

**TITLE OF REPORT: KEY DECISIONS – ANNUAL REPORT ON CASES OF SPECIAL URGENCY**

**REPORT OF THE LEADER OF THE COUNCIL**

**1. SUMMARY**

- 1.1 The purpose of this report is to inform the Council of any occasions over the past year where the provisions relating to “Special Urgency” have been used in connection with the publication of an intention to make a Key Decision, as required by legislation.

**2. RECOMMENDATIONS**

- 2.1 That the report be noted.

**3. REASONS FOR RECOMMENDATIONS**

- 3.1 To comply with Regulation 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 ( the Regulations).

**4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 None.

**5. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS**

- 5.1 None.

**6. FORWARD PLAN**

- 6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

**7. BACKGROUND**

- 7.1 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 came into force on 10 September 2012. The Regulations, inter alia, revised the procedures for publicity in connection with Key Decisions.

- 7.2 A Key Decision means an executive decision which is likely –

- (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority’s budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.

- 7.3 Regulation 9(2) requires that at least 28 clear days notice is given by the Council before a Key Decision is made. This requirement is ordinarily met at NHDC by the regular publication of the Forward Plan of Key Decisions.
- 7.4 Regulation 10 requires that, where the publication of the intention to make a Key decision under regulation 9(2) is impracticable, that decision may only be made –
- (a) where the proper officer has informed the chairman of the relevant overview and scrutiny committee or, if there is no such person, each member of the relevant overview and scrutiny committee by notice in writing, of the matter about which the decision is to be made;
  - (b) where the proper officer has made available at the offices of the relevant local authority for inspection by the public and published on the relevant local authority's website, if it has one, a copy of the notice given pursuant to sub-paragraph (a); and
  - (c) after five clear days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).
- 7.5 In cases of Special Urgency, Regulation 11 requires that where the date by which a key decision must be made, makes compliance with regulation 10 impracticable, the decision may only be made where the decision maker has obtained agreement from -
- (a) the chairman of the relevant overview and scrutiny committee; or
  - (b) if there is no such person, or if the chairman of the relevant overview and scrutiny committee is unable to act, the chairman of the relevant local authority; or
  - (c) where there is no chairman of either the relevant overview and scrutiny committee or of the relevant local authority, the vice-chairman of the relevant local authority,
- that the making of the decision is urgent and cannot reasonably be deferred.
- 7.6 Regulation 19(1) requires that the Executive Leader must submit to the relevant local authority at such intervals as may be determined by the relevant local authority a report containing details of each executive decision taken during the period since the last report was submitted to the authority where the making of the decision was agreed as urgent in accordance with Regulation 11.
- 7.7 It is the Executive Leader's recommendation that a report is submitted annually to Council at its annual meeting.
- 7.8 Regulation 19(2) requires that a report submitted for the purposes of Regulation 19(1) must include –
- (a) particulars of each decision made; and
  - (b) a summary of the matters in respect of which each decision was made.
- 7.9 Regulation 19(3) requires that the Executive Leader must submit at least one report under Regulation 19(1) annually to the relevant local authority.

## 8. ISSUES

- 8.1 In 2014/15, the following Key Decision made by NHDC required the Special Urgency procedure outlined in Regulation 11 to be invoked:

Subject Matter: North Hertfordshire Museum and Community Facility at Hitchin Town Hall.

Decision: Authorisation of capital expenditure of £68,539 to reflect the additional costs resulting from the delays in the building programme in securing the discharge of conditions for Listed Building Consent.

Decision Taker: Chief Executive.

Date of Decision: 29 January 2015.

## 9. LEGAL IMPLICATIONS

- 9.1 The requirements of the Regulations are set out in the main body of this report.

## 10. FINANCIAL IMPLICATIONS

- 10.1 There are no financial implications arising directly from this report. In the event of the use of Special Urgency procedures, financial (and other) implications would be considered in the decision making process and reported to Full Council.

## 11. RISK IMPLICATIONS

- 11.1 There are no direct risk implications arising from this report.

## 12. EQUALITIES IMPLICATIONS

- 12.1 The Equality Act 2010 came into force on the 1<sup>st</sup> October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5<sup>th</sup> April 2011. There is a General duty, described in 9.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.

- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give **due regard** to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

- 12.3 The authority requires that any report which contains details of any key decisions taken, including under the special urgency provisions, would require an equality analysis to be conducted. The analysis would consider the potential impact of the key decision, on the community and across those that exhibit a protected characteristic.

## 13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendation made does not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied.

**14. HUMAN RESOURCE IMPLICATIONS**

14.1 There are no human resource implications.

**15. APPENDICES**

15.1 None.

**16. CONTACT OFFICERS**

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**17. BACKGROUND PAPERS**

17.1 None.