

**ANNUAL COUNCIL
26 MAY 2021**

***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, INCLUSIVE AND EFFICIENT 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 2020/21, the following Key Decisions required the Special Urgency procedure outlined in Regulation 11 to be invoked:

Subject Matter: Commercial Waste Arrangements (Part 1 and Part 2 reports)

Decision:

- (1) That the Q1 invoices for all customers who suspended their service with us and only resume charges upon the start of services be withdrawn (and reduce the invoices for those that asked for a temporary reduction in service level), leading to an estimated budget deficit of £34,000 for Q1.
- (2) That Cabinet note that for customers who are still liable to pay, where necessary, the Council will work with the customer to identify suitable alternative payment arrangements. This is in accordance with the Council's debt management processes.
- (3) That extended payment terms for Q2 to 60 days, and to 30 days for Q3 be agreed.

Decision Taker: Cabinet

Date of Decision: 23 September 2020.

Reason for urgency:

The Covid 19 pandemic has led to several necessary changes to be implemented operationally as well as decisions being made to support residents and local businesses during these difficult times. A decision was made to delay the production of Q1 invoices for commercial waste and recycling collections and to contact businesses who may be experiencing hardship, this decision was made under delegated powers however the financial impacts of options regarding Q1 invoicing has, in part, been determined by the response from businesses. This information has only recently been available and consequently that combined with initial uncertainty regarding the scheduling of Cabinet meetings has meant this item has not met the requirements for notification to the forward plan. This item cannot be delayed to the next meeting of Cabinet due to the uncertainty this creates for businesses in receiving invoices from the Council.

Subject Matter: Covid-19 Leisure Contracts Recovery (Part 1 and Part 2 reports)

Decision:

- (1) That Cabinet note and agree the approach set out in SLL's recovery plan and support SLL using the Open Book approach as recommended in the PPN 02/20, and further support included within LGA Options for councils in supporting leisure providers through COVID-19 Guidance from service closure;
- (2) That Cabinet note and agree that Officers will continue to work with SLL to agree ways in which income can be maximised and costs minimised whilst ensuring that operations continue to meet COVID-19 and other safety requirements.
- (3) That the recommendations contained in the Part 2 report entitled Covid-19 Leisure Contracts Recovery be agreed.

Decision Taker: Cabinet

Date of Decision: 21 July 2020.

Reason for urgency:

It is not possible to defer consideration of this decision because decisions regarding the effect of Covid-19 on Leisure Facilities and operators and consideration of the way forward cannot be delayed until the next Cabinet meeting in September 2020.

Subject Matter: Business Rates Pooling.

Decision:

- (1) That Cabinet approve that the Council is part of a Hertfordshire Business Rates pool in 2021/22;
- (2) That Cabinet delegate to the Service Director: Resources (in consultation with the Executive Member for Finance and IT) authority to approve the detailed arrangements in relation to the Pool, such as a Memorandum of Understanding.

Decision Taker: Cabinet

Date of Decision: 22 October 2020.

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 23rd October 2020.

Urgent work needs to be carried out to determine whether it is worth Hertfordshire Authorities forming a pool and then who the optimum members of that would be. The economic impacts of Covid-19 make it very difficult to determine Business Rate forecasts for future years. Any gains from pooling will be significantly less than they have in previous years, and also subject to much greater risk.

If relevant, an addendum report will be provided in advance of the Cabinet meeting to update on the latest position.

Subject Matter: Contract Procurement Waiver Referral (Part 1 & Part 2 reports)

Decision:

That a waiver to the Council's Contract Procurement Rules to appoint the nominated specialist services as set out in the Waiver Report (Part 2 exempt Appendix A) without carrying out a tender exercise be approved.

Decision Taker: Cabinet

Date of Decision: 16 March 2020.

Reason for urgency:

The report refers to a Part 2 waiver (of rule 8) of the Council's Contract Procurement Rules relating to the appointment of the specialist services in order to continue investigations and urgent due diligence into a high value property purchase, with a view that this would be referred to Full Council for consideration post-election. The potential purchase at this stage and related work is considered to be urgent and confidential exempt Information relating to the financial or business affairs of any particular person (including the authority holding that information) and therefore exempt by virtue of paragraph 3 Schedule 12A into the Local Government Act 1972.

- 8.8 All Notices of Special Urgency can be viewed on the Council's Website: <https://www.north-herts.gov.uk/home/council-and-democracy/decisions>

9. LEGAL IMPLICATIONS

- 9.1 This report is a requirement of the Council Procedure Rules as set out in Part 15.16.3 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.