

Bolsover District Council

Meeting of the Annual Council on 22nd May 2024

Operation of Urgency Rules and Thresholds for Key Decisions

Report of the Director of Governance and Legal Services & Monitoring Officer

Classification	This report is Public
Report By	Jim Fieldsend, Director of Governance and Legal Services & Monitoring Officer

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 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 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. This was a decision in respect of a Public Space Protection Order.
- 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, five decisions have been taken using urgency provisions to waive call-in. These decisions were:

Lease in respect of Property at Former Construction Block, The Arc (Decision by the Chief Executive on 17th July 2023)

Dog Management Public Space Protection Order (Decision by the Chief Executive on 25th October 2023)

Renewal of Insurance Policies (Decision by the Director of Finance & Section 151 Officer on 29th September 2023)

Appointment of Contractor to Deliver Hyper-Local New Zero Innovation Programme (Executive – 6th November 2023)

Award of three-year Idox Software Maintenance Contract (Executive – 15th April 2024)

- 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 was taken using Special Urgency rules related to the extension of the Dog Public Space Protection Order (PSPO), which expired on 25th October 2023. Also, due to the urgency of the decision it needed to be implemented immediately (so as not to leave the Council without the PSPO in place) and this did not allow for the call-in period to run as usual. The Chair of the Council agreed that the decision was reasonable in all the circumstances and to it being treated as a matter of urgency. The decision was made by the Chief Executive on 25th October 2023.
- 2.2 Lease in respect of Property at Former Construction Block, The Arc (Decision by the Chief Executive on 17th July 2023) – this decision was in relation to the lease of property to a subtenant following the head lessee appointing administrators. The Chair of the Local Growth Scrutiny Committee was consulted in accordance with Scrutiny Procedure Rules and agreed that it was urgent and not subject to call-in.
- 2.3 Renewal of Insurance Policies (Decision of Director of Finance & Section 151 Officer on 29th September 2023) – this decision was in relation to the annual renewal of the Council's insurance policies. This item was treated as urgent to ensure that the policies were renewed prior to the end of the current contract expiring. Late receipt of the terms and premiums for renewal were not received in time to give the full notice for this Key Decision. The Chair of the Finance and Corporate Overview Scrutiny Committee was informed of the decision to be taken and agreed it would not be subject to call-in.
- 2.4 Appointment of Contractor to Deliver Hyper-Local New Zero Innovation Programme (Executive – 6th November 2023) – this decision was treated as urgent as any delay would have prejudiced the supplier's ability to deliver on the terms of the contract to be signed and delay expenditure of UKSPF funds that could result in the return of unspent money to Government after March 2025. The Chair of the Council was informed of the decision to be taken and agreed it would not be subject to call-in.
- 2.5 Award of three-year Idox Software Maintenance Contract (Executive – 15th April 2024) – this was treated as urgent as the Council would have been out of contract and support, which would have had a negative impact on the performance of Planning and Environmental Health teams. The Chair of the Customer Services Scrutiny Committee was informed of the decision to be taken and agreed it would not be subject to call-in.

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 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 was been taken over the past 12 months under Special Urgency Rules;
2. notes the decisions that have 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

<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

<p>District Wards Significantly Affected</p>	None directly
<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 checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	<p>Details: Relevant Scrutiny Chairs were consulted on the decision as per the urgency procedures</p>

<p>Links to Council Ambition: Customers, Economy and Environment.</p>

DOCUMENT INFORMATION	
Appendix No	Title

<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>
<p>None</p>