

North East Derbyshire District Council

Annual Council

9 May 2016

Operation of Urgency Rules and Financial Limit for Key Decisions

Report No GBXR/01/16-17/DC 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).
 - (c) Set the Key Decisions threshold for the forthcoming year in line with the constitutional requirement at Annual Council Meetings.

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, four 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, two decisions have been taken using Urgency provisions. Details are attached at **Appendix B** to this report.
- 1.6 Finally, the Council is required at its Annual Meeting to review the threshold for Key Decisions (see definition in paragraph 1.1). The current threshold is £50,000. Whilst this is considered an appropriate level at present time, it is acknowledged that it has remained at this level for a number of years and it may therefore be timely to review it following comparison with best practice and similar sized authorities.

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 and to review the financial threshold for Key Decisions.

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).
- (c) Agrees that the threshold for Key Decisions be maintained at £50,000 but notes the proposals for review in 2016/17.

7 **Decision Information**

Is the decision a Key Decision? (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
District Wards Affected	None
Links to Corporate Plan priorities or Policy Framework	None

8 **Document Information**

Appendix No	Title
A B	Key Decisions taken under Special Urgency Decisions taken under Urgency Provisions
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.	
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 Public Space Protection Order for Mickley:</u></p> <p>1) Members authorise the making of a Public Space Protection Order pursuant to section 59 of the Anti Social Behaviour Crime and Policing Act 2014 for the area of Mickley referred to in the report. The effect of the order will prevent people:</p> <ul style="list-style-type: none"> -Being in possession of open alcohol vessels in a public place. - Playing golf, or being in possession of golf equipment, on the open park areas at and surrounding the Hut and BMX track. - Making excessive noise which causes a nuisance. <p>2) The order be in place for three years unless extended before the end of the three year period,</p> <p>3) The fixed penalty for breaching the order be £100,</p>	5 August 2015	Cabinet	<p>The proposed PSPO for the area was intended to prohibit the behaviour that was causing nuisance in the area, but has been phrased to ensure they do not impact on people who were making legitimate use of the area.</p>

Decision	Date Taken	Decision Maker	Reasons for Urgency
<p>4) The impact of the PSPO be monitored by the Community Safety Strategic Group and reported to local Members,</p> <p>5) Standards Committee include a delegation to the Chief Executive Officer relating to the determination of Public Spaces Protection Orders in the Delegation Scheme when it is next reviewed.</p>			
<p><u>North Wingfield – Regeneration Consultation Proposal:</u></p> <p>That Cabinet approve the consultation proposals set out in the report.</p> <p>That Cabinet receive a further report on the outcome of the consultation in Spring 2016.</p>	25 November 2015	Cabinet	To allow sufficient time to facilitate the consultation arrangements to be put in place before a planning application was required to be submitted in early 2016.
To enter a Deed of Adherence with the Homes and Communities Agency in relation to a grant of £1,056,000 for the construction of 28 affordable dwellings at Killamarsh and a grant for the construction of 21 affordable dwellings at Eckington.	29 January 2016	Chief Executive under delegated powers	To comply with the HCA's terms and deadlines.
<u>Implementation of Ambition evaluation recommendations and extension of temporary staff contracts:</u>	8 March 2016	Chief Executive under delegated powers	Delay would have potentially jeopardised the continued delivery of the Programme and lead to uncertainty amongst staff and partners.

Decision	Date Taken	Decision Maker	Reasons for Urgency
<p>That the temporary contracts of the four key Ambition key workers be extended until 31 March 2017.</p> <p>That the temporary contract of the Ambition Team Leader as Project Manager be extended until 31 July 2017.</p> <p>That, subject to consultation with Sheffield City Council and relevant partners, a new dedicated 'Employer Engagement Worker' be appointed once funding has been confirmed, to report to the Project Manager along with the Key Worker posts.</p> <p>That the post of Health Advisor not be extended after 31 March 2016.</p>			

Appendix B: Decisions taken under Urgency Provisions (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 £1,056,000 for the construction of 28 affordable dwellings at Killamarsh and a grant for the construction of 21 affordable dwellings at Eckington.	29 January 2016	Chief Executive under delegated powers	To comply with the HCA's terms and deadlines.
<p><u>Implementation of Ambition evaluation recommendations and extension of temporary staff contracts:</u></p> <p>That the temporary contracts of the four key Ambition key workers be extended until 31 March 2017.</p> <p>That the temporary contract of the Ambition Team Leader as Project Manager be extended until 31 July 2017.</p> <p>That, subject to consultation with Sheffield City Council and relevant partners, a new dedicated 'Employer Engagement Worker' be appointed once funding has been confirmed, to report to the Project Manager along with the Key Worker posts.</p> <p>That the post of Health Advisor not be extended after 31 March 2016.</p>	8 March 2016	Chief Executive under delegated powers	Delay would have potentially jeopardised the continued delivery of the Programme and lead to uncertainty amongst staff and partners.