



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**COUNCIL**

**13 September 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.

**Report Author:** Alec Dubberley

**Contact details:** [alec.dubberley@derbyshire.gov.uk](mailto:alec.dubberley@derbyshire.gov.uk)

**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**  
**16 May 2023 to 1 September 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>
<b>Long Term Waste Management Update</b>	Cabinet 10 July 2023	To agree to a settlement in respect of the contract for the waste treatment facility at Sinfin.	For Cabinet to agree to the settlement as it meets the key decision threshold	To progress the settlement according to the agreed timetable
<b>Approval to Upgrade the Electronic Document Records Management System</b>	Cabinet 27 July 2023	To approve the upgrade of the Council's Electronic Document Records Management System	To ensure continuity of service and move to a cloud-based solution	To ensure a new contract can be implemented before the expiration of the current one.
<b>Award of Contracts for Tendered Local Bus Services (PTU 229) and a Cross-boundary Service Agreement</b>	Cabinet Member for Highways, Assets and Transport. 25 August 2023	To award four local bus service contracts	To ensure the continued provision of bus services	To ensure that the services can continue to operate.
<b>Award of Contracts and Bus Service Enhancements via the Bus Service Improvement Plan</b>	Cabinet Member for Highways, Assets and Transport. 25 August 2023	Approval of various proposals to improve bus services	To improve bus services for residents of Derbyshire	To give the necessary time for operators to put the improvements into practice.
<b>Derbyshire Makes - The Derbyshire Festival of Making – Update and Acceptance of Grant</b>	Cabinet Member for Corporate Services and Budget 1 September 2023	To accept the grant offer from Arts Council England of a grant award of £780,000 from Arts Council England towards	Derbyshire Makes is the core project of the Derbyshire Cultural Framework and will help secure a more	There was a requirement for the grant to be accept within one month from the offer.

<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>
		the delivery of Derbyshire Makes –The Derbyshire Festival of Making	connected, resilient creative and cultural sector to the benefit of the wider Derbyshire economy.	

**Appendix 3**  
**Urgency decisions taken under the Improvement and Scrutiny Procedure Rules where call-in was waived**  
**16 May 2023 to 1 September 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>
<b>Long Term Waste Management Update</b>	Cabinet 10 July 2023	To agree an out of court settlement in respect of the contract for the waste treatment facility at Sinfin.	For Cabinet to agree the settlement s it meets the key decision threshold	To progress the settlement according to the agreed timetable
<b>Approval to Upgrade the Electronic Document Records Management System</b>	Cabinet 27 July 2023	To approve the upgrade of the Council’s Electronic Document Records Management System	To ensure continuity of service and move to a cloud-based solution	To ensure a new contract can be implemented before the expiration of the current one.
<b>Award of Contracts for Tendered Local Bus Services (PTU 229) and a Cross-boundary Service Agreement</b>	Cabinet Member for Highways, Assets and Transport. 25 August 2023	To award four local bus service contracts	To ensure the continued provision of bus services	To ensure that the services can continue to operate.

<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>
<b>Award of Contracts and Bus Service Enhancements via the Bus Service Improvement Plan</b>	Cabinet Member for Highways, Assets and Transport. 25 August 2023	Approval of various proposals to improve bus services	To improve bus services for residents of Derbyshire	To give the necessary time for operators to put the improvements into practice.
<b>Derbyshire Makes - The Derbyshire Festival of Making – Update and Acceptance of Grant</b>	Cabinet Member for Corporate Services and Budget 1 September 2023	To accept the grant offer from Arts Council England of a grant award of £780,000 from Arts Council England towards the delivery of Derbyshire Makes –The Derbyshire Festival of Making	Derbyshire Makes is the core project of the Derbyshire Cultural Framework and will help secure a more connected, resilient creative and cultural sector to the benefit of the wider Derbyshire economy.	There was a requirement for the grant to be accept within one month from the offer.