

Bolsover District Council

Annual Council

22rd May 2019

Operation of Urgency Rules and Financial Limit for Key Decisions

Report of the Joint Head of Corporate Governance and Monitoring Officer

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.
- 1.2 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.
- 1.3 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 in May 2018, there has been one decision taken using Special Urgency rules. Details of this decision is attached at Appendix 1.
- 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 there have been no decisions taken using these urgency provisions.
- 1.6 Finally, this report enables Council to review the threshold for Key Decisions on a regular basis. It is recommended that the financial threshold for an executive decision to be considered as significant be maintained at the levels set out in paragraph 1.2.

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 Finance and Risk Implications

- 5.1.1 There are no financial or risk implications arising from this report.

5.2 Legal Implications including Data Protection

5.2.1 This report is to comply with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 regarding key decision rules and use of urgency procedures.

5.3 Human Resources Implications

5.3.1 There are no human resources implications arising from this report.

6 Recommendations

6.1 That Council:

- (a) Notes there has been one decisions taken over the past 12 months under Special Urgency rules;
- (b) Notes there have been no decisions taken over the past 12 months under Urgency provisions in the Council's Scrutiny Rules.

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	N/A
Links to Corporate Plan priorities or Policy Framework	Demonstrating Good Governance

8 Document Information

Appendix No	Title
Appendix 1	Details of decision under special urgency
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
Donna Cairns, Senior Governance Officer	01246 242529

Decisions Taken Under Special Urgency Rules

Meeting Date	Report Title	Decision	Reason For Urgency
Executive 3 rd December 2018	Provision of Facilities Management Services Bolsover District Council (Exempt – Paragraphs 3 and 5)	<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>	Extension of existing contract for a period of six months to ensure continued provision whilst services are re-tendered