

REPORT TITLE: ANNUAL MONITORING REPORT - KEY DECISIONS NOT INCLUDED WITHIN THE FORWARD PLAN DURING 2023/24 MUNICIPAL YEAR

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WARD(S): ALL

PURPOSE

An annual monitoring report is produced reporting on the number of key decisions which came forward for decision, which had not been included in the [forward plan](#).

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 require, as a minimum, that an annual report be made, to show instances of where the special urgency provisions have been used.

During the 2023/24 municipal year, the Chairperson of The Scrutiny Committee was informed of **one** key decision which was not included in the [forward plan](#). This report provides further information on that decision.

RECOMMENDATIONS:

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

## 1 RESOURCE IMPLICATIONS

- 1.1 None arising directly from the content of the report. This report is not making any decisions and is for noting and raising issues only.

## 2 SUPPORTING INFORMATION:

- 2.1 Annual consideration of key decisions not included within the Forward plan helps to support the proper governance of the Council and its decision-making structures.
- 2.2 Key decisions are defined by Regulation 8 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 as being an executive decision which is likely:
- a) To result in the local authority incurring expenditure, which is or the making of savings which are significant having regard to the local authority's budget for the service or function to which the decision relates; (For Winchester City Council, the financial limit above which a decision is regarded as significant is £250,000), or
  - b) To be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.
- 2.3 Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012, the Council must give a minimum of 28 days notice of an intention to make a key decision. The statutory requirement is reflected in Rules 16.1 and 16.2 of Part 4.4 of the [Council's Constitution](#).
- 2.4 There is an additional statutory requirement to provide at least 28 days' notice of when the Cabinet is proposing to meet in an exempt session. The purpose of this timeframe is to provide an opportunity for representations to be made that request the item be dealt with in a public session – and that any representations are considered before the agenda for the meeting is published. This requirement exists whether or not the matter is a key decision.
- 2.5 Under the [Council's Constitution](#), Access to Information Procedure Rules at Part 4.4 (Rule 17 – General Exception and Special Urgency), if it is not possible to meet the requirements of Rules 16.1 and 16.2 then the key decision may proceed so long as (in summary) the Monitoring Officer is in agreement and has received the agreement of the Chairperson of The Scrutiny Committee that a key decision may proceed without inclusion in the [forward plan](#).

- 2.6 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 Chairperson of The Scrutiny Committee must first approve its inclusion (Access to Information Procedure Rule 17 – General Exception and Special Urgency). Reasons for the special urgency must be specified.
- 2.7 Details of the one Key Decision for the 2023/24 municipal year is listed below. In accordance with paragraph 17.1 of the Access to Information Procedure Rules, the Chairperson of the Scrutiny Committee agreed for this decision to be considered.

<b><u>Detail of key decisions not included within the forward plan</u></b>	<b><u>Date Decision Taken</u></b>	<b><u>Reason given for not being included in Forward Pan</u></b>
<p>Housing company - Exempt Appendix A – Company Risk</p> <p>Housing company Appendix B - Business Plan</p> <p>Housing company Appendix C - Business Case Assumptions</p>	<p>Cabinet –</p> <p>10 July 2023</p>	<p>The following text is copied from the Forward Plan notification document</p> <p><i>“The reason for the urgency is the items need to be considered at the July Cabinet committee Housing in advance of referral to full Council at its meeting in September. The reason for this is that the properties in Winnal which will be leased to the company are expected to be available for letting when handed to the Council in November. Therefore, delay in full council consideration of the company business plan risks delay in letting properties and financial loss to the Council.</i></p> <p><i>Under Paragraph 12.3 of the Access to Information Procedure Rules, the Monitoring Officer has received in writing the agreement of the Chairperson of the Scrutiny Committee to this decision being taken.”</i></p>

For information, members may wish to note the number of key decisions not included in the forward plan from previous municipal years:

<b>Municipal Year</b>	<b>Number of Key Decisions not included in the Forward Plan</b>
2022/23	1
2021/22	3
2020/21	5
2019/20	6
2018/19	1
2017/18	5
2016/17	8
2015/16	12
2014/15	6
2013/14	8
2012/13	4
2011/12	3
2010/11	11
2009/10	6
2008/09	15
2007/08	15
<b>Average</b>	<b>7</b>

### 3 OTHER OPTIONS CONSIDERED AND REJECTED

3.1 None.

BACKGROUND DOCUMENTS: -

[Web Link to Published Exceptions to the forward plan.](#)

Other Background Documents: -

None

APPENDICES:

None