



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**COUNCIL**

**22 March 2023**

**Report of the Director of Legal & Democratic Services and Monitoring Officer**

**Decisions taken as a matter of Urgency and Key Decisions and Special Urgency**

## **1. Purpose**

- 1.1 In accordance with the provisions of the Constitution, to report to Council those executive decisions taken as a matter of urgency where 28 days' notice of the decision could not be given and where call-in has been waived.

## **2. Information and Analysis**

- 2.1 Members of Council will be aware that on occasion there is a necessity for decisions to be taken urgently, most recently predominantly as a result of the covid-19 pandemic and the need to respond to changing government guidance in a timely fashion.

### **Key decisions – Cases of special urgency**

- 2.2 Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, before the Council makes a key decision certain information needs to be published 28 clear days in advance. This is usually known as the 'Forward Plan'. The Regulations recognise that in the case of urgent decisions, this is not possible. As a result:

- a) where a key decision needs to be taken and publication of the information is impracticable, the decision can be made as long as five clear days' notice of the decision is given to the relevant Improvement and Scrutiny Committee Chairman; and
  - b) in cases of special urgency, a key decision can be taken with less than five clear days' notice if agreement is obtained from the Improvement and Scrutiny Committee Chairman that the making of the decision is urgent and cannot reasonably be deferred.
- 2.3 The Regulations require a report to Council at least once a year detailing each key decision taken where it was agreed that the special urgency provisions apply. The Access to Information Procedure Rules included in Appendix 6 to the Constitution requires this report to be submitted on a quarterly basis to full Council.
- 2.4 In accordance with the above requirement, Appendix 2 sets out the key decisions taken where special urgency provisions were agreed since the last report to Council.

### **Waiver of Call-in provisions**

- 2.5 Members will be familiar with the Council's Improvement and Scrutiny Procedure Rules included at Appendix 5 to the Constitution which sets out the call-in procedure. The call-in procedure does not apply where the executive decision being taken is urgent: that is where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. In such cases call-in can be waived if the Chairman of the appropriate Improvement and Scrutiny Committee agrees both the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.
- 2.6 The Improvement and Scrutiny Procedure Rules require such urgency decisions to be reported to the next available meeting of the Council, together with the reasons for urgency.
- 2.7 In accordance with the above requirements, details of urgent decisions where the call-in process was waived since the last report to Council and the reasons for urgency are set out in Appendix 3.

### **3. Alternative Options Considered**

- 3.1 Not to consider those executive decisions taken as a matter of urgency where 28 days' notice of the decision could not be given and where call-in has been waived; however, this is not recommended as this would not be in accordance with the Council's Constitution.

## **4. Implications**

4.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

## **5. Consultation**

5.1 Not applicable.

## **6. Background Papers**

6.1 None.

## **7. Appendices**

7.1 Appendix 1 – Implications.

7.2 Appendix 2 – Key decisions taken where special urgency provisions were agreed.

7.3 Appendix 3 - Details of urgent decisions where call in procedure was waived and the reasons for urgency.

## **8. Recommendations**

That Council notes:

- a) the key decisions taken where special urgency provisions were agreed as detailed in Appendix 2; and
- b) the urgent decisions taken where the call-in procedure was waived under the Improvement and Scrutiny Procedure Rules as detailed in Appendix 3.

## **9. Reasons for Recommendations**

9.1 In order to comply with the provisions in the Council's Constitution and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

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**Implications**

**Financial**

1.1 None.

**Legal**

2.1 As set out in the report.

**Human Resources**

3.1 None.

**Information Technology**

4.1 None.

**Equalities Impact**

5.1 None.

**Corporate objectives and priorities for change**

6.1 None.

**Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 None.

**Appendix 2. Key decisions taken where special urgency provisions were agreed  
17 November 2022 to 14 March 2023**

<b>Subject of Decision</b>	<b>Decision Taken by and Date Taken</b>	<b>Decision Taken</b>	<b>Reason for Decision</b>	<b>Reason for Urgency</b>
Nil return				

### Appendix 3:

#### Urgency decisions taken under the Improvement and Scrutiny Procedure Rules where call-in was waived 17 November 2022 to 14 March 2023

Subject of Decision	Decision Taken by and Date Taken	Decision Taken	Reason for Decision	Reason for Urgency
<b>Schools Block Funding Settlement 2023-24</b>	Cabinet, 23 February 2023	a) Notes the overall DSG settlement for 2023-24 and the additional grant for schools; b) Notes the Schools Block allocation for 2023-24; c) Notes the National Funding Formula multipliers set out in Appendix 2; d) Approves the local mainstream formula multipliers set out in Appendix 3 as the basis for calculating Derbyshire school and academy budgets; e) Approves a Minimum Funding Guarantee of 0.5% per pupil for 2023-24; f) Approves that no cap on individual school gains will be applied in 2023-24;	To ensure the Authority meets its statutory obligations in determining mainstream school and academy budgets for 2023-24.	To comply with a revised deadline from the Department for Education

Subject of Decision	Decision Taken by and Date Taken	Decision Taken	Reason for Decision	Reason for Urgency
		<p>g) Approves the request from the Schools Forum to de-delegate/top-slice funds from LA maintained primary and secondary schools' 2023-24 budgets for the services listed in Appendix 4;</p> <p>h) That Cabinet notes the Pupil Growth Fund settlement and the budget decisions approved by the Schools Forum.</p> <p>i) Approves that any matters of detail regarding the calculation of school budgets be delegated to the Executive Director for Children's Services and the Interim Director of Finance &amp; ICT in consultation with the Cabinet Member for Education; and</p> <p>j) Agrees to receive further reports on the</p>		

Subject of Decision	Decision Taken by and Date Taken	Decision Taken	Reason for Decision	Reason for Urgency
		other DSG blocks at future meetings.		
<b>Direct Award of Contract in relation to ICT Resource</b>	Cabinet Member for Corporate Services and Budget, 22 February	To make a direct award of contract for the provision of temporary ICT resource.	To strengthen the senior leadership of the service	To enable the arrangements to be put into place in a timely way
<b>Extension of the Wide Area Network and Internet Services Contracts</b>	Cabinet, 23 February 2023	To agree a contract extension to both the Wide Area Network and Internet Connectivity contracts.	The contract extensions will provide the necessary time for the future network and internet connectivity requirements to be determined that are aligned with other corporate strategies and priorities	To ensure continuity of the services