

Bolsover District Council

Council

9th January 2019

REPORT ON URGENCY DECISIONS TAKEN BY THE EXECUTIVE

Report of the Monitoring Officer

This report is public

Purpose of the Report

- Advise of Key Decisions taken under statutory Special Urgency Rules at the last meeting of the Executive.

1 Report Details

- 1.1 A Key Decision is an Executive (i.e. the Executive 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 considers the level for significant income or expenditure for the forthcoming year to be £75,000 for revenue and £150,000 for capital.

- 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 Decisions taken as a matter of Special Urgency are required to be reported to Council, together with the reasons for urgency.

1.5 At the meeting of Executive on 3rd December 2018 the following item was considered:

11(B)	<p>Provision of Facilities Management Services Bolsover District Council (Exempt – Paragraphs 3 and 5)</p>	<p>RESOLVED that Executive approve the appointment of J Tomlinson’s Ltd to provide Facilities Management Services as outlined within the report for a further interim period of six months to enable a further tender exercise to be carried out.</p> <p>REASON FOR DECISION: Following the approved tender procedure and subsequent evaluation it is recommended that an interim extension of six months be sought to the existing contract in order to allow sufficient time to undertake a re-tender exercise.</p> <p>OTHER OPTIONS CONSIDERED: Consideration was given to letting the contract to J. Tomlinson’s Ltd following their tender submission, however because of the lack of competition, uplift and uncertainty of pricing, this option was discounted.</p>
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1.7 This item was submitted to the meeting as a matter of Special Urgency as set out in the relevant notice issued to the public and all Members as set out in Appendix 1. As the notice was not issued 5 clear days prior to the meeting, it is reported to the next meeting of Council.

2 Conclusions and Reasons for Recommendation

2.1 To comply with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and the provisions of the Council’s Constitution Members are asked to note that this decision has been made.

2.2 Call-In was not waived in this instance, and therefore all Members have been able to consider the decision taken as issued in the decision notice circulated 2 days following the meeting of Executive on 3rd December 2018.

3 Consultation and Equality Impact

3.1 None arising from this report.

4 Alternative Options and Reasons for Rejection

4.1 There are no alternative options presented. Members are asked to note the decision made.

5 Implications

5.1 Finance and Risk Implications

5.1.1 There are none arising from this report.

5.2 Legal Implications including Data Protection

5.2.1 None, by providing this report the Council is complying with relevant legislation and the provisions of the Constitution.

5.3 Human Resources Implications

5.3.1 None arising from this report.

6 Recommendations

6.1 That the decision taken by the Executive be noted.

7 Decision Information

Is the decision a Key Decision? 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: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	All indirectly
Links to Corporate Plan priorities or Policy Framework	All indirectly

8 Document Information

Appendix No	Title
1	Notice given in accordance with Regulations 5 and 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
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
Nicola Calver, Governance Manager	01426 717753