

**ANNUAL COUNCIL
4 JUNE 2020**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: KEY DECISIONS - ANNUAL REPORT ON CASES OF SPECIAL URGENCY

REPORT OF THE LEADER OF THE COUNCIL

COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL

1. EXECUTIVE 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 RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 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 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, 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 Chair 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 Chair of the relevant Overview and Scrutiny Committee; or
 - (b) if there is no such person, or if the Chair of the relevant Overview and Scrutiny Committee is unable to act, the Chair of the relevant local authority; or
 - (c) where there is no Chair of either the relevant Overview and Scrutiny Committee or of the relevant local authority, the Vice-Chair 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 As contained within the Council's Constitution it is stated that the Executive Leader will submit a report annually to Council.
- 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. RELEVANT CONSIDERATIONS

- 8.1 In 2019/20, the following Key Decision required the Special Urgency procedure outlined in Regulation 11 to be invoked:

Subject Matter: Business Rates Pooling 2020/21.

Decision:

- (1) That it be approved in principle that the Council is part of a Hertfordshire Business Rates pool in 2020/21;
- (2) That, if it is proposed that Council is part of an optimum pool, that the authorisation for the final agreement be delegated to the Service Director- Resources in consultation with the Executive Member for Finance and IT.

Decision Taker: Cabinet

Date of Decision: 24 September 2019.

Reason for urgency:

The Ministry for Housing, Communities and Local Government (MHCLG) have issued an invitation for groups of Authorities to become Business Rate pools. The deadline for applications is 25 October 2019. There is not another scheduled meeting of Cabinet within the time period for the decision to be made.

Cabinet is recommended that, if the Council would be part of an optimum pool, that the authorisation for the final agreement be delegated to the Service Director- Resources in consultation with the Executive Member for Finance and IT.

The delegated decision was placed on the Forward plan on 18 September 2019 with the decision due to be made, if delegation is agreed by Cabinet, on 16 October 2019.

- 8.2 Due to the Coronavirus pandemic and the need for social distancing, prior to legislation being introduced to allow virtual meetings, it was agreed that decisions that would have been taken by the Cabinet and other Committee meetings would be taken by way of urgent delegated decisions.

- 8.3 Delegated decisions taken, that would have been otherwise been taken at a meeting, were informed by consultation with the Leader of the Council, Chair and Members of the respective Committees via email.
- 8.4 On 4 April 2020, the new Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the 'Regulations') came into force.
- 8.5 This legislation enabled Local Authorities to hold virtual meetings therefore the need to make delegated decisions, as described in Paragraph 8.2, reduced.
- 8.6 The following six committee meetings were cancelled with delegated decisions made as described in paragraph 8.3:
- Overview and Scrutiny – 17 March 2020
 - Baldock and District Committee – 23 March 2020
 - Cabinet – 24 March 2020
 - Southern Rural Committee – 26 March 2020
 - Royston and District Committee – 1 April 2020
 - Council – 2 April 2020
- 8.7 These decisions are not reportable under the legislation relating to special urgency as they had been notified (where applicable) on the Forward Plan for the required 28 day period. The decisions were, due to the Coronavirus pandemic, considered to be urgent as normal meetings and the decision-making process had been suspended. The Chair of Council was informed and agreed that the decisions were reasonable in the circumstances and were to be treated as a matter of urgency.
- 8.8 All delegated Decisions and Notices of Special Urgency can be viewed on the Council's Website: <https://www.north-herts.gov.uk/home/council-and-democracy/decisions>
- 8.8 The following Key Decisions, which were due to be taken at the meeting of the Cabinet, and subsequently taken under delegated authority by the Chief Executive having previously been notified on the Forward Plan:

Third Quarter Revenue Monitoring 2029/20 - 31 March 2020
Risk Management Update - 2 April 2020
John Barker Place Development Agreement - 2 April 2020
Greenspace Management Strategy - Scoping Document
Environmental Crime Vehicles - 2 April 2020
Parking Strategy - Draft Operational Guidelines - 2 April 2020
Inflationary Increases in Car Parking Charges - 3 April 2020
Information Technology Strategy - 3 April 2020
Investment Strategy - 3 April 2020
Land at Meadow Way - 3 April 2020
Land Adjacent to 1 North End, Kelshall - 3 April 2020
Land Adjacent to 9 North End, Kelshall - 3 April 2020
Third Quarter Revenue Monitoring 2019-20 - 3 April 2020

9. LEGAL IMPLICATIONS

9.1 This report is a requirement of the Council Procedure Rules as set out in Part 15.18.3 of the Council's Constitution.

9.2 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 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their 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.

12.2 This is a noting report, the intention of which is to ensure transparency of decision making. Equalities Implications in relation to each decision will have been set out in the reports concerned.

12.3 There are no direct equalities implications arising from this report.

13. SOCIAL VALUE IMPLICATIONS

13.1 The Social Value Act and "go local" policy do not apply to this report.

14 HUMAN RESOURCE IMPLICATIONS

14.1 There are no human resource implications.

15. ENVIRONMENTAL IMPLICATIONS

15.1. There are no known Environmental impacts or requirements that apply to this report.

16. APPENDICES

16.1 None.

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 18.1 None.