

**Public  
Key Decision - No**

## **HUNTINGDONSHIRE DISTRICT COUNCIL**

**Title/Subject Matter:** Use of Special Urgency Provisions 2022/23

**Meeting/Date:** Council – 19th July 2023

**Executive Portfolio:** Executive Leader

**Report by:** Executive Leader

**Ward affected:** All

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### **Executive Summary:**

It is a requirement within the Council's Constitution that executive decisions taken as a matter of special urgency be reported annually to the Council by the Executive Leader.

Since the Council last received the annual report there have been two key decisions taken using the special urgency provisions, which are detailed in Appendix 1 of the submitted report.

### **Recommendation:**

The Council is invited to comment and note the information report.

## **1. PURPOSE OF THE REPORT**

- 1.1 To notify the Council of any key decisions taken throughout the year not included in the Notice of Executive Decisions.

## **2. WHY IS THIS REPORT NECESSARY/BACKGROUND**

- 2.1 The definition of a key decision is contained within the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and is a decision which is likely:

- i. to result in the authority incurring expenditure which is, or the making of savings which are, significant having regard to the authority's budget for the service or function to which the decision relates; or
- ii. to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the authority.

- 2.2 In determining the meaning of 'significant' the authority must have regard to any guidance issued by the Secretary of State and a 'significant' decision is included within the Council's Constitution as any decision which would, if implemented, fall in any of the following categories:

- it is not in accordance with a policy, plan or strategy which forms part of the policy framework approved by the Council;
- it may result in the adoption of any additional policy, plan or strategy by the Council;
- it is not in accordance with the budget approved by the Council;
- it may increase financial commitments in future years above existing budgetary approvals;
- it will result in any of the following:
  - the appointment of additional permanent staff for which there is no budget provision;
  - the acquisition or disposal of land or property with a value in excess of £2,000,000;
  - any budgetary virement in excess of the limits set out in the Code of Financial Management in Part 4 of the Council's Constitution;
  - any statutory order or scheme if it requires, either directly or as a result of objections, the approval of a Minister of the Crown;
  - the initiation of local legislation or byelaws;

- it is likely to be of significance in the opinion of the decision taker.
  - Any decision to incur expenditure or savings or realignment of expenditure in excess of £200,000 shall be treated as significant.
- 2.3 Key decisions should be recorded and published in the Notice of Executive Decisions 28 clear days' before the matter is considered.
- 2.4 However, where the publication of the intention to make a key decision is impracticable, Rule 15 (General Exception) of the Council's Constitution, may apply:
  - If the Head of Paid Service has given notice in writing to the Chair of the relevant Overview and Scrutiny Panel, or if there is no such person, each member of that Panel in writing, of the matter to which the decision is to be made;
  - A Notice in the prescribed form is available for inspection by the public which provides details of the decision to be made and the reasons why compliance with providing 28 days' notice was impractical; and
  - The Notice is published on the Council's website.
- 2.5 If by virtue of the date by which a decision must be taken Rule 15 (General Exception) cannot be followed, subject to Rule 16 (Special Urgency) of the Council's Constitution, the decision may be taken:
  - If the Chair of the relevant Overview and Scrutiny Panel is in agreement that taking the decision cannot reasonably be deferred;
  - A Notice in the prescribed form is made available at the offices providing details as to the reasons why the meeting is urgent and cannot reasonably be deferred; and
  - The Notice is published on the Council's website.
- 2.6 As per the Council's Constitution any decisions taken as a matter of urgency must be reported to the next available meeting of the relevant Overview and Scrutiny Panel, together with the reasons for urgency and reported annually to the Council by the Executive Leader.
- 2.7 In addition to the Council's Constitution, under 100b (4) (b) of the Local Government Act 1972 an item of business may not be considered at a meeting unless by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- 2.8 Two decisions were taken under these provisions as a result of the Bank Holiday announced for Her Majesty Queen Elizabeth II funeral on 19th September 2022 as follows:

- Market Towns Programme – Autumn Update (partially exempt item)
- Hinchingsbrooke Country Park – Updated Business Case (exempt item)

2.9 This meant that the Council was unable to provide the requisite 5 clear working days' notice of the meeting which had to be held a day later than originally planned on 21st September 2022. The items were originally included in the published Notice of Executive Decisions reflecting the 20th September 2022 date with a separate public notice issued to reflect both items being considered at a private meeting. Overview and Scrutiny Chairs were made aware of these developments and raised no objections at the time.

### **3. REASONS FOR THE RECOMMENDED DECISIONS**

3.1 It is a requirement within the Council's Constitution that executive decisions taken as a matter of special urgency be reported annually to the Council by the Executive Leader.

### **4. LIST OF APPENDICES INCLUDED**

Appendix 1 - Executive Decisions Taken Under Special Urgency Provision – Annual Report

## **BACKGROUND PAPERS**

PARTIALLY EXEMPT REPORT Agenda Item No.3 – Market Towns Programme – Autumn Update - Cabinet 21st September 2022:

<https://applications.huntingdonshire.gov.uk/moderngov/ieListDocuments.aspx?CId=256&MId=8062&Ver=4>

EXEMPT REPORT Agenda Item No.8 – Hinchingsbrooke Country Park – Updated Business Case – Cabinet 21st September 2022:

<https://applications.huntingdonshire.gov.uk/moderngov/ieListDocuments.aspx?CId=256&MId=8062&Ver=4>

## **CONTACT OFFICER**

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## Executive Decisions Taken Under Special Urgency Provision – Annual Report

Date of Decision	Decision Maker	Agenda Item	Decision Made	Reason for urgency
21st September 2022	Cabinet	Market Towns Programme – Autumn Update (partially exempt item)	Cabinet approved the recommendations contained within the partially exempt report.	The impact of the Bank Holiday announced for Her Majesty Queen Elizabeth II funeral on 19th September 2022 meant the Cabinet's meeting had to take place a day later than planned on 21st September 2022. Additionally, the requisite 5 clear working days' notice of the meeting was not provided.
21st September 2022	Cabinet	Hinchingsbrooke Country Park – Updated Business Case (exempt item)	Cabinet approved recommendations (a) to (d) inclusive contained within the exempt report.	The impact of the Bank Holiday announced for Her Majesty Queen Elizabeth II funeral on 19th September 2022 meant the Cabinet's meeting had to take place a day later than planned on 21st September 2022. Additionally, the requisite 5 clear working days' notice of the meeting was not provided.