

**North East Derbyshire District Council**

**Annual Council**

**20 May 2024**

**OPERATION OF URGENCY RULES AND THRESHOLDS FOR KEY DECISIONS**

**Report of the Leader of the Council**

**Classification:** This report is public

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**PURPOSE / SUMMARY**

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.
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**RECOMMENDATIONS**

That Council:

- 1.1 Notes that no decisions have been taken over the past 12 months under Special Urgency rules in the Council's Access to Information Rules.
- 1.2 Notes the no decisions taken over the past 12 months under the urgency provisions (called General Exception) in the Council's Access to Information Rules.
- 1.3 Agrees that the financial thresholds for Key Decisions be raised to £125,000 (Revenue) and £310,000 (Capital).

Approved by the Portfolio Holder – Yes

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## IMPLICATIONS

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**Finance and Risk:** Yes  No

**Details:** Please see report.

On Behalf of the Section 151 Officer

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**Legal (including Data Protection):** Yes  No

**Details:**

This report is submitted in accordance with Rule 19 of the Access to Information Rules in the Council's Constitution. This Rule requires a report to be submitted at least once a year outlining whether the urgency rules in the Constitution have been complied with.

On Behalf of the Solicitor to the Council

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**Staffing:** Yes  No

**Details:**

On behalf of the Head of Paid Service

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## DECISION INFORMATION

Decision Information	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></b> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> <b>Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet <input checked="" type="checkbox"/></b> <b>SMT <input checked="" type="checkbox"/> Relevant Service Manager <input type="checkbox"/></b> <b>Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></b>	Yes  Details:

**Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.**

All – Good Governance is basic requirement for the successful functioning of the Council and achieving the Council Plan Objectives

## REPORT DETAILS

### 1 **Background** *(reasons for bringing the report)*

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 £100,000 or more and Capital expenditure of £250,000 or more is significant in previous years.

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 in Rule 10 of the Access to Information Rules. 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 which is Rule 11 of the Access to Information Rules. 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, no Key Decisions have been taken using the General exception or Special Urgency rules.

- 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, no decisions have been taken using urgency provisions to waive Call In.
- 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 levels have been reviewed by the Section 151 Officer who has modelled the impact of inflation on pay costs, goods, services and works using discounting techniques.
- 1.7 The results of the modelling showed that in all cases costs had risen as would be expected and higher than usual inflation in recent years had a particular impact. It is therefore reasonable to consider an equivalent increase to key decision limits. Applying the same modelling principles, the proposed limits are:
- Key decision limit (revenue) £125,000
  - Key decision limit (capital) £310,000

## **2. Details of Proposal or Information**

- 2.1 To fulfil a statutory duty to report Key Decisions taken under Special Urgency rules and separate constitutional duties to report decisions where the General exception has been applied or call-in has been waived and set the Key Decision financial thresholds for the forthcoming year.

## **3 Reasons for Recommendation**

- 3.1 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 set the Key Decision financial thresholds.

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

- 4.1 In terms of the key decision levels, the alternative is not to raise the levels. This has been rejected as the Section 151 Officer has carried out a review and, for the reasons given in this report by the Section 151 Officer, recommended that the levels be increased.

## DOCUMENT INFORMATION

Appendix No	Title
	None
<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 you must provide copies of the background papers)	