

North East Derbyshire District Council

Council

19 May 2014

Decisions Taken Under Special Urgency

Report No GBXR/09/14/MK of Councillor G Baxter MBE, Leader of the Council

This report is public

Purpose of the Report

- To advise Council of decisions taken under special urgency as required by law.

1 Report Details

- 1.1 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations requires all Key Decisions to be publicised 28 clear days in advance of the decision being taken. A Key Decision is one which involves the Council incurring income or expenditure of £50,000 or more or which has a significant impact on two or more wards in the District.
- 1.2 Where it is impracticable for Key Decisions to be publicised 28 clear days before they are made, special rules apply. General Exception allows Key Decisions to be taken so long as the relevant Scrutiny Chair has been informed by notice of the decision to be taken, the Council has made publicly available a copy of that notice and five clear days have elapsed since the publication of that notice.
- 1.3 In cases where a Key Decision is required to be taken even sooner and it is impracticable to wait for the five clear days required under General Exception, then Special Urgency rules apply. This is where the decision may only be made if the decision-maker has consent from the relevant Scrutiny Chair that the decision is urgent and cannot be reasonably deferred. If the Scrutiny Chair is unable to act, the Chair of the Council may sign or, in his absence, the Vice Chair. By signing off the decision the Scrutiny Chair (or Chair/Vice Chair) waives the right for the item to be called in enabling it to be implemented immediately.
- 1.4 At relevant intervals, which must be at least once per year, the Leader of the Council is required under the Regulations to submit a report to Council setting out the Key Decisions taken under Special Urgency since the preparation of the last report. This is the second such report and contains all those Key Decisions taken under Special Urgency since last year's Annual Meeting.
- 1.5 Clearly the intent of the Regulations is to make provision for genuinely urgent decisions to be made whilst at the same time establishing safeguards to ensure that major issues are not decided 'behind closed doors' without appropriate levels of transparency, accountability and scrutiny.

- 1.6 The Council has taken steps to ensure transparency is maintained by putting in place a system whereby every member of the authority receives copies of all executive decisions made under officer delegated powers. Copies of non-confidential or exempt executive decisions are also placed on the website.
- 1.7 The Council made one decision under Special Urgency provisions between 19 May 2013 and 19 May 2014. This related to the need for the Council to enter into a deed of adherence to access Homes and Communities' Agency grant funding that would contribute to the Tarran homes' build in Eckington and Killamarsh. Copies of this decision were sent to all members but were not published publicly as they contained exempt information relating to the Council's financial and business affairs.

2 Conclusions and Reasons for Recommendation

- 2.1 To advise Council of decisions taken under special urgency in the last year.

3 Consultation and Equality Impact

- 3.1 None.

4 Alternative Options and Reasons for Rejection

- 4.1 None. This report is required to be given by law.

5 Implications

5.1 Finance and Risk Implications

None.

5.2 Legal Implications including Data Protection

As set out in the report.

5.3 Human Resources Implications

None.

6 Recommendations

- 6.1 Council notes the executive decisions taken under special urgency since 13 May 2013.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one 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)	Yes/No
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District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	N/A

8 **Document Information**

Appendix No	Title
None	
Background Papers (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	
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