

THE OVERVIEW AND SCRUTINY COMMITTEE

1 June 2015

MONITORING REPORT – KEY DECISIONS NOT INCLUDED WITHIN THE
FORWARD PLAN DURING 2014/15 MUNICIPAL YEAR

REPORT OF HEAD OF LEGAL AND DEMOCRATIC SERVICES

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RECENT REFERENCES

OS101 – Monitoring Report – Key Decisions not included within the Forward Plan during Municipal Year 2013/14

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 provide opportunity for 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.

During the 2014/15 Municipal Year, the Chairman of The Overview and Scrutiny Committee was informed of a total of **six** Key Decisions which were not included in the Forward Plan.

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>
CAB2596 – Gold Standard Programme	2 July 2014	“To enable the decision to be taken without delay.”
CAB2607 – Silver Hill Affordable Housing Review (Exempt Appendices)	6 August 2014	“To enable the decision to be taken without delay.”
CAB2622 – Accountable Body for Fieldfare Leader (Exempt Appendices)	22 October 2014	“To enable the decision to be taken without delay.”
CAB2665 – Silver Hill Judicial Review Decision (Exempt Appendices)	3 March 2015 (Special Meeting)	“An urgent decision is required at the current time because of the need for the Monitoring Officer Report to be considered before the last date for lodging a possible appeal on 4 March 2015.”
CAB2678 (HSG) – Estate Improvement Programme – Woolford Close	25 March 2015	“An urgent decision is required at the current time due to tenders being significantly over the original estimate and additional recommendations were therefore required.”
CAB2681 (HSG) – Homelessness in Winchester	25 March 2015	Due to an officer oversight

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:

Municipal Year	Number of Key Decisions not included in the Forward Plan
2013/14	8
2012/13	4
2011/12	3
2010/11	11
2009/10	6
2008/09	15
2007/08	15

OTHER CONSIDERATIONS:

2. **COMMUNITY STRATEGY AND PORTFOLIO PLANS (RELEVANCE TO):**

- 2.1 A key outcome of the 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