

**North East Derbyshire District Council**

**Annual Council**

**18 May 2026**

**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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**DECISION ROUTE AND REASON FOR DECISION BEING BROUGHT TO COUNCIL –**

- The decision is a Council decision and only the Council can determine the matter.

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**RECOMMENDATIONS**

That Council:

- 1 Notes the decisions that have been taken over the past 12 months under Special Urgency rules in the Council's Access to Information Rules.



<b>Equality Impact Assessment (EIA) details:</b>	
<b>Stage 1 screening undertaken</b> <ul style="list-style-type: none"> <li>Completed EIA stage 1 to be appended if not required to do a stage 2</li> </ul>	Not applicable given the subject of the report.
<b>Stage 2 full assessment undertaken</b> <ul style="list-style-type: none"> <li>Completed EIA stage 2 needs to be appended to the report</li> </ul>	No, not applicable
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/> <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Details:

<b>Links to Council Plan priorities;</b> <ul style="list-style-type: none"> <li><b>A great place that cares for the environment</b></li> <li><b>A great place to live well</b></li> <li><b>A great place to work</b></li> <li><b>A great place to access good public services</b></li> </ul>
All – good governance is a 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 £125,000 or more and Capital expenditure of £310,000 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 8 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 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 9 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.

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

- 2.1 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, seven Key Decisions have been taken using the General exception or Special Urgency rules, these were:

- Award of Contract - HR and Payroll System. To enter into a contract for purchase, implementation and maintenance of an HR and Payroll system. This decision was taken by the Director of Finance and Resources on 10 June 2025.
- Public Consultation on Issues and Options for the New Local Plan and Proposed Update to the Adopted Statement of Community Involvement. This was to approve the scope of material subject to consultation through the Issues and Options stage and to make minor amendments to the Council's adopted Statement of Community Involvement. This was an exempt report considered by Cabinet on 12 June 2025.
- Award of Contract for Property Improvement and Decarbonisation Works To award a contract to utilise grant funding from the Department of Energy Security and Net Zero. This decision was taken by the Director of Finance and Resources on 11 June 2025.
- New Homes to Rent Opportunity (Rykneld Homes Ltd). This was in respect of a proposal by RHL to acquire homes for rent at Earls Park, Holmewood. This was an exempt report considered by Cabinet on 27 November 2025.
- Corporate Property Estates Maintenance Contract Extension. This was to extend the current contract, which had an option to extend for a further two years to be reviewed at each anniversary. This decision was taken by the Director of Growth and Assets on 8 December 2025.
- Grassmoor and Holmewood Area Pride in Place. This was in respect of supporting and committing to the Pride in Place programme, including to become the accountable body. This was a Key Decision considered by Cabinet on 26 February 2026.

- Oak Fields Development Update. This decision was regarding the timing of contractually agreed payments in a prudent and proportionate way. This was an exempt report considered by Cabinet on 30 March 2026.

2.2 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 to waive Call In, these were:

- Local Government Reorganisation Submission. This was to agree a proposal for submission to the Ministry of Housing, Communities and Local Government. Reason for urgency – to meet the submission deadline there was not sufficient time to allow the call-in period and still be able to submit the Council's proposal on time. The matter was considered at Council in advance of the Cabinet meeting on 6 November 2025.
- Corporate Property Estates Maintenance Contract Extension. This was to extend the current contract, which had an option to extend for a further two years to be reviewed at each anniversary. Reason for urgency – a contract needed to be in place without delay to ensure there was no gap in provision. This decision was taken by the Director of Growth and Assets on 8 December 2025.
- Contract Extension: Corporate Property Maintenance. To carry out below threshold modification of the existing contract for Corporate Property Estates Maintenance to increase the total contract value. Reason for urgency - It is essential that the extension was implemented without any delay in order to prevent any interruption in provision. This decision was taken by the Assistant Director of Property, Estates and Assets on 10 February 2026.
- Oak Fields Development Update. This decision was regarding the timing of contractually agreed payments in a prudent and proportionate way. Reason for urgency – it was in respect of contractual matters, of which there was an imminent deadline. This was considered by Cabinet on 30 March 2026.

2.3 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 agreed to keep the current thresholds for 2026/27.

### **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 the General exception has been applied or call-in has been waived and set the Key Decision financial thresholds for the forthcoming year.

**4 Alternative Options and Reasons for Rejection**

4.1 None.

**DOCUMENT INFORMATION**

Appendix No	Title
<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)	