

**ANNUAL COUNCIL
22 MAY 2025**

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: THRIVING COMMUNITIES / ACCESSIBLE SERVICES / RESPONSIBLE GROWTH / SUSTAINABILITY

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 2024/25, the following Key Decisions required the Special Urgency procedure outlined in Regulation 11 to be invoked:

8.2 Subject Matter: Leisure Investment Options

Decision: That Cabinet:

- (1) Agreed in principle to terminate the Combined Heat and Power Centrica contracts at North Herts Leisure Centre (NHLC) and Hitchin Swimming and Fitness Centre (HSFC) at the appropriate time during the PSDS project and recommend to Council as per 2.6 below regarding the termination fee.
- (2) Expressed its profound disappointment at the position taken by Centrica over the cost of the CHP contract termination, given the company's stated position as "Energising a greener, fairer future" and requests that the Council continues to raise, and seek solutions to, the issue of long-term inflexible agreements for gas CHPs with Salix and Government, which will inevitably prevent many public sector organisations from achieving their net zero ambitions.
- (3) Did not approve the business case for Royston Leisure Centre Learner Pool at this time due to matters identified in the Part 2 report.
- (4) Agreed that the Project Board would review the business case for the Royston Learner Pool, after further work had taken place to explore any other funding options that were realistically available. That review would then feed into the planned review of the Council's capital programme, as part of the 2025/26 budget setting process.

Decision Taker: Cabinet

Date of Decision: 25 June 2024

Reason for Urgency:

The Forward Plan of Executive Key Decisions was published on Tuesday 28 May 2024, which listed that this matter was being considered as both as Part 1 and Part 2 reports at the Cabinet meeting on 25 June 2024. However, as per (3) above the required 28-day private notices were not published ahead of the decision being taken.

The Leisure Investment Options item is commercially sensitive, and the decision cannot practicably be delayed to the next Cabinet meeting in September 2024 as they are time critical.

8.3 Subject Matter: Award of the Waste and Street Cleansing Contract

Decision: That Cabinet:

- (1) Agreed to award the waste, recycling and street cleansing contract to the preferred bidder, as identified in Part 2 of this report contingent upon the imminent completion of the Letchworth depots lease assignment from the incumbent provider to the Council.
- (2) Agreed to the delegation of powers to the Director of Resources and the Director of Place in consultation with the Executive Members for Finance and IT and Recycling and Waste Management to determine whether the Council Capital funds vehicles.
- (3) Agreed to approve the formation of a joint mobilisation project board to include the Executive Members responsible for digital transformation as well as the Executive Member covering waste, recycling and street cleansing services for both EHC and North Herts to monitor the progress of the mobilisation of the waste, recycling and street cleansing contract.
- (4) Had due regard for the draft statutory guidance in Appendix 6 and taking into account the matters set out in this Part 2 report and any Part 2 clarifications, reconfirms the decision on the 3-weekly collection frequency of residual waste collections made by Cabinet as per 7.5 and outlined that the clear reasons for the decision were that:
 - Options for fortnightly collections were considered, but the proposed service design provided better opportunities for increasing recycling participation.
 - To redesign the provision of services at this late stage would be a significant waste of resources.
 - Households with 'smelly waste' would be allowed the opportunity for more frequent collections.
 - The service design offered financial savings and provided best value for money.

Decision Taker: Cabinet

Date of Decision: 9 July 2024

Reason for Urgency:

The Forward Plan of Executive Key Decisions was published on Tuesday 28 May 2024, which listed that this matter was being considered as both as Part 1 and Part 2 reports at the Cabinet meeting on 9 July 2024. However, as per (3) above the required 28-day private notices were not published ahead of the decision being taken.

The Award of the Waste Collection and Street Cleaning Contract is commercially sensitive, and the decision cannot practicably be delayed to the next Cabinet meeting in September 2024 as it are time critical.

8.4 Subject Matter: Leisure Centre Decarbonisation Project

Decision: That Cabinet agreed in principle to proceed with Option 4a as detailed in paragraph 8.9.

