		
Recommended Action	Due Date	Lead officer
1. The assessment of all relevant options should be included within the reports placed before Committees and the corporate Committee report template should be revised to incorporate options evaluation. 2. A process whereby the evaluation of options in respect of decisions taken under delegated powers should be devised and implemented.	30 th June 2010	Assistant Chief Executive

3. The requirements in respect of the drafting of reports and decisions made within delegated authority should be included within the guidance note which is being prepared for the Senior Leadership Team (SLT) and Service Managers.		
R10. Options should be reassessed throughout decision processes. This includes revisiting the overall objective and ensuring that the strategy being followed remains appropriate for delivering the objective. The council needs to remain flexible, and be prepared to change objectives, options and decisions on a timely basis if information changes.		
Recommended Action	Due Date	Lead officer
That the need to apply project management principles and to reassess risks during throughout a decision process should be included within the guidance note which is being prepared for the Senior Leadership Team (SLT) and Service Managers. The Project Management Principles should include defining at the outset, the period for reviewing the project, its purpose and objectives.	30 th June 2010	Assistant Chief Executive
Professional Advice		
R11. The Council should, in all instances, take decisions based on a balanced range of success factors including service needs, legal issues, financial implications and risk. Decisions should be informed by appropriate risk scenarios or possible outcomes.		
Recommended Action	Due Date	Lead officer
<ol style="list-style-type: none"> 1. Revise the Council's standard report template to ensure that a balanced range of success factors, legal and financial implications and risks are required to be fully considered within each report to the Council and its Committees. 2. Devise a procedure to ensure that the same range of factors as set out above are demonstrably considered in respect of crucial decisions taken under authority delegated to officers and implement the procedure. 	30 th June 2010	Assistant Chief Executive

R12. Before starting legal proceedings that are likely to incur significant costs, estimate the potential risks and costs and revisit this analysis throughout the process, and certainly whenever there is a sea change in the case.		
Recommended Action	Due Date	Lead officer
The action recommended is as set out above in R10 and R11.	30 th June 2010	Assistant Chief Executive
Crucial Decision Points		
R13. The Council should recognise that not taking an explicit decision (e.g. use of “The Committee notes”) can amount to a positive decision to continue with the existing course of action. In sensitive or important issues, officers should carefully draft recommendations so that it is clear what will happen as a result.		
Recommended Action	Due Date	Lead officer
Include guidance to report authors to ensure careful drafting of recommendations to Committee and what Officers should seek from Members in considering those recommendations will be included in a guidance note to the Senior Leadership Team (SLT) and Service Managers.	30 th June 2010	Assistant Chief Executive
Committee Process		
R14. The Council should apply its usual governance processes to all decisions brought to Members, in whatever committee or forum, and explain the reason for any deviation from the processes.		
Recommended Action	Due Date	Lead officer
1. Devise a process to ensure, through the Democratic Services, that all matters brought to members for a decision follows the usual governance processes, and to include specific provisions for the recording of any deviations from the standard process.	30 th June 2010	Assistant Chief Executive
2. That the process be incorporated within the guidance note which is being prepared for the Senior Leadership Team (SLT) and Service Managers.		

Involvement of Officers Corporately		
R15. The Strategic Directors, Assistant Directors and Service Managers should immediately review all major service and corporate issues that they are individually dealing with, and check whether they are being managed properly and reported through the appropriate channels . There should be an on-going process to ensure that significant issues are escalated to the right people. (See also risk management below).		
Recommended Action	Due Date	Lead officer
<ol style="list-style-type: none"> 1. This has been implemented. 2. Action has already been instigated by the Chief Executive for an immediate review of all major services and corporate issues being dealt with by Strategic Directors, Assistant Directors and Service Managers to ensure the proper management and reporting. The ongoing process will be reviewed regularly through both the internal audit as part of its audit plan and the corporate governance group. The Chief Executive has issued an email to Strategic Directors, Assistant Directors and Service Managers asking them to undertake the review. 	Implemented with a Due Date of the 30 th April 2010 for completion of the initial reviews	Chief Executive
Risk Management		
R16. Undertake mandatory risk management training to appropriate officers and Members. This should include Directors, Assistant Directors and Service Managers. The training should be specific to Cheltenham's own risk management process.		
Recommended Action	Due Date	Lead officer
<ol style="list-style-type: none"> 1. Consider the needs of Members and Officers for risk management training. 2. Develop a training programme for Members and Officers. 3. Implement the training programme. 4. That risk management training be a pre-requisite for Members who serve on the Audit Committee and the Treasury Management Panel. 	<p>1 & 2 – 30th September 2010</p> <p>3 & 4 – October 2010-March 2011</p>	AD Human Resources

