ANNUAL COUNCIL
21 MAY 2019

***PART 1 – PUBLIC DOCUMENT**

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

REPORT OF THE LEADER OF THE COUNCIL AND THE CHIEF EXECUTIVE

COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

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 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. RELEVANT CONSIDERATIONS

8.1 In 2018/19, the following Key Decisions made by NHDC required the Special Urgency procedure outlined in Regulation 11 to be invoked:

(i) Subject Matter: St Ippolyts Parish Council to designate the whole parish as a neighbourhood planning area for the purpose of producing a neighbourhood plan.

Decision:

That the revised Neighbourhood Area application for St Ippolyts be approved;

Decision Taker: Cabinet

Date of Decision: 31 July 2018

Reason for urgency:

Officers have been in informal discussions with the Parish Council regarding a potential revised application for several months. Due to the abnormal nature of the parish straddling two electoral wards, the fact that the determination of such an application would be a Key Decision was overlooked in error by officers and the opportunity to proactively put this decision on the Forward Plan in advance of the application / in accordance with normal procedures was missed. The Parish Council should not be unnecessarily inconvenienced for this error.

(ii) Subject Matter: Business Rates Pilot and Pooling.

Decision:

That North Hertfordshire District Council (NHDC) should be part of the application for a Business Rates Pilot in 2019/20, with the other 10 Hertfordshire Authorities. To also apply to be part of a Hertfordshire Business Rates Pool (with five other Authorities), in 2019/20, as an alternative if the Pilot application is not successful.

Decision Taker: Service Director – Resources - under delegated authority

Date of Decision: 17 September 2018.

Reason for urgency:

A report regarding Business Rates Pilot and Pooling will be considered by Cabinet on 10 September 2018. This report will seek authority for Ian Couper, Service Director – Resources, to make a decision under delegated powers regarding Business Rates Pilot and Pooling.

Should authority be granted to the Service Director – Resources, the decision regarding Business Rates Pilot and Pooling will be made on 17 September 2018.

The deadline for making this decision is within the 28 days notice period required for key decision.

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 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 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. APPENDICES

15.1 None.

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

17.1 None.