

Urgent Executive Decisions Taken by Cabinet – Annual Report

Purpose of Report

1. To outline any decisions made by Cabinet between 9 June 2020 and 10 May 2021, under the special urgency provisions detailed in the Constitution, since the last annual report to Council on 16 June 2020.

Background

2. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 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 by Cabinet, special rules apply. Under Regulation 10, key decisions may be taken by Cabinet 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.
5. The Leader of the Council is required to submit a report to Council setting out the key decisions taken by Cabinet 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, no decisions have been made by Cabinet using the special urgency provision since the last annual report to Council on the 16 June 2020.
7. 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.
8. 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.

9. Due to the Covid-19 pandemic, there has been occasion for officers to make emergency decisions where there it was not possible for these to be made by the executive with the usual 5 days notice. In such instances, these decisions have been regularly reported to Cabinet and published on the council's website. Details of the decisions made by officers are also included in this report for transparency, and details can be found at this link - [Officer decisions, 1 May 2020 - 15 April 2021 | Wiltshire Council](#)

Overview and Scrutiny Engagement

10. The Chair of Overview and Scrutiny Management Committee has to be informed on all occasions where it is impracticable for key decisions to be publicised 28 clear days before they are made by Cabinet.
11. The agreement of the Chair of Overview and Scrutiny Management Committee would be obtained by Cabinet on all occasions where it is it is impracticable to wait for the requisite five clear days as detailed in Regulation 11 - Special Urgency rules.

Safeguarding Implications

12. The implications of individual decisions are detailed in the relevant decision report, where applicable.

Public Health Implications

13. The implications of individual decisions are detailed in the relevant decision report, where applicable.

Procurement Implications

14. The implications of individual decisions are detailed in the relevant decision report, where applicable.

Equalities Impact of the Proposal

15. The implications of individual decisions are detailed in the relevant decision report, where applicable.

Environmental and Climate Change Considerations

16. The implications of individual decisions are detailed in the relevant decision report, where applicable.

Financial Implications

17. The implications of individual decisions are detailed in the relevant decision report, where applicable.

Legal Implications

18. The proposals in this report ensure that the Council complies with the requirements of the relevant legislation.
19. Any urgent decisions are reviewed by the council's legal team before they are made.
20. Directors are empowered under Part 3 of the Council's Constitution to take all necessary decisions in the event of an emergency.

Workforce Implications

21. The implications of individual decisions are detailed in the relevant decision report, where applicable.

Recommendation

22. **That Council notes this report, and that no decisions have been taken by Cabinet using the special urgency provision in the period since the last report.**
23. **That Council notes, due to the Covid-19 pandemic, decisions have been made by Directors under emergency powers, where this has occurred these have been published online in accordance with the Regulations.**

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Background Papers

[Officer decisions, 1 May 2020 - 15 April 2021 | Wiltshire Council](#)