

THE OVERVIEW AND SCRUTINY COMMITTEE

23 May 2016

MONITORING REPORT – KEY DECISIONS NOT INCLUDED WITHIN THE  
FORWARD PLAN DURING 2015/16 MUNICIPAL YEAR

REPORT OF HEAD OF LEGAL AND DEMOCRATIC SERVICES

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RECENT REFERENCES

OS127 – Monitoring Report – Key Decisions not included within the Forward Plan during Municipal Year 2014/15

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 £200,000 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 Head of Legal and Democratic Services 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 2015/16 Municipal Year, the Chairman of The Overview and Scrutiny Committee was informed of a total of **twelve** 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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Report of Head of Legal and Democratic Services

<b><u>Detail of Key Decision not included within Forward Plan</u></b>	<b><u>Date of Cabinet Meeting</u></b>	<b><u>Reason given for not being including in Forward Pan</u></b>
CAB2694 – Authorisation to proceed with new Council scheme – Springvale, Swanmore	21 May 2015	“an urgent decision is required to be taken to allow the properties to be completed by 31 March 2016 (to meet a DCLG deadline for additional borrowing capacity awarded to the Council)”.
CAB2701(HSG) – Final report and recommendations from New Build Rents Informal Policy Group Review	30 June 2015 (Cabinet (Housing) Committee)	“urgent consideration to enable the recommendations of the IPG to be considered without delay”.
CAB2700 – Silver Hill Submissions by Silverhill Winchester No 1 Ltd and Council’s response (Exempt Appendices)	13 July 2015 & 16 July 2014 (Special Meeting)	“urgent decision is required to enable Cabinet to take the action it needs to fulfill the obligations on the Council under the Development Agreement”.
CAB2732 – Medium Term Financial Strategy 2016/17 – 20/21	21 Oct 2015	“The Financial Strategy must be approved in order to meet the statutory budget setting deadlines.”
CAB2749 – St Clements Surgery, Winchester – Response to Council Petition (and exempt appendix)	2 Dec 2015	“Matter referred to Cabinet following petition to Council on 4 November. The Chairman of The Overview & Scrutiny Committee has agreed to this approach.
CAB2743(HSG) – Housing Term Maintenance Contracts – Extension to Osborne Contracts (and exempt appendix)	25 Nov 15 & 2 Dec 15	“Initial contract period ends 31/07/16. If decision not to extend is taken, then contracts will need to be re-tendered asap. The Chairman of The Overview & Scrutiny Committee has agreed to this approach.”

<b><u>Detail of Key Decision not included within Forward Plan</u></b>	<b><u>Date of Cabinet Meeting</u></b>	<b><u>Reason given for not being including in Forward Pan</u></b>
CAB2780 – Proposed Purchase of Milford House & Gordon Watson House, Christchurch Road, Winchester (and exempt appendices)	18 Feb 16	“It is necessary to take it as an urgent item due to the need to approve the purchase to secure the opportunity to acquire the property (s). The Chairman of The Overview and Scrutiny Committee has agreed to the matter being considered at this meeting.”
CAB2784 - Judicial Review by Silver Hill Winchester No.1 limited (and Exempt Appendices)	10 March 2016 (Special Meeting)	“to enable a decision to be taken on what action was required in response to the threat of legal proceedings”.
CAB2789(HSG) – Private Sector Renewal Strategy 2016-21	22 Mar 2016	Due to officer oversight.
CAB2790(HSG) – Private Sector Empty Property Strategy	22 Mar 2016	Due to officer oversight.

<b><u>Detail of Exempt Decision where 28 days notice had not been given</u></b>	<b><u>Date of Cabinet Meeting</u></b>	<b><u>Reason given for 28 days notice not being given</u></b>
CAB2716 – Station Approach – Design Brief (exempt appendix)	17 Sept 15	This was an item previously listed in the September Forward Plan for this meeting but as an open item. It is now necessary for some of the item to be considered in a private meeting. The Chairman of The Overview and Scrutiny Committee has agreed to this approach.
CAB2787 - Markets Review (exempt appendix)	29 March 2016 (Special Meeting)	“need to resolve the arrangements for the management of the Market from May 2016”.

## 1. CONCLUSIONS

- 1.1 Although occasionally Key Decisions are required to be made urgently for operational reasons officers should, wherever possible, 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, Members 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>
2014/15	6
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 Section.

**APPENDICES:**

None