

THE OVERVIEW AND SCRUTINY COMMITTEE

1 July 2013

MONITORING REPORT – KEY DECISIONS NOT INCLUDED WITHIN THE
FORWARD PLAN DURING 2012/13 MUNICIPAL YEAR

REPORT OF HEAD OF DEMOCRATIC SERVICES

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RECENT REFERENCES

OS39 – Monitoring Report – Key Decisions not included within the Forward Plan during municipal year 2011/12 – 28 May 2012

EXECUTIVE SUMMARY:

The Overview and Scrutiny Committee has previously received an annual monitoring report in relation to the number of Key Decisions which came forward for decision, which had not been included in the Forward Plan.

Key Decisions are:

- (a) decisions having a significant impact on two or more wards or,
- (b) incurring expenditure or savings over £100,000 for the service or function to which the decision relates (NB this can be the cumulative impact e.g. for the period of a contract, rather than annual expenditure)

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 has recently made changes to a number of administrative practices related to the Forward Plan. The Council now has to provide a minimum of 28 days notice of a Key Decision being made. There is an additional new requirement to give at least 28 days notice of when Cabinet or a Cabinet Committee is proposing to meet in exempt session. The purpose is to enable to make representations that the item should be dealt with in public session – and any representations have to be considered before the agenda for the meeting is published. This requirement exists whether or not the matter is a Key Decision.

Under the Council Constitution Access to Information Procedure Rules (Rule 15.1 – General Exception), the Chief Operating Officer is required to inform the Chairman of The Overview and Scrutiny Committee when a Key Decision was to be taken by Cabinet which had not been included in the Forward Plan.

In addition, where an agenda item requiring a Key Decision was not in the Forward Plan and was sent to Cabinet after the statutory deadline, the Chairman of The Overview and Scrutiny Committee must firstly give approval for its inclusion (Access to Information Procedure Rule 16 – Special Urgency).

The 2012 Regulations still require, as a minimum, that an annual report be made, to show instances of where the special urgency provisions have been used.

During the 2012/13 Municipal Year, the Chairman of The Overview and Scrutiny Committee was informed of a total of four Key Decisions which were not included in the Forward Plan. Two of these were taken under the Council's Access to Information Procedure Rules (Rule 16.1 – Special Urgency).

RECOMMENDATIONS:

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>
CAB2304 – Electronic Documents and Records Management System	13 June 2012	“This item was included in the July 2012 Forward Plan, but was brought forward to allow the procurement to proceed.”
CAB2375 – New Depot Update, Barfield Close, Winchester (EXEMPT) <i>NB: Under Access to Information Procedure Rules (Rule 16 – Special Urgency)</i>	4 July 2012	“The report was not included in the Forward Plan as the costing information was still being updated and negotiations with the contractor were continuing. However, as these matters are being resolved, it is in the Council’s interests to proceed with the build contract as soon as possible. The agreement of the Chairman of The Overview and Scrutiny Committee was obtained to this.”
CAB2440 – Internal Audit Partnership (EXEMPT)	16 January 2013	“An urgent decision is required at the current time because of the need to put new arrangements in place as soon as possible as Havant Borough Council have given notice of withdrawal from the existing partnership agreement.”
<u>CAB2460 – Stanmore Land Acquisition (EXEMPT)</u> <i>NB: Under Access to Information Procedure Rules (Rule 16 – Special Urgency)</i>	<u>13 February 2013</u>	“An urgent decision is required at the current time because of the need to respond to the bid deadline. The agreement of the Chairman of The Overview and Scrutiny Committee was obtained to this.”

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 3 Key Decisions which were not included in the Forward Plan during the 2011/12 Municipal Year and 11 during the 2010/11 Municipal Year. There were 6 during the 2009/10 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