

## **Appendix 5**

### **IEDNs and Call-In**

At the request of a special meeting of the Governance & Ethics Committee on 23 March 2023, improvements to the Constitution in respect of its explanation of IEDNs was considered necessary. In addition, a new separate guidance document for officers has been prepared (**see draft for consideration at Appendix 6a**) which aims to:

- Bring all rules and information about IEDNs into one place
- Ensure the language used to describe this type of decision is made clearer and consistent, and which reflects that commonly used by officers and members.
- To embed terminology (which may potentially lead to more or less use of the traffic light system in place of the words “Individual Executive Decision Notice” in future. At present, no changes have been made to traffic light system references).

| <b>Individual Executive Decision Notices (IEDNs) and Call-In</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                           |
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| <b>Section</b>                                                   | <b>Proposed changes</b><br>(Additional wording is shown <u>underlined</u> , deleted wording is shown in <del>strikethrough</del> )                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Rationale</b>                                          |
| Part 2 -<br>Article 12 –<br>Decision<br>Making                   | To add the following paragraph as new 12.8:<br><br><i><u>“Decision making by individual Cabinet Members<br/>Individual Executive Decision Notices (IEDNs) are Executive decisions taken by nominated individual Cabinet members (or the Leader in certain cases), within their area of responsibility/portfolio, in consultation or together with relevant officers. Member and Democratic Services can provide Guidance to Members and Officers in relation to IEDNs, as well as a note setting out the process to be followed within Mod.gov.”</u></i> | To better explain IEDNs and signpost to useful documents. |
| Part 2 -<br>Article 12 –<br>Decision<br>Making                   | Amend the “Decision tree for Council functions” to include within the relevant grey box <i><u>“Cabinet/Cabinet Member makes individual decision (IEDN)...”</u></i>                                                                                                                                                                                                                                                                                                                                                                                       | To better identify and describe IEDNs.                    |

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| <p>Part 3 –<br/>Responsibility<br/>for functions.<br/>1. Executive<br/>Functions</p> | <p>To add:</p> <p><i>“The Leader of the Council may determine to exercise any of the “executive” functions of the Council personally, or may arrange for the exercise of any of the Council’s “executive” functions by:</i></p> <p>...</p> <p><i>b. another member of the Executive (this type of decision is called an Individual Executive Decision Notices (IEDN).”</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>As above.</p> |
| <p>Part 3 –<br/>Responsibility<br/>for Functions<br/>- Functions of<br/>Cabinet</p>  | <p>To add within this section the following new paragraphs:</p> <p><i>“Cabinet Portfolios and Individual Member Decisions:</i></p> <p>...</p> <p><i><u>The Cabinet Member responsible for each portfolio will take decisions on behalf of the Council which are relevant to their portfolio and within the Council this type of decision is referred to as an Individual Executive Notice, or IEDN.</u></i></p> <p><i><u>Cabinet Members cannot make decisions on matters which...</u></i></p> <p>In addition:</p> <p><i>“In making a decision, a Cabinet Member must take into account professional, legal and financial implications, and any advice given by the senior officer. <u>The Cabinet Member and relevant officers involved must also have regard to separate guidance in relation to IEDNs, as well a policy document setting out how IEDNs should be processed through Mod.gov. Both documents are available via Democratic Services can provide copies of both documents</u>”.</i></p> |                  |

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| Part 3 –<br>Responsibility<br>for Functions<br>- Functions of<br>Cabinet –<br>Cabinet<br>Portfolios | To make the following amendments:<br><br><i>“<del>Decisions of the Cabinet and Cabinet Members</del> are subject to Call-in arrangements except where urgent.”</i>                                                                                                | To make clearer the types of decision that can be called in. |
| Call-In                                                                                             | To delete the current definition of Call-In and replace it with:<br><br><i>“Call-in” is a statutory right for Members of the Council to call in a decision made by Cabinet or any key decision made by an officer with delegated authority from the Cabinet.”</i> | As above.                                                    |
| Overview and<br>Scrutiny<br>Procedure -<br>12. Scrutiny<br>and Call-In                              | To replace the existing wording with the following:<br><br><i><u>“Members have a statutory right to call in a decision made by Cabinet or any key decision made by an officer with delegated authority from the Cabinet. It has two principal elements:”.</u></i> | As above                                                     |
| Whole<br>document                                                                                   | To make numerous minor changes which reflect the new guidance including in relation to the language used to describe IEDNs and Call-In, and to introduce a diagram in relation to the former if that is considered helpful.                                       | As above.                                                    |
| Whole<br>Constitution                                                                               | To make such other minor amendments which are incidental to the changes above.                                                                                                                                                                                    | Necessary for consistency and ease of reading.               |