

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Use of Special Urgency Provisions 2018/19
Meeting/Date: Council – 24th July 2019
Executive Portfolio: Executive Leader
Report by: Executive Leader
Ward(s) affected: All

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.

Since the Council last received the annual report there have been three key decisions taken using the special urgency provisions, which are detailed in Appendix 1 of the submitted report.

Recommendation:

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

1. PURPOSE OF THE REPORT

- 1.1 To notify the Council of any key decisions taken throughout the year not included in the Notice of Executive Decisions.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The definition of a key decision is contained within the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and is a decision which is likely:

- i. to result in the authority incurring expenditure which is, or the making of savings which are, significant having regard to the authority's budget for the service or function to which the decision relates; or
- ii. to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the authority.

- 2.2 In determining the meaning of 'significant' the authority must have regard to any guidance issued by the Secretary of State and a 'significant' decision is included within the Council's Constitution as 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;
 - it is likely to be of significance in the opinion of the decision taker.
- Any decision to incur expenditure or savings or realignment of expenditure in excess of £200,000 shall be treated as significant.

- 2.3 Key decisions should be recorded and published in the Notice of Executive Decisions 28 clear days' before the matter is considered.
- 2.4 However, where the publication of the intention to make a key decision is impracticable, Rule 15 (General Exception) of the Council's Constitution, may apply:
- If the Head of Paid Service has given notice in writing to the Chairman of the relevant Overview and Scrutiny Panel, or if there is no such person, each member of that Panel in writing, of the matter to which the decision is to be made;
 - A Notice in the prescribed form is available for inspection by the public which provides details of the decision to be made and the reasons why compliance with providing 28 days' notice was impractical; and
 - The Notice is published on the Council's website.
- 2.5 If by virtue of the date by which a decision must be taken Rule 15 (General Exception) cannot be followed, subject to Rule 16 (Special Urgency) of the Council's Constitution, the decision may be taken:
- If the Chairman of the relevant Overview and Scrutiny Panel is in agreement that taking the decision cannot reasonably be deferred;
 - A Notice in the prescribed form is made available at the offices providing details as to the reasons why the meeting is urgent and cannot reasonably be deferred; and
 - The Notice is published on the Council's website.
- 2.6 As per the Council's Constitution any decisions taken as a matter of urgency must be reported to the next available meeting of the relevant Overview and Scrutiny Panel, together with the reasons for urgency and reported annually to the Council by the Executive Leader.
- 2.7 In addition to the Council's Constitution, under 100b (4) (b) of the Local Government Act 1972 an item of business may not be considered at a meeting unless by reason of special circumstances, which shall be specified in the minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- 2.8 By way of background information, two of the decisions taken under special urgency grounds relate to the Commercial Investment Strategy. The Cabinet in 2015 approved the Disposal and Acquisition Policy which provides the framework for the purchase and sale of land and property assets; the Commercial Investment Strategy (CIS) which is the framework for investing in a wide portfolio of commercial type properties to provide a long-term revenue stream for the Council; and the CIS Business Plan, which is the blueprint for how the Council plans to meet the objectives of the CIS.

3. REASONS FOR THE RECOMMENDED DECISIONS

- 3.1 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.

4. LIST OF APPENDICES INCLUDED

- 4.1 None.

BACKGROUND PAPERS

EXEMPT REPORT Agenda Item No.7 – Business Rate Pilot – Cabinet Meeting 20th September 2018:

<http://applications.huntingdonshire.gov.uk/moderngov/ieListDocuments.aspx?CId=256&MId=7392&Ver=4>

EXEMPT REPORT Agenda Item No.3 - Commercial Investment Strategy Asset – Cabinet Meeting – 8th November 2018:

<http://applications.huntingdonshire.gov.uk/moderngov/ieListDocuments.aspx?CId=256&MId=7569&Ver=4>

EXEMPT REPORT Agenda Item No.7 - Commercial Investment Strategy – Approval to Purchase CIS Investment - Cabinet Meeting – 18th April 2019:

<http://applications.huntingdonshire.gov.uk/moderngov/ieListDocuments.aspx?CId=256&MId=7399&Ver=4>

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Executive Decisions Taken Under Special Urgency Provision – Annual Report

Date of Decision	Decision Maker	Agenda Item	Decision Made	Reason for urgency
20th September 2018	Cabinet	Business Rate Pilot	Cabinet agreed the Council's participation in the 2019/20 Business Rate Pilot for the Peterborough and Cambridgeshire area on the proviso that the Cambridgeshire and Peterborough Combined Authority confirms that it will underwrite 'no detriment' for the Council. Delegated authority was also given to the Head of Resources to amend the District Council's response as necessary, in consultation with the Executive Leader.	All constituent authorities of the Cambridgeshire and Peterborough Combined Authority (CPCA) had been consulted on a proposed bid to the Government relating to a pilot scheme for the retention of Business Rates. This was considered by the CPCA on 26 September 2018.
8th November 2018	Cabinet	Commercial Investment Strategy – Approval to Purchase CIS Investment: Little End Road Industrial Estate, Eaton Socon, St Neots, PE19 8JH	Cabinet approved the purchase of Little End Road Industrial Estate, Eaton Socon, St Neots, PE19 8JH	If the Council wished to progress with the purchase, because of the timescales the Vendor had set out, the report had to be urgently considered by the Cabinet.
18th April 2019	Cabinet	Commercial Investment Strategy – Approval to Purchase CIS Investment	Cabinet approved the purchase of a premises outside of the District. The details of which are currently commercially sensitive and are unable to be disclosed.	<ul style="list-style-type: none"> ▪ Developments on the matter had recently emerged which required an imminent Cabinet decision. ▪ If the Council wished to progress with the purchase, because of the timescales the Vendor had set out, the report had to be urgently considered by the Cabinet. ▪ An imminent decision was required as any delay would be detrimental to the item of business.