



Purpose: For Noting

Full Council Report

Date **15 MARCH 2023**

Title **ANNUAL REPORT ON USE OF SPECIAL URGENCY PROCEDURE (KEY DECISIONS) (2022/2023)**

Report of **LEADER OF THE CABINET**

EXECUTIVE SUMMARY

1. The Leader has to submit an annual report to Full Council containing particulars of all 'key decisions' taken as urgent during the course of the year which are required to be reported under regulation 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
2. Councillors are therefore asked to note this annual report for 2022/2023 (and if there is any further use of the special urgency procedure before the end of this month, this will be reported by way of a supplementary report).

RECOMMENDATION

- | |
|-------------------------------|
| 3. That this report be noted. |
|-------------------------------|

BACKGROUND

4. 'Key decisions' are decisions made by any decision-taker in respect of the discharge of executive functions which are likely to (a) result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the services or functions to which the decision relates or (b) be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions (informally referred to as wards) in the area of the local authority – see Part 3 Section 16 of the constitution (page 110) [PART 3 - Key Decisions.pdf \(modern.gov.co.uk\)](#).
5. A decision-taker may only take a Key Decision in accordance with the requirements of the Access to Information rules (see Part 5 Section 2 of the constitution). [PART 5 - Access to Information Rules.pdf \(modern.gov.co.uk\)](#)

6. Normally at least 28 clear days' public notice is required through publication on the Forward Plan before such a key decision can be taken.
7. It is, however, not always practicable to give such advance public notice on the Forward Plan, and it is not always practicable to give public notice by way of the general notice procedure.
8. Where this is impracticable and the intended key decision cannot wait for such notice or shorter notice to be given by way of general notice, then the special urgency procedure can be considered under regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
9. This requires obtaining the prior agreement from the prescribed person that the making of the decision is urgent and cannot reasonably be deferred. Permission is sought from the chairman of the Corporate Scrutiny Committee in such cases. Without such agreement, the making of the intended decision would be delayed.
10. Under Part 5 Section 2 of the constitution an annual report is required to be submitted by the Leader to Full Council in accordance with the requirements in regulation of the 2012 Regulations. This is the Leader's 2022/2023 annual report.
11. It is therefore formally reported that the special urgency provision has been used, so far, only once during 2022/2023 in relation to the Government's Energy Bills Support Scheme Alternative Funding and Alternative Fuel Payments Alternative Fund set up by the Department for Business, Energy and Industrial Strategy (BEIS). Due to the urgent timeframes used by the BEIS (schemes commenced on 27 February 2023 and close 31 May 2023)., the special urgency was used with the agreement of the Chairman of the Corporate Scrutiny Committee, Cllr Richard Quigley. The criteria for the schemes were laid down by the BEIS and therefore there were no eligibility decisions to be made by any local authority. The following decision was made on 22 February 2023 by the Leader:

That the Director of Corporate Services (Sharon Betts) be granted full executive powers in respect of the administration (including verification and payments) of the two statutory schemes (Energy Bills Support Scheme Alternative Funding and Alternative Fuel Payments Alternative Fund) which have been set by the Department for Business, Energy and Industrial Strategy (BEIS) and the delegated authority to grant such onward delegated authority to such matters of staff as the Director so determines and the delegated authority to take any consequential steps in relation to this matter.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

12. This report supports the [Corporate Plan 2021 – 2025](#) and its corporate aims through openness and transparency in decision-making. Good governance arrangements are essential to the delivery of the local authority's services and the decision-making process that supports this.

CONSULTATION

13. Before each of the above urgent key decisions could be made, consultation took place with the chairman of the Corporate Scrutiny Committee and their agreement was obtained that the making of the particular decision was urgent and could not reasonably be deferred.
14. Cllr Richard Quigley have been consulted on this report.

FINANCIAL / BUDGET IMPLICATIONS

15. There are no budget implications arising from this report which is for noting only.

LEGAL IMPLICATIONS

16. Part 3 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 sets out the statutory definition of key decisions and the requirements for advance publicity before such decisions can normally be made.
17. Where the Regulations 2012 apply, there are two exceptions to the usual requirement to give at least 28 days' clear notice. This report deals with the second exception (cases of special urgency) where it was impracticable to comply with the advance notification requirements of regulation 9 and 10 of the Regulations 2012 (see regulation 11 of the Regulations 2012).
18. Regulation 19 (1) of the Regulations 2012 requires the Leader to report to the local authority acting through Full Council at least annually, giving details of each key decision made where the making of the decision was agreed as urgent in accordance with regulation 11 of those Regulations.
19. Such report must include particulars of each decision made, and a summary of the matters in respect of which each decision was made (see regulation 19 (2) of those regulations).

EQUALITY AND DIVERSITY

20. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. This report does not negatively impact upon any of the protected characteristics.

OPTIONS

21. The Leader is required to submit this report and the recommendation is to note this report.

RISK MANAