

Wiltshire Council

Council

16 June 2020

Urgent Executive Decisions Taken by Cabinet – Annual Report

Purpose of Report

1. To outline the key decisions made between 14 May 2019 and 8 June 2020, under the special urgency provisions detailed in the Constitution, since the last annual report to Council on 21 May 2019.

Background

2. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 came into force on 10 September 2012. The Regulations deal with access to meetings and documents of the Executive. Regulation 9 details rules to be followed in publicising key decisions and requires all key decisions to be publicised 28 days in advance of the decision being taken

This Council's definition of what constitutes a key decision is as follows:

- any decision which would result in the closure of an amenity or total withdrawal of a service;
- any restriction of service greater than 5% measured by reference to current expenditure or hours of availability to the public;
- any action incurring expenditure or producing savings greater than 20% of budget service areas against which the budget is determined by Full Council;
- any decision in accordance with the Council's Financial Regulations (Part 9), involving financial expenditure of £500,000 or above, with the exception of operational expenditure by Chief Executive Officers identified within the approved budget and policy framework.
- Any proposal to change the Council's policy framework
- any contract (or programme) which:
 - ❖ exceeds an annual value of £1 million or the total contract value; or
 - ❖ exceeds £4million including any optional extension period; or

- ❖ involves the transfer of 50 or more employees in or out of the council; or
 - ❖ relates to a matter which is commercially, politically or strategically sensitive.
- Any proposal which would have a significant effect on communities living or working in an area comprising two or more electoral divisions
3. Where it is impracticable for key decisions to be publicised 28 clear days before they are made, special rules apply. Under Regulation 10, key decisions may be taken so long as the following steps are undertaken:
 - The Proper Officer has informed the Chairman of the Overview and Scrutiny Management Committee; and
 - The Proper Officer has made a notice in the prescribed form available for inspection by the public. The notice must set out details of the decision to be made and why the rule on giving 28 days notice has not been complied with
 - The notice is published on the Council's website.
 - The above steps must be taken at least 5 clear days before the key decision is taken.
 4. In cases where a key decision is required to be taken even sooner and it is impracticable to wait for the requisite five clear days Regulation 11 - Special Urgency rules applies. This states that a decision may only be made where the decision maker has obtained agreement from the Chairman of the Overview and Scrutiny Management Committee or in their absence, the Chairman of the Council and in their absence, the Vice-Chairman of Council, that the matter is urgent and cannot be reasonably deferred. Upon securing agreement, a notice to this effect must be published on the Council's website.
 5. At relevant intervals determined by the Council, which must be at least annually, the Leader of the Council is required to submit a report to Council setting out the key decisions taken under the special urgency rule. The report must include particulars of the decision made.

Main Considerations for the Council

6. At the time of writing this report, the Leader has confirmed no decisions have been made using the special urgency provision since the last annual report to Council on the 21 May 2019.
7. The intent of the Regulations is to make provision for urgent decisions to be made whilst ensuring as far as possible that transparency, accountability and scrutiny is maintained.

8. The Council has taken steps to ensure transparency is maintained by ensuring that where decisions are taken under these special provisions, an email is sent to all members of the Council providing them with a link to the notice published on the Council's website which gives details of the decision to be taken and the reason for urgency.
9. In order to ensure Council is aware of decisions taken using the special urgency provisions at the earliest opportunity, Council has previously agreed that these are reported to the next ordinary meeting of the Council. In addition, an annual report will also be presented to Council giving details of such decisions taken in the preceding year.

Overview and Scrutiny Engagement

10. The Chair of Overview and Scrutiny Management Committee has been informed on all occasions where it is impracticable for key decisions to be publicised 28 clear days before they are made.
11. The agreement of the Chair of Overview and Scrutiny Management Committee would be obtained on all occasions where it is impracticable to wait for the requisite five clear days as detailed in Regulation 11 - Special Urgency rules. However, no such instances have taken place since the last report.

Safeguarding Implications

12. None.

Public Health Implications

13. None.

Procurement Implications

14. None.

Equalities Impact of the Proposal

15. None.

Environmental and Climate Change Considerations

16. None.

Risks that may arise if the proposed decision and related work is not taken

17. None.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

18. None.

Financial Implications

19. None.

Legal Implications

20. The proposals in this report ensure that the Council complies with the requirements of the relevant legislation.

Workforce Implications

21. None.

Options Considered

22. None.

Recommendation

23. That Council notes this report, and that no decisions have been taken using the special urgency provision in the period since the last report.

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Director – Corporate Services

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Date of report: 8 June 2020

Background Papers

None