

**ANNUAL COUNCIL  
23 MAY 2024**

**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: PEOPLE FIRST / SUSTAINABILITY / A BRIGHTER FUTURE TOGETHER

**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 North Herts Council 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 on the Cabinet decisions taken under the special urgency provisions.
- 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 2023/24, the following Key Decisions required the Special Urgency procedure outlined in Regulation 11 to be invoked:

### **8.2 Subject Matter: Local Authority Housing Fund Round Two**

#### **Decision:**

- (1) That Cabinet noted the update on the Local Authority Housing Fund and wished to support round two of the scheme if it can.
- (2) That Cabinet delegated to the Service Director Regulatory and the Service Director Resources, in consultation with the Executive Member for Housing and Environmental Health and Executive Member for Finance and IT, the final decision on submission of the validation form

#### **Decision Taker: Cabinet**

**Date of Decision: 27 June 2023**

#### **Reason for Urgency:**

This report contains a recommendation on a key Executive decision, which has not been notified to the public in the Forward Plan as the Council were notified of the allocation on 7 June 2023.

It is not possible to defer consideration of this decision because the deadline for responding to Government is 5 July 2023.

The Chair of Overview and Scrutiny was informed that the making of the decision was considered urgent and could not reasonably be deferred for the reasons outlined above.

### 8.3 **Subject Matter: Trading Company Update – Part 2**

**Decision:** That the Cabinet Sub-Committee (Local Authority Trading Companies Shareholder) noted the content of the part 2 report before consideration of the part 1 recommendations.

**Decision Taker: Cabinet Sub-Committee (Local Authority Trading Companies' Shareholder)**

**Date of Decision: 19 March 2024**

#### **Reason for Urgency:**

A decision by the sub-committee is imperative to authorise the initiation of operations for the Council owned entity, Broadwater Hundred Property Management Limited. This step is crucial for enabling the leasing of Harkness Court. Upon obtaining the necessary approval, the Enterprise Team will be positioned to commence commercial activities on this project. Furthermore, the approval for a financial loan is essential; in its absence, the Company's operational commencement would be significantly hindered. Both Council-affiliated enterprises (Broadwater Hundred Property Management Limited and Broadwater Hundred Limited) will face initial expenditures and necessitate adequate cash flow to kickstart operations.

Should the business case's financial forecasts receive approval, the subsequent phase will involve the revision of critical legal and governance documentation, including the Articles of Association and the Shareholder Agreement. Due to the specialised nature of these documents, external legal expertise will be required. This phase cannot proceed without the sanction of a Council-provided loan to the Company.

In light of the Council's acquisition of Building Control approval on 17 January 2024, any delay in advancing this project would be commercially imprudent. The costs associated with property vacancy are likely to escalate if action is not taken promptly.

The Part 2 documentation serves to update and enhance the information previously presented to the sub-committee under Part 2, ensuring all members are fully informed of the current project status and forthcoming steps.

The Council obtained the agreement of the Chair of the Overview and Scrutiny Committee to waive compliance with the Regulations for this meeting for the reasons outlined above.

- 8.5 All Notices of Special Urgency can be viewed on the Council's Website here: [Notices of Urgent Decisions | North Herts Council \(north-herts.gov.uk\)](https://www.north-herts.gov.uk/notice-urgent-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 which provides that the Leader of the Council will submit an annual report to the Council on Cabinet decision taken in the circumstances set out in 15.15 (special urgency) in the preceding year. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

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 Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered. Each year the Council undertakes a review of outside bodies, including whether Members are insured or indemnity provided by the outside body. This is a relevant consideration when nominating any Member to an external organisation.

## **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. Considerations with regards to 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. Considerations with regards to environmental implications, in relation to each decision, will have been set out in the reports concerned.

**16. APPENDICES**

16.1 None.

**17. CONTACT OFFICERS**

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**18. BACKGROUND PAPERS**

18.1 None.