

THE OVERVIEW AND SCRUTINY COMMITTEE

9 June 2014

MONITORING REPORT – KEY DECISIONS NOT INCLUDED WITHIN THE  
FORWARD PLAN DURING 2013/14 MUNICIPAL YEAR

REPORT OF HEAD OF LEGAL AND DEMOCRATIC SERVICES

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RECENT REFERENCES

OS81 – Monitoring Report – Key Decisions not included within the Forward Plan during Municipal Year 2012/13 – 1 July 2013

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 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's 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.

DDuring the 2013/14 Municipal Year, the Chairman of The Overview and Scrutiny Committee was informed of a total of eight Key Decisions which were not included in the Forward Plan.

AAAt its meeting on 2 April 2014 Council agreed to update the financial threshold for a key decision from over £100,000 to over £200,000 (Report CAB2562 refers). This was because the financial limit had not been changed since the introduction of the Cabinet system following the Local Government Act 2000.

**RECOMMENDATIONS:**

That the Committee consider and make any necessary comment on the content of the Report.

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Report of Head of Legal and Democratic Services

<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>
CAB2499 – Open Space Fund Release for Denmead Play Area	26 June 2013	Due to an officer oversight.
CAB2501 – Carfax Site (Exempt)	15 July 2013	“An urgent decision is required at the current time because of the need to allow the land transaction to proceed without delay.”
CAB2526 – Silver Hill Update (Exempt)	4 November 2013	“An urgent decision is required at the current time because of the need to allow the land transaction to proceed without delay.”
CAB2527 – Avalon House Update (Exempt)	4 November 2013	“An urgent decision is required at the current time because of the need to allow the land transaction to proceed without delay.”
PHD530 – Stanmore Lane Transaction (Exempt)	Signed 20 November 2013	“An urgent decision is required at the current time because of the need to allow the land transaction to proceed without delay.”
PHD531 – Purchase of a site in Twyford (Exempt)	Signed 14 January 2014	“That it was impractical to defer the decision in view of the seller’s proposed timetable.”
CAB2553 – River Park Leisure Centre Replacement Options	12 February 2014	“To enable the decision to be taken without delay.”
CAB2571 – Flood Recovery Support Schemes	19 March 2014	“To enable the decision to be taken without delay.”

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, may wish to note the number of Key Decisions not included in the Forward Plans from previous Municipal Years:

<b>Municipal Year</b>	<b>Number of Key Decisions not included in the Forward Plan</b>
2012/13	4
2011/12	3
2010/11	11
2009/10	6
2008/09	15
2007/08	15

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