R17. Immediately review all risks on the corporate and service risk registers to ensure that they are complete, appropriate and that the descriptions and risk assessments continue to reflect the current state. Any high scoring service risks should be transferred to the corporate risk register where appropriate. The updated corporate risk register should be presented to Members for consideration.		
Recommended Action	Due Date	Lead officer
<ol style="list-style-type: none"> 1. The Corporate and Service Risk Registers have recently been reviewed by the Senior Leadership Team, Service Managers and the Corporate Governance Group. 2. That the Corporate Risk Register is in future to be presented to the Audit Committee on a quarterly basis, commencing in June 2010. 	Review of Corporate and Service Registers completed June 2010	Assistant Chief Executive
Project Management		
R18. All legal case work should have a formally appointed Instructing Officer and a written scoping document. In practice, the Borough Solicitor or other members of the legal team should only be the Instructing Officer in rare circumstances. All legal actions and defences should continue to be channelled through the legal team.		
Recommended Action	Due Date	Lead officer
To be Included in revised case management procedures.	Immediate	Borough Solicitor
R19. On any occasion where the Borough Solicitor is the Instructing Officer rather than acting on behalf of other service departments, the Council should consider the controls in place to ensure an appropriate corporate oversight is maintained.		
Recommended Action	Due Date	Lead officer
That the Chief Executive provide a corporate oversight should the circumstances arise in which the Borough Solicitor is the Instructing Officer.	Immediate	Chief Executive

R20. The Council should review its scheme of delegation to consider at what level formal project management techniques should be employed. This does not necessarily apply only to capital programmes, IT development or major change projects – but could apply (as in this legal case) to revenue activities.		
Recommended Action	Due Date	Lead officer
<p>Directors and Assistant Directors to</p> <ol style="list-style-type: none"> review which Officers within the organisation are responsible for implementation of projects requiring project management skills. identify whether those Officers require either project management training or dedicated project management support in order to effectively implement the project. 	30 th September 2010	Assistant Director of Human Resources
R21. The Council should review the project management skills base within its workforce, and seek to train more people if necessary, or to find ways of sharing the resource among different projects.		
Recommended Action	Due Date	Lead officer
<ol style="list-style-type: none"> Draw up a list of those officers with project management qualifications. Prepare a report on the project management resource available to specifically include details of external spend. Prepare a forward plan as to how the project management skills will be utilised. Identify whether there are any deficiencies in project management resource. Report on proposals as to how any deficiencies may be addressed. 	<ol style="list-style-type: none"> 30th June 2010 30th September 2010 31st December 2010 30th September 2010 31st January 2011 	Assistant Director of Human Resources / Assistant Director Customer Access and Service Transformation

R22. Significant legal casework should be supported by a budget and monitored accordingly. If further budget provision then becomes necessary, this should be considered through established virement processes.		
Recommended Action	Due Date	Lead officer
<ol style="list-style-type: none"> 1. Implementation of recommended actions specified in recommendations 10, 11 and 12 above. 2. That a requirement that the financial implications of any significant legal casework which is proposed to be commenced should be fully assessed, that any financial restrictions on the exercise of authority complied with and that the necessary budget is available to be included in the guidance note which is being prepared for the Senior Leadership Team (SLT) and Service Managers. 3. Implementation of recommendations 11 & 12 will ensure that the financial implications are reviewed in accordance with sound project and risk management principles. 	30 th June 2010	Assistant Chief Executive
Pre-Meeting Briefings		
R23. Ensure Chairs and Vice Chairs of committee meetings are always briefed sufficiently on crucial matters such as those concerning significant legal cases, to allow them to manage the debate at committee and facilitate appropriate challenge by Members.		
Recommended Action	Due Date	Lead officer
<ol style="list-style-type: none"> 1. Already implemented. 2. Procedures for ensuring that Chairs and Vice-Chairs of Committee meetings are sufficiently briefed on crucial matters to be set out in the guidance note which is being prepared for the Senior Leadership Team (SLT) and Service Managers. 	<p>Immediate</p> <p>30th June 2010</p>	Assistant Chief Executive

Format of Member Reporting		
R24. Ensure that written reports to committee meetings are clear on what decision is required of Members. Noting update briefings may often be appropriate but where decisions are required, or officers are seeking endorsement or support for decisions, specific recommendations should be made.		
Recommended Action	Due Date	Lead officer
That the requirement for clarity as to the decision being sought from a Committee or Council be included within the guidance note being prepared for the Senior Leadership Team (SLT) and Service Managers.	30 th June 2010	Assistant Chief Executive
RECOMMENDATIONS		
Minutes		
R25. Exempt minutes must record the names of those attending the meeting and include sufficient detail to record discussions and decisions fully.		
Recommended Action	Due Date	Lead officer
Ensure that all exempt minutes record the names of those attending the meeting and include sufficient discussion to enable full understanding of the decision and the reason for it.	Immediate	Assistant Chief Executive
R26. Develop guidance on the circumstances when it may be appropriate to record the number of people voting for, against and abstaining. This might apply in sensitive matters, and exempt proceedings might be expected to be sensitive.		
Recommended Action	Due Date	Lead officer
As part of the review of the Constitution, develop guidance on the circumstances in which it might be appropriate to record the names of those Members voting for, against or abstaining from the decision on any item of business.	30 th September 2010	Borough Solicitor