



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

27 March 2024

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
16 May 2023 to 1 September 2023

Subject of Decision	Decision Taken by and Date Taken	Decision Taken	Reason for Decision	Reason for Urgency
Digital Strategy	Cabinet 14 March 2024	To approve the Council's digital strategy for ICT	To provide the council with a clear Digital Strategy for the whole organisation, outlining our digital ambition and the principles which will support it.	This was identified as a key decision after the publication of the Forward Plan.
Public Consultation - Early Help and Children's Centres	Cabinet 1 February 2024	To commence public consultation, and engagement with partner agencies on the proposed redesign of the Early Help service including Children's Centres.	To allow the required public consultation to take place.	To ensure that the process aligns with required budget savings.
Market Sustainability and Improvement Fund	Cabinet Member for Adult Care 12 January 2024	Approve the use of the Market Sustainability and Improvement Fund against the three target areas as described in the report.	To ensure finds are allocated in line with prescribed Grant conditions	To ensure that the finds can be allocated as per the timetable.
The Curzon CE (Aided) Primary School S106 Expansion project	Cabinet 23 November 2023	Approve the allocation of £1,249,427 of Section 106 funding and £25,573 of Basic Need funding 2015-16 towards the proposed expansion of the school	To ensure sufficient school places	There was a requirement to release the funds quickly to enable the project to continue

Appendix 3
Urgency decisions taken under the Improvement and Scrutiny Procedure Rules where call-in was waived
16 May 2023 to 1 September 2023

Subject of Decision	Decision Taken by and Date Taken	Decision Taken	Reason for Decision	Reason for Urgency
Market Sustainability and Improvement Fund	Cabinet Member for Adult Care 12 January 2024	Approve the use of the Market Sustainability and Improvement Fund against the three target areas as described in the report.	To ensure finds are allocated in line with prescribed Grant conditions	To ensure that the finds can be allocated as per the timetable.