

THE OVERVIEW AND SCRUTINY COMMITTEE

20 June 2011

MONITORING REPORT – KEY DECISIONS NOT INCLUDED WITHIN THE FORWARD PLAN DURING 2010/11 MUNICIPAL YEAR

REPORT OF HEAD OF DEMOCRATIC SERVICES

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RECENT REFERENCES

PS408 – Monitoring Report – Key Decisions not included within the Forward Plan during municipal year 2009/10 – 14 June 2010

EXECUTIVE SUMMARY:

Principal Scrutiny Committee had previously agreed that an annual monitoring report be produced in relation to the number of Key Decisions which came forward, which had not been included in the Forward Plan. The Overview and Scrutiny Committee will continue to receive these reports.

Under the Council Constitution Access to Information Procedure Rules (Rule 15.1 – General Exception), the Corporate Director (Governance) was required to inform the Chairman of Principal Scrutiny Committee when a Key Decision was to be taken by Cabinet which had not been included in the Forward Plan.

Where an agenda item requiring a Key Decision, which was not in the Forward Plan, was sent to Cabinet after the statutory deadline, the Chairman of Principal Scrutiny Committee must firstly give approval for its inclusion (Access to Information Procedure Rule 16 – Special Urgency). There has been one such occurrence during the 2010/11 Municipal Year on 15 September 2010 (75 Hyde Street, Winchester - Report CAB2059 refers).

The Chairman of The Overview and Scrutiny Committee will continue to take both roles described above, and the Constitution has been updated accordingly.

During the 2010/11 Municipal Year, the Chairman of Principal Scrutiny Committee was informed of a total of 11 Key Decisions which were not included in the Forward Plan. These items are set out in detail below. It should be noted that four items relate to exempt reports. With these items the reason was given in the agenda or minutes, rather than the report itself. The Local Government Act 2000 does not require these items to be included in the Forward Plan, but local practice is to give advance notice in the Plan where possible.

RECOMMENDATIONS:

1. That Portfolio Holders and officers be asked to ensure that adequate reasons are stated in Reports to explain why items had not been included in the Forward Plan.
2. That the Committee consider and make any necessary comment on the content of the Report.

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<u>Detail of Key Decision not included within Forward Plan</u>	<u>Date of Cabinet Meeting</u>	<u>Reason given for not being including in Forward Pan</u>
Restructure of Landlord Services and Corporate Property Management (PER174 refers) <b>EXEMPT</b>	9 June 2010 (first considered by Personnel Committee on 7 June 2010)	The report was not included in the Forward Plan because of the sensitivity of undertaking discussions with affected staff.
75 Hyde Street Winchester (CAB2059 refers) <b>EXEMPT</b>	15 September 2010	<p>The Chairman agreed to accept the item onto the agenda due to the need to consider the matter prior to its discussion at Principal Scrutiny Committee on 20 September 2010 and Council on 29 September 2010.</p> <p>In addition, under the Council's Constitution Access to Information Procedure Rule 16 Special Urgency, this was a key decision which had not been included in the Forward Plan. Under this procedure, the agreement of the Chairman of Principal Scrutiny Committee had been obtained that the taking of the decision could not reasonably be deferred.</p>

<p>Winchester City Council Organisational Development (Initial Phase) (Report PER180 refers) <b>EXEMPT</b></p>	<p>13 October 2010</p>	<p>Omitted from the Forward Plan in error.</p>
<p>Installing Solar PV Panels onto Council owned Homes &amp; Corporate Buildings (Report CAB2068 refers)</p>	<p>13 October 2010</p>	<p>This Report was included in the Forward Plan as a Key Decision to be made at the November Cabinet, but had been brought forward in order for the procurement process to commence as soon as possible.</p>
<p>Environment Services Contract – Stage 2 Inter-Authority Agreement (CAB2082 refers)</p>	<p>19 January 2011</p>	<p>Report not included in the Forward Plan as was originally intended to be submitted to Cabinet in June. However, it has been necessary to bring forward the decision to meet the procurement timetable.</p>
<p>Review of Council Overview and Scrutiny Arrangements (Report CAB2107 refers)</p>	<p>19 January 2011</p>	<p>Report was included in the Forward Plan to be considered by 9 February 2011 Cabinet. However, it had been possible to bring the report forward to allow Members to have an earlier input into the proposals.</p>

Voluntary Sector Accommodation (Report CAB2126 refers)	9 February 2011	Omitted from the Forward Plan in error.
Car Park Charges (Report CAB2146 refers)	16 March 2011	Not included in the Forward Plan because it arose due to amendments agreed at Council on 24 February 2011.
River Park Leisure Centre – Essential Works Proposals (Report CAB2134 refers)	16 March 2011	Not included in Forward Plan because officers were unsure whether the design and procurement works necessary would be completed in time to enable Cabinet to approve the Essential Works proposals in March.
Winchester City Council Organisational Development (Phase 3) (Report PER187 refers) <b>EXEMPT</b> (first considered by Personnel Committee on 28 February 2011)	16 March 2011	Omitted from the Forward Plan in error.
Installing Solar PV Panels onto Council owned Homes & Corporate Buildings (Report CAB2163 refers)	13 April 2011	Omitted from the Forward Plan in error.
<b>TOTAL – 11</b>		

## 1. CONCLUSIONS

- 1.1 Although occasionally Key Decisions are required to be made urgently for operational reasons, wherever possible, officers should continue to ensure that the Forward Plan of Key Decisions is updated monthly. Best practice would also be to include the specific reason for a decision to be taken at that meeting if an item had not been included within the Forward Plan.

- 1.2 For information, there were a total of 6 Key Decisions which were not included in the Forward Plan during the 2010/11 Municipal Year, 15 during the 2008/09 Municipal Year and 15 in 2007/08.
2. SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLAN (RELEVANCE TO)
- 2.1 A key outcome of the Sustainable Community Strategy is ensuring that the Council is efficient and effective. Providing Members with timely information as part of their decision making supports this.
3. RESOURCE IMPLICATIONS
- None.
4. RISK MANAGEMENT ISSUES
- None.

BACKGROUND DOCUMENTS:

Monitoring information held in the Democratic Services Division.

APPENDICES:

None