

Bolsover District Council

Annual Council

18 May 2016

Operation of Urgency Rules and Financial Limit for Key Decisions

Report of the 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, six 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, to review the threshold for Key Decisions (see definition in paragraph 1.1) on a regular basis. 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
Matthew Kane	217753

Appendix A: Key Decisions taken under Special Urgency

Decision	Date Taken	Decision Maker	Reasons for Urgency
<p><u>Purchase of Two Refuse Collection Vehicles</u></p> <p>To purchase two Euro 6 Olympus 27W Elite 2 (8 x 4) refuse collection vehicles complete with Terberg OnmiDE Electric High Level Split Automatic – low voltage electric lifts at a cost of £347,090.</p>	<p>11 June 2015</p>	<p>Assistant Director - Streetscene</p>	<p>To avoid incurring £3,700 increased price costs by having need to place orders by 22 June 2015.</p>
<p><u>Award of Contract</u></p> <p>To award a contract to undertake drainage works to the football pitches at Common Meadows Recreation Ground (£55,938) and South Street Recreation Ground (£29,796), South Normanton to J Pug-Lewis Ltd.</p> <p>The budget for the works was funded through a number of commuted sum payments for formal sport and open space from a number of developments in South Normanton.</p>	<p>7 August 2015</p>	<p>Chief Executive</p>	<p>To avoid the potential for claw back if monies are not spent by 1 September 2015. The next Executive meeting was not until 7 September 2015.</p>

Decision	Date Taken	Decision Maker	Reasons for Urgency
<p><u>Central Control Procurement</u></p> <p>(1) The Assistant Director – Community Safety and Head of Housing be given delegated powers to enter into negotiation with the preferred supplier to ensure the system offered met the needs of Bolsover District Council and return to Executive to make a final decision.</p> <p>(2) The decisions taken in minute number 0301 made at Executive on 7 September 2015 be rescinded.</p>	2 November 2015	Executive	As the current system in central control was currently the oldest operational system in the Country and was increasingly difficult to maintain. The late withdrawal by the County Council for a new system was unexpected and not foreseen by officers who had been negotiating for several years.
<p><u>Bolsover Town Centre Update</u></p> <p>This report was exempt under paragraph 3 of Schedule 12A to the Local Government Act 1972.</p>	18 November 2015	Executive	As set out in the report.
<p><u>Temporary Heating Rig</u></p> <p>(1) Executive approves the purchase of a temporary heating rig from Lewis Facilities at a cost of £76,269.</p>	18 November 2015	Executive	Any delay would seriously compromise the Council's ability to provide a necessary service.

Decision	Date Taken	Decision Maker	Reasons for Urgency
<p>(2) Executive approves the use of exemption 4.8.4(d) within the Council's procurement rules in order to allow the acceptance of a quote for an amount of more than £50,000 which has not been subject to open advertisement on the grounds of urgency.</p> <p>(3) Executive agrees that the decision is urgent as any delay would seriously prejudice the Council's or the public's interests and therefore it should not be subject to call-in.</p> <p>(4) Executive grants delegated powers to the Assistant Director – Community Safety and Head of Housing (BDC), following consultation with the Portfolio Member for Housing, to take any action which is necessary to secure the availability of a temporary heating rig to ensure that heating to vulnerable residents is maintained.</p>			

Decision	Date Taken	Decision Maker	Reasons for Urgency
<p data-bbox="114 153 712 264"><u>Contract For Painting And Decorating For Bolsover District Council Owned Residential Properties</u></p> <p data-bbox="114 304 712 464">(1) The decision made by Executive in April 2016 to establish a framework of three contractors for painting and decorating be rescinded.</p> <p data-bbox="114 520 712 632">(2) Executive agree to establish a framework from painting and decorating to consist of:-</p> <p data-bbox="114 687 712 831">Bell Decorating Group; Ian Williams; Mitie Property Services (UK) Ltd; S Wilkinson Painting & Decorating.</p> <p data-bbox="114 887 712 999">(3) Progress on this contract be reported through the Housing Stock Group.</p> <p data-bbox="114 1054 712 1334">(4) The Assistant Director of Community Safety and Head of Housing be given delegated power to extend this contract for a maximum of two periods each of one year after the initial period if the performance of the contractors meets expectations.</p>	<p data-bbox="712 153 1055 185">25 April 2016</p>	<p data-bbox="1055 153 1339 185">Executive</p>	<p data-bbox="1339 153 2107 408">The Council had been operating without a contract for painting and decorating work for a period of approximately one year due to some issues identified with the previous contractual arrangements. That has led to a backlog of work which needs to be addressed at the earliest possible opportunity.</p>

Decision	Date Taken	Decision Maker	Reasons for Urgency
<p>(5) The Procurement Unit be reminded of the need for accuracy and completeness in all evaluation documents.</p> <p>(6) The procedures for informing contractors of the outcome of evaluations be reviewed.</p>			

Appendix B: Decisions taken under Urgency Provisions (where scrutiny call in was waived)

Decision	Date Taken	Decision Maker	Reasons for Urgency
<p><u>Award of Contract</u></p> <p>To award a contract to undertake drainage works to the football pitches at Common Meadows Recreation Ground (£55,938) and South Street Recreation Ground (£29,796), South Normanton to J Pug-Lewis Ltd.</p> <p>The budget for the works was funded through a number of commuted sum payments for formal sport and open space from a number of developments in South Normanton.</p>	7 August 2015	Chief Executive	To avoid the potential for claw back if monies are not spent by 1 September 2015. The next Executive meeting was not until 7 September 2015.
<p><u>Bolsover Town Centre Update</u></p> <p>This report was exempt under paragraph 3 of Schedule 12A to the Local Government Act 1972.</p>	18 November 2015	Executive	As set out in the report.