

DERBYSHIRE COUNTY COUNCIL

COUNCIL

24 MARCH 2021

REPORT TO COUNCIL ON DECISIONS TAKEN AS A MATTER OF URGENCY AND KEY DECISIONS AND SPECIAL URGENCY

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

1. Purpose of the Report

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 there has been a necessity for a number of decisions to be taken urgently, 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 1 sets out the key decisions taken where special urgency provisions were agreed.

Waiver of Call-in provisions

2.5 Members will be familiar with the Council's Improvement and Scrutiny Procedure Rules includes 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 urgency decisions and the reasons for urgency are set out in Appendix 2.

3. Legal Considerations

3.1 As set out in the report.

4. Other Considerations

4.1 In preparing this report, the relevance of the following factors has been considered: financial, prevention of crime and disorder, equality and diversity, human resources, human rights, environmental, health, property and transport considerations.

5. Background Papers

5.1 The Constitution and the file held by the Director of Legal and Democratic Services.

6. Officer Recommendation

6.1 To note:

- (a) the key decisions taken where special urgency provisions as detailed in Appendix 1; and
- (b) the urgency decisions taken under the Improvement and Scrutiny Procedure Rules as detailed at Appendix 2.

Helen Barrington
Director of Legal and Democratic Services and Monitoring Officer