

**HUNTINGDONSHIRE DISTRICT COUNCIL**

**Title/Subject Matter:** Use of Special Urgency Provisions 2016/17

**Meeting/Date:** Council – 28th June 2017

**Executive Portfolio:** Executive Leader

**Report by:** Executive Leader

**Ward(s) 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.

**Recommendation(s):**

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

## 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:

- ❖ A 'key decision' means an executive decision taken by the Cabinet, committee of the Cabinet or under joint arrangements which is likely –
  - To result in the local authority incurring expenditure which is or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates; or
  - To be significant in terms of its effects on communities living or working in the area comprising two or more wards.
  
- ❖ A key decision is 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;
      - If it is likely to be of significance in the opinion of the decision take
  
- ❖ Any decision to incur expenditure or savings in excess of £200,000 shall be treated as significant for these purposes.

1.2 Where it is impracticable for key decisions to be publicised 28 clear days before they are made, special rules apply. Key decisions may be taken so long as the following steps are undertaken:

- ❖ The Head of Service has informed the Chairman of the relevant Overview and Scrutiny Panel
  
- ❖ The Head of Service 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.

- 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 relevant Overview and Scrutiny Panel or in their absence, the Chairman of the Council that the matter is urgent and cannot be reasonably deferred. Upon securing agreement, a notice to this effect must be made available at the District Council's offices and published on the website.
- 1.4 On an annual basis, 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.
- 1.5 Decisions taken under Special Urgency rules are reported to the next meeting of the relevant Overview and Scrutiny Panel.

## **2. ISSUES FOR CONSIDERATION**

- 2.1 At the time of writing this report, the Leader has confirmed that one decision has been made using the special urgency provision since the last annual report to Council on 27th July 2016, details of which are 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.

## **BACKGROUND PAPERS**

EXEMPT REPORT Agenda Item No.3 – Commercial Investment Strategy Asset – Cabinet Meeting – 8 August 2016:

<http://moderngov.huntsdc.gov.uk:8070/ieListDocuments.aspx?CId=256&MId=7180&Ver=4>

## **CONTACT OFFICER**

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