

**North East Derbyshire District Council**

**Annual Council**

**26 May 2015**

<p><b>Key Decisions Threshold and Decisions Taken Under Urgency</b></p>
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**Report No MO/02/15-16/SS of the Monitoring Officer**

This report is public

**Purpose of the Report**

- To advise of decisions taken under urgency rules over the past 12 months and to consider whether the threshold for Key Decisions remains appropriate.

**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.
- 1.2 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.
- 1.3 Two issues flow from this. Firstly, decisions that are non-Key Decisions may be taken by officers under delegated powers and implemented immediately, without the need for scrutiny call in. Conversely, all Key Decisions must include provision for scrutiny call in unless the relevant scrutiny chair has agreed to waive the requirement. This should only be done "where any delay caused by the call-in process would seriously prejudice the Council's or the public's interests". This is a high test and reflects the fact that it should only be used in exceptional circumstances. Any decisions where scrutiny call in is waived must be reported to Council. There have been four decisions in the past 12 months where call in was waived. These are set out in Appendix A.
- 1.4 The second issue is that the Council must give 28 days' notice prior to a Key Decision being taken. This typically involves the production of a schedule that is emailed to members, deposited at the Council offices and published on the Council's website.

- 1.5 The idea behind the schedule is that members and the public can read the significant decisions planned to be taken by the Council and make representations to the decision maker. The schedule is also placed on scrutiny committee agendas to allow scrutiny members to decide whether or not they wish to carry out any work to inform the decision maker's consideration of the matter. Where it is not possible to give 28 days' notice and so include it on the schedule, special rules apply.
- 1.6 In cases where at least five days' notice of a Key Decision cannot be given the permission of the relevant scrutiny chair must be obtained and they must agree to the matter being taken as urgent. The Leader has a statutory duty to report any uses of Special Urgency on at least an annual basis. Again, this reflects the exceptional status of such cases.
- 1.7 In the last 12 months since the last such report there have been three decisions taken under Special Urgency rules. A summary of those decisions is set out in Appendix B. Copies of all decisions made at meetings of Cabinet or under officer delegated powers are emailed to members as soon as they become available.
- 1.8 Finally, it is good practice to review the threshold for Key Decisions on a regular basis and, constitutionally, this should be done at the Annual Council Meeting. The current threshold is £50,000. It is considered that this is still sufficiently high enough to cover all material expenditure without going so low as to hamper administrative efficiency by requiring relatively minor expenditure to be publicised 28 days before a decision is taken. The current threshold is in keeping with most other councils the Council's size.

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

- 2.1 To fulfil a statutory duty to report decisions taken under Special Urgency and a constitutional duty to review the threshold for Key Decisions and 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 those decisions where scrutiny call-in was waived as set out in Appendix A.

- (b) Notes the decisions taken under Special Urgency that are attached to this report as Appendix B.
- (c) Agrees that the threshold for Key Decisions be maintained at £50,000.

## 7 **Decision Information**

<b>Is the decision a Key Decision?</b> (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)	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	Decisions where scrutiny call in was waived Key Decisions taken under special urgency
<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: Decisions where scrutiny call in was waived

Decision	Date Taken	Decision Maker	Reasons for Urgency
To enter a Deed of Adherence with the Homes and Communities Agency in relation to a grant of £180,000 for nine affordable dwellings at Pitt Street, Eckington	3 December 2014	Chief Executive under delegated powers	To comply with the HCA's terms and deadlines.
To enter a Deed of Adherence with the Homes and Communities Agency in relation to a grant of £75,000 for six affordable dwellings at Sheffield Road, Killamarsh	15 December 2014	Chief Executive under delegated powers	To comply with the HCA's terms and deadlines.
Proposal for North East Derbyshire to become a constituent member of the Proposed Derby and Derbyshire (D2) Combined Authority	12 February 2015	Cabinet (and Council	In order that the scheme could be submitted in time.
Acquisition of Furniture for Mill Lane	20 March 2015	Executive Director – Operations under delegated powers	To enable furniture to be in place for the specified move in date.

### Appendix B: Key Decisions taken under Special Urgency

Decision	Date Taken	Decision Maker	Reasons for Urgency
To enter a Deed of Adherence with the Homes and Communities Agency in relation to a grant of £180,000 for nine affordable dwellings at Pitt Street, Eckington	3 December 2014	Chief Executive under delegated powers	To comply with the HCA's terms and deadlines.
To enter a Deed of Adherence with the Homes and Communities Agency in relation to a grant of £75,000 for six affordable dwellings at Sheffield Road, Killamarsh	15 December 2014	Chief Executive under delegated powers	To comply with the HCA's terms and deadlines.
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