

Bolsover District Council

Meeting of Annual Council on 18th May 2022

Operation of Urgency Rules and Financial Limit for Key Decisions

Report of the Solicitor to the Council & Monitoring Officer

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| Classification | This report is Public |
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PURPOSE/SUMMARY OF 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.

REPORT DETAILS

1. Background

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 current key decision threshold for income or expenditure is £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.
 - 1.4 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.
 - 1.5 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 2021, there has been one decision taken using Special Urgency rules. Details of this decision is attached at Appendix 1.
 - 1.6 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 one decision taken using these urgency provisions. Details of this decision is attached at Appendix 2.
 - 1.7 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. Details of Proposal or Information

- 2.1 To note the Key Decisions taken under Special Urgency rules and separate constitutional duties to report decisions where call-in has been waived and to agree the financial threshold for Key Decisions.

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 to review the financial threshold for Key Decisions.

4 Alternative Options and Reasons for Rejection

- 4.1 None

RECOMMENDATION(S)

1. That the financial thresholds for Key Decisions be maintained at £75,000 (Revenue) and £150,000 (Capital)
2. Notes there has been one decisions taken over the past 12 months under Special Urgency rules;
3. Notes there has been one decision taken over the past 12 months under Urgency provisions in the Council's Scrutiny Rules.

Approved by the Leader of the Council

IMPLICATIONS:

Finance and Risk: Yes No

Details:

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

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

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.

On behalf of the Solicitor to the Council

Staffing: Yes No

Details:

There are no human resource issues implications arising from this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

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| <p>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:</p> <p>Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p> | No |
| <p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p> | No |

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| <p>District Wards Significantly Affected</p> | <p>(please state which wards or state All if all wards are affected)</p> |
| <p>Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p> | <p>Details: The Leader</p> |

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| <p>Links to Council Ambition: Customers, Economy and Environment.</p> |
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| DOCUMENT INFORMATION | |
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| Appendix No | Title |
| 1 | Decision taken under Special Urgency Rules |
| 2 | Decision taken under Urgency provisions in the Council's Scrutiny Rules |

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| <p>Background Papers</p> |
| <p><i>(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 Executive you must provide copies of the background papers).</i></p> |
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