

Bolsover District Council

Council

19th February 2020

Report on Urgency Decisions Taken by the Executive

Report of the Leader

This report is public

Purpose of the Report

- To inform Council of a recent decision taken under Special Urgency provisions by the Council's Executive in relation to the disposal of a parcel of land off St Martin's Walk at Hodthorpe.

1 Report Details

1.1 A Key Decision is an Executive 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.

The Council considers the level for significant income or expenditure to be £75,000 for revenue and £150,000 for capital.

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 and publishing a notice five days prior to making the decision outlining the reasons why the matter is urgent and 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 decision was taken under the Special Urgency provisions so that the Council could benefit from the capital receipt at the negotiated price, avoiding the risk the

price being reduced as a consequence of delay. The Chair of Growth Scrutiny Committee approved the use of the procedure.

- 1.5 The Urgency Notice setting out the reason for urgency is attached at Appendix 1. An extract of the Decision Notice which records the decision taken on this matter is attached at Appendix 2.

2 Conclusions and Reasons for Recommendation

- 2.1 Members are asked to note the decision recently taken under Special Urgency provisions

3 Consultation and Equality Impact

- 3.1 Not applicable.

4 Alternative Options and Reasons for Rejection

- 4.1 Not applicable as this report is for information only in compliance with the Council's procedure rules.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 There are no financial or risk implications arising from this report. Executive considered all implications in reaching the decision.

5.2 Legal Implications including Data Protection

- 5.2.1 The legislation related to Key Decisions and Urgency Procedures is outlined in section 1.

5.3 Human Resources Implications

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

6 Recommendations

- 6.1 That the report be noted.

7 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: <i>BDC:</i> <i>Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC:</i> <i>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></p> | No |
| <p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p> | No |
| <p>Has the portfolio holder been informed</p> | Yes |
| <p>District Wards Affected</p> | N/A |
| <p>Links to Corporate Plan priorities or Policy Framework</p> | Demonstrating good governance |

8 Document Information

| Appendix No | Title |
|---|-------------------------|
| Appendix 1 | Urgency Notice |
| Appendix 2 | Decision Notice Extract |
| <p>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)</p> | |
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