

Executive Decisions Taken Under Special Urgency

1 Background

1.1 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 Corporate Directors identified within the approved budget and policy framework.
- Any proposal to change the Council's policy framework
- Any proposal which would have a significant effect on communities living or working in an area comprising two or more electoral divisions

1.2 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.

1.3 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.

1.4 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.

2 Issues for Consideration

2.1 At the time of writing this report, the Leader has confirmed that two decisions were made using the special urgency provision since the Regulations came into force, details attached as an Appendix.

2.2 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.

2.3 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.

2.4 In order to ensure Council is aware of decisions taken using the special urgency provisions at the earliest opportunity, it is proposed 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.

3 Other Options Considered and Rejected

3.1 None.

4 Financial Implications

4.1 None.

5 Legal Implications

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

6 Equalities Impact of the Proposal

6.1 None.

7 Environmental Impact of the Proposals

7.1 None.

8 Public Health Implications

8.1 None.

9 Safeguarding Implications

10.1 None.

11. Recommendations

11.1 That Council notes this report and that two decisions have been taken under the special urgency provisions since the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 came into force.

11.2 That where key decisions are taken under the special urgency rules, details are reported to the next ordinary meeting of Council.

11.3 That Council will receive an annual report on key decisions taken under the special urgency rules.

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Background Papers: None

Appendix – list of special urgent decisions