Decision Taker: Cabinet

Date of Decision: 14 January 2025

Reason for Urgency:

The report is regarding the leisure centre decarbonisation project and an anticipated significant increase in ongoing running costs. The projected increase comes from revised modelling on the expected electricity demand from the air source heat pumps for the centres, which has been identified at the detailed design stage of the project. The reason for urgency is that, to meet the Salix grant funding requirements, orders need to be placed for the heat pumps on 15 January 2025. Therefore, the decision cannot be deferred to a future Cabinet meeting.

If the window for ordering the heat pumps is missed, the Council would most likely have to return the £7.7m grant to Salix, because it would not be able to meet the primary grant condition, which is to replace gas heating with low carbon technologies. There is no guarantee that the Council would be successful in any future round of funding.

8.5 Subject Matter: Neighbourhood Plan Referendum – Barkway and Nuthampstead**Decision:**

- (1) That the Examiner's report for the Barkway and Nuthampstead Neighbourhood Plan was noted.
- (2) That following the inclusion of the Examiner's proposed modifications to the Barkway and Nuthampstead Neighbourhood Plan, as set out in Appendix A, the Barkway and Nuthampstead Neighbourhood Plan was approved and it was approved to proceed to a referendum.
- (3) That the Counting Officer be instructed to conduct a referendum on the Barkway and Nuthampstead Neighbourhood Plan.

- (4) That subject to Recommendation 2.3 and the outcome of the referendum, the decision to “make” the Barkway and Nuthampstead Neighbourhood Plan be delegated to the Service Director – Regulatory in consultation with the Executive Member for Planning and Transport, as previously agreed by Cabinet in July 2018 (Minute 21).

Decision Taker: Cabinet

Date of Decision: 18 March 2025

Reason for Urgency:

At the Cabinet meeting on 18 March there will be a report presented to consider the examiner’s report and the proposed modifications to the Barkway and Nuthampstead Neighbourhood Plan and to agree that officers make arrangements to conduct a Referendum within the designated neighbourhood planning area.

For cost, efficiency, and resource reasons it is preferable to hold the Referendum on 1 May, alongside the scheduled Hertfordshire County Council elections.

However, to do this the decision must be taken as an urgent decision and therefore not subject to call in. The reasons for this are due to the statutory deadlines for when the Information Sheet and the Notice of Referendum must be published (which if not considered urgent, fall within the call in period and therefore not be able to be enacted. Meaning that the NPR will be held after 1 May).

8.6 **Subject Matter: Devolution White Paper – Interim Plan Submission**

Decision: That Cabinet:

- (1) Noted the current draft of the Interim Plan Submission (Appendix B).
- (2) Delegated authority to the Deputy Leader, in consultation with the Service Director Resources and Service Director Legal and Community, to agree and submit the Interim Plan to Government by 21 March 2025.

Decision Taker: Cabinet

Date of Decision: 18 March 2025

Reason for Urgency:

On 16 December 2024 the government published its Devolution White Paper, providing details of their plans for local government reorganisation to support devolving power to communities.

On 5 February 2025, the Minister of State for Local Government and English Devolution wrote a letter to the Leaders of all District and Borough Councils in Hertfordshire and Hertfordshire County Council, formally inviting them under Part 1 of the Local Government and Public Involvement in Health Act 2007 to submit a proposal for a single

tier of local government. In doing so it set out further detail on the criteria, guidance for the development of proposals, and the timeline for the process. This included the need for the Hertfordshire Councils to submit an Interim Plan (or plans) Friday 21 March 2025. This has involved and continues to involve consideration and finalising such a plan (or plans) by that deadline.

At the Cabinet meeting on 18 March there will be a report presented to consider the Interim Plan developed jointly by the District, Borough and County Councils in Hertfordshire and seeking a delegation to the Leader/ Deputy in their absence, to finalise this and submit the Interim Plan by the said deadline of 21st. Failing to meet this deadline would mean that the views of the Council would not be taken into account, seriously prejudice the Council's or other public interests in this matter.

Therefore, this decision must be taken as an urgent decision and not subject to Call-In to meet this required deadline.

- 8.7 All Notices of Special Urgency can be viewed on the Council's Website here: [Notices of urgent decisions | North Herts Council](#)

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 [Notices of urgent decisions | North Herts Council](#)