

**North East Derbyshire District Council**

**Annual Council**

**15 May 2017**

**Operation of Urgency Rules**

**Report of Councillor G Baxter MBE, Leader of the Council**

This report is public

**Purpose of the Report**

- The purpose of this report is to:
  - (a) Advise of Key Decisions taken under statutory Special Urgency Rules in the past 12 months.
  - (b) Advise of decisions taken under Urgency Rules within the Council's Scrutiny Rules (this is where call in provisions are waived as the decision is urgent and cannot be reasonably deferred).

**1 Report Details**

1.1 A Key Decision is an executive (i.e. Cabinet or officer) decision which is likely to:

- Result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- Be significant in terms of its effects on communities living or working in an area comprising two or more wards within the District.

In determining the meaning of "significant" the Council must have regard to any guidance for the time being issued by the Secretary of State. The Council has decided that income or expenditure of £50,000 or more is significant.

1.2 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require that all Key Decisions must be published at least 28 days prior to being made. Where this is not possible the decision may still be made so long as there is compliance with General Exception provisions. This involves informing the Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) and publishing a notice five days prior to making the decision outlining the reasons why compliance with the requirements is not possible.

- 1.3 Where it is impractical to comply with the General Exception rules, a Key Decision may only be taken in cases of Special Urgency. This is where the Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) agrees that the decision is urgent and cannot be reasonably deferred. Again, the Council must publish a notice setting out the reasons why the decision is urgent and cannot be reasonably deferred.
- 1.4 The Leader is required to submit, at least on an annual basis, a report setting out those decisions where Special Urgency rules have been used. The report must cover the period since the last report was issued and contain details of the decisions that were made. Since the last such report to Council, two decisions were taken using Special Urgency rules. Details are attached at **Appendix A** to this report.
- 1.5 All Key Decisions are subject to the Council's call-in provisions which are set out in the Scrutiny Rules. Call-in provisions may be waived only where a decision is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interests. The Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency are required to be reported to Council, together with the reasons for urgency. In the past 12 months, four decisions have been taken using Urgency provisions. Details are attached at **Appendix B** to this report.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 To fulfil a statutory duty to report Key Decisions taken under Special Urgency rules and separate constitutional duties to report decisions where call-in has been waived.

## **3 Consultation and Equality Impact**

- 3.1 None.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 None.

## **5 Implications**

- 5.1 No legal, HR or finance implications arising from this report.

## **6 Recommendations**

- 6.1 That Council:
- (a) Notes the decisions taken over the past 12 months under Special Urgency rules (attached to this report as Appendix A).
  - (b) Notes the decisions taken over the past 12 months under Urgency provisions in the Council's Scrutiny Rules (attached at Appendix B).

## 7 Decision Information

<b>Is the decision a Key Decision?</b> (A Key Decision is an executive decision which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Affected</b>	None
<b>Links to Corporate Plan priorities or Policy Framework</b>	None

## 8 Document Information

Appendix No	Title
A B	Key Decisions taken under Special Urgency Decisions taken under Urgency Provisions
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None.	
Report Author	Contact Number
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## Appendix A: Key Decisions taken under Special Urgency

Decision	Date Taken	Decision Maker	Reasons for Urgency
<p><u>Proposed Regeneration of Manor Farm</u></p> <p>(1) Approves the outline of the scheme for the regeneration of Manor Farm as set out within the report and requested a further report covering the outstanding issues be brought back to the next meeting of Cabinet on 28 September 2016.</p> <p>(2) Agrees that further work necessary to progress the scheme, including site surveys, legal and valuation advice be commissioned following approval of the proposals within this report.</p> <p>(3) Agrees that any surplus generated from a Manor Farm scheme be earmarked towards the financing of future Council housing schemes within the Dronfield area to respect the covenant associated with the site.</p> <p>(4) Recommends that a report be taken to Council on 5 September 2016 seeking approval to undertake General Fund Prudential Borrowing of up to £1.77m in order to progress the scheme as outlined within the report.</p>	31 August 2016	Cabinet	Anti social behaviour associated with the existing buildings and the impact on surrounding

Decision	Date Taken	Decision Maker	Reasons for Urgency
<p><u>Housing Revenue Account (HRA) Budget and Rykneld Home Management Fee 2017/18</u></p> <p>(1) Notes the report and approve the Management Fee for undertaking housing services at £9.902m and the Management Fee for undertaking capital works at £1.1m to Rykneld Homes in respect of 2017/18.</p> <p>(2) Notes the financial position on the Housing Revenue Account and request officers from both Rykneld Homes and the Council continue to work to identify efficiency savings in order to protect and develop the quality of the services to our tenants.</p> <p>(3) Endorses the section in the previously agreed Financial Protocol which enables the Council to pay temporary cash advances to Rykneld Homes in excess of the Management Fee in order to help meet the cash flow requirements of the company should unforeseen circumstances arise in any particular month.</p>	8 March 2017	Cabinet	<p>To agree the level of Management Fee which will be paid to Rykneld Homes the Council's Arms Length Management Organisation in respect of the financial year 2017/18.</p>

Decision	Date Taken	Decision Maker	Reasons for Urgency
(4) Notes the potential requirement to provide Rykneld Homes with a 'letter of comfort' to the company's auditors and grant delegated authority to the Council's Chief Financial Officer in consultation with the Portfolio Member for Finance to agree the contents of that letter.			

## Appendix B: Decisions taken under Urgency Provisions (where scrutiny call in was waived)

Decision	Date Taken	Decision Maker	Reasons for Urgency
<p><u>Strategic Alliance – Senior Management Review-Interim Proposals</u></p> <p>(1) Implement the proposed interim structure and commence the relevant recruitment process.</p> <p>(2) Provide a further report to Cabinet setting out the process and timeline for a wider Management review.</p>	31 August 2016	Cabinet	To enable implementation of the proposals at the earliest opportunity following the consultation period.
<p><u>Vehicle Replacements</u></p> <p>(1) 2 grounds maintenance tractors, as set out in the report, were procured in line with the tenders received via Source Derbyshire.</p> <p>(2) The financing of the vehicles would be undertaken by way of Prudential Borrowing, as previously approved within the Council's Capital Programme and Treasury Management Strategy.</p>	28 September 2016	Cabinet	The tenders obtained are only valid for a limited period, so if the decision were delayed, the process may require re-tendering/refreshing of tender prices, creating additional work and cost.

<p><u>Microsoft Office Licence Procurement</u></p> <p>(1) Approves funds identified for office upgrades in the five year ICT Capital Investment Plan for 2017-18, 2018-19 and 2019-20 are brought forward to the current financial year.</p> <p>(2) Approves the purchase of the new Microsoft Office Licences.</p> <p>(3) Approve Bytes as the preferred provider with the best price based on Microsoft governing pricing.</p>	<p>14 December 2016</p>	<p>Cabinet</p>	<p>Microsoft recently announced a 13% increase which will take effect from the 1 January 2017, by bringing forward this planned expenditure from 2017-18 will deliver a saving of £13,354 to the Council. Timescales have been further compressed by a recent announcement that all orders need to be placed by 16 December to ensure they are fulfilled by the 31 December 2016.</p>
<p><u>Strategic Alliance Senior Management Team – Early Voluntary Release.</u></p> <p><u>Strategic Alliance Senior Management Team – Early Voluntary Release.</u></p> <p><u>Strategic Alliance Senior Management – Team Restructure.</u></p>	<p>10 May 2017</p>	<p>Cabinet</p>	<p>To enable implementation of the proposals at the earliest opportunity following the consultation period.</p>