

Bolsover District Council

Meeting of the Annual Council on 24th May 2023

Operation of Urgency Rules and Thresholds for Key Decisions

Report of the Solicitor to the Council and Monitoring Officer

Classification	This report is Public
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PURPOSE/SUMMARY OF REPORT

The purpose of this report is to:

- Advise of Key Decisions taken under statutory Urgency Rules in the past 12 months
- 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)
- Set the Key Decisions thresholds 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. Executive or office) 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 Revenue income or expenditure of £75,000 or more and Capital expenditure of £150,000 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, one Key Decision has been taken using Special Urgency rules.
- 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, one decision has been taken using urgency provisions to waive call-in.
- 1.6 Finally, the Council is required at its Annual Meeting to review the threshold for Key Decisions (see definition in paragraph 1.1). The current thresholds for key decisions, which are recommended to continue, are as follows:
 - Revenue Income, Savings or Expenditure - £75,000
 - Capital Income or Expenditure - £150,000

2. Details of Proposal or Information

- 2.1 The Key Decision that had been taken using Special Urgency rules relates to the direct award and appointment of a contractor for the hyper local business support programme. Also, due to the urgency of the decision it needed to be implemented immediately (to obtain the most appropriate contractor) and this did not allow for the call-in period to run as usual.

2.2 The Chair of the Local Growth Scrutiny Committee, agreed that the decision was reasonable in all the circumstances and to it being treated as a matter of urgency.

2.3 The decision was made by the Chief Executive on 30th March 2023.

2.4 A copy of the Delegated Decision (DD/0120/KH/310323) is attached at Appendix 1.

3. Reasons for Recommendation

3.1 To fulfil a statutory duty to report Key Decision taken under Special Urgency rules and separate constitutional duties to report decisions where call-in has been waived and set the Key Decision financial thresholds.

4 Alternative Options and Reasons for Rejection

4.1 There are no alternative options as there is a statutory duty to report this information and to set the Key Decision thresholds.

RECOMMENDATION(S)

That Council:

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

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:

There are no legal or data protection implications arising from this report.

On behalf of the Solicitor to the Council

Environment: Yes No

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment. Please speak to the Climate Change lead officer for further advice.

Details:

There are no environmental implications arising from this report.

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

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: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <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

District Wards Significantly Affected	None directly
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Details: Relevant Scrutiny Chair was consulted on the decision as per the urgency procedures

Links to Council Ambition: Customers, Economy and Environment.

DOCUMENT INFORMATION	
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Appendix No	Title
1	Delegated Decision (DD/0120/KH/310323)

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 Executive you must provide copies of the background papers).

None