

Bolsover District Council

Meeting of the Annual Council on 21st May 2025

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.
- 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:
 - GovService G Cloud 13 Contract, (Decision by Chief Executive on 25th October 2024)
 - Appointment of Contractor to complete flood mitigation works at Pleasley Vale Business Park, (Decision by the Executive 2nd December 2024)
 - UK Shared Prosperity Fund 2025/26 – decision to accept the £803,023.00 funding from EMMCA, agree investment plan and make direct awards of contracts, (Decision by Chief Executive on 10 March 2025)
 - To award an Electrical Works contract to Sureserve to undertake void repairs and annual testing to domestic properties following a procurement process undertaken through EEM, (Decision by Chief Executive on 29th April 2025)
- 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 GovService G Cloud 13 to renew the existing contract with Granicus for the GovService solution – Customer Service Hub and Service Designer/Customer Portal/Staff Portal (CRM, self-service forms and internal forms and workflows). 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 and not subject to call-in. The decision was made by the Chief Executive on 25th October 2024.
- 2.2 The Key Decision that was taken using Special Urgency rules related to the Appointment of Contractor to complete flood mitigation works at Pleasley Vale Business Park. There was an urgent need to undertake works at Pleasley Vale following the flood damage caused by storm Babet. The Chair of Local Growth Scrutiny Committee agreed that it should be treated as a matter of urgency and not be subject to the Scrutiny call-in process. The decision was made by the Chief Executive on 2nd December 2024.
- 2.3 The Key Decision that was taken using Special Urgency rules related to the UK Shared Prosperity Fund 2025/26. The decision was to accept the £803,023.00 funding from EMMCA, agree investment plan and make direct awards of contracts with the deadline for submission of an investment plan being 1st April 2025 and all activities completed by 31st March 2026. The Chair of the Local Growth Scrutiny Committee was informed of the decision to be taken and had agreed that the decision may be made. The decision was made by the Chief Executive on 10 March 2025.
- 2.4 The Key Decision that was taken using Special Urgency rules related to the award an Electrical Works contract to Sureserve to undertake void repairs and annual testing to domestic properties following a procurement process undertaken through EEM. The Chair of the Customer Services Scrutiny Committee was informed of the decision to be taken and agreed that the decision was not subject to Scrutiny Call-In. The decision was taken by the Chief Executive on 29th April 2025.

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:

<u>Finance and Risk</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Details: There are no financial or risk implications arising from this report.		
On behalf of the Section 151 Officer		
<u>Legal (including Data Protection)</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Details: There are no legal or data protection implications arising from this report.		
On behalf of the Solicitor to the Council		
<u>Staffing</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Details: There are no human resource issues implications arising from this report.		
On behalf of the Head of Paid Service		
<u>Equality and Diversity, and Consultation</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Details: None.		
<u>Environment</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.		
Details: There are no environmental implications arising from this report.		

DECISION INFORMATION:

<p><input checked="" type="checkbox"/> Please indicate which threshold applies:</p> <p>Is the decision a Key Decision? A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:</p> <p>Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or (b) Results in the Council incurring Revenue Expenditure of £75,000 or more.</p> <p>Capital (a) Results in the Council making Capital Income of £150,000 or more or (b) Results in the Council incurring Capital Expenditure of £150,000 or more.</p> <p>District Wards Significantly Affected: <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i> Please state below which wards are affected or tick All if all wards are affected:</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>(a) <input type="checkbox"/> (b) <input type="checkbox"/></p> <p>(a) <input type="checkbox"/> (b) <input type="checkbox"/></p> <p>All <input type="checkbox"/></p>
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<p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p> <p>If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i></p> <p>Consultation carried out: <i>(this is any consultation carried out prior to the report being presented for approval)</i></p> <p>Leader <input type="checkbox"/> 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 checked="" type="checkbox"/> Relevant Scrutiny Chairs were consulted on the decisions as per the urgency procedures</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
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<p>Links to Council Ambition: Customers, Economy, Environment, Housing</p> <p>Customers providing excellent and accessible services.</p>

DOCUMENT INFORMATION:

Appendix No	Title

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.