

Committee Model Review Group

27 March 2025



Report of: Director – Legal and Democratic Services

Title: Escalation Panel - Update

Ward: All

Recommendations:

That the Committee Model Review Group considers the matters set out in this report.

The significant issues in the report are:

This report provides an update on the Escalation Panel.



1. Summary

At its meeting on 27 February 2025, the Committee Model Review Group considered policy development and scrutiny, including the role of the Escalation Panel. The Review Group identified a number of matters relating to the Escalation Panel for further consideration. This report provides an update on specific matters relating to the Escalation Panel.

2. The Escalation Panel

The Council established an Escalation Panel as part of the Committee Model of governance. The purpose of the Escalation Panel is to provide a mechanism to review decisions before they are implemented where there are concerns that the decision is not in line with the principles of decision-making as set out in Article 14 of the Council's Constitution:

- Proportionality
- Due consultation
- The taking of professional advice from officers
- Respect for human rights
- A presumption in favour of openness
- Clarity of aims and desired outcomes
- Due regard to public sector equality duty aims
- The highest standards of ethical conduct avoiding actual, potential and perceived conflicts of interest.

Annex 2 of the Committee Procedure Rules in Part 4.5 of the Council's Constitution contains further details about the procedures for the Escalation Panel, as set out in Appendix 1 to this report.

3. Matters raised at the Working Group on 27 February 2025

The following matters relating to the Escalation Panel were raised at the Working Group on 27 February 2025.

a. The purpose and function of the Escalation Panel

The purpose of the Escalation Panel is to review the process that was followed to ensure that the decision taken by the decision-maker has been made in a robust way and in accordance with the principle of decision-making in Article 14 of the Councils Constitution.

b. Grounds for escalation

The grounds for escalation to the Escalation Panel are derived from principles of public law and are not dissimilar to the grounds that a formal legal challenge could be made against the decision of the Council.

c. The threshold for escalation

The threshold for escalation is for 10 members to escalate a decision to an Escalation Panel. The Working Group may wish to consider whether this is the right number of signatories to a request to escalate a decision.

d. More than one political group for escalation

The current arrangements do not stipulate that a decision must be made by more than one political group. The Working Group may wish to consider whether this should be changed.

e. Reviewing the merits of the decision

In a politically balanced committee, the committee has the opportunity to consider the merits of the decision being taken and to consider options and scrutinise the proposal as part of the decision-making process.

The role of the Escalation Panel is not to review the merits of a decision.

4. Summary of matters for consideration by the Committee Model Review Group

To summarise, the Committee Model Review Group could consider whether the arrangements for the following matters are effective and whether any changes are required:

- a. Is the number of councillors needed for the escalation of a decision appropriate?
- b. Should there be a requirement for councillors from more than one political group to be the signatories of a request to escalate a decision?

5. Recommendation

That the Committee Model Review Group considers the matters set out in this report.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None

Appendices

Appendix 1 – Committee Procedure Rules – Annex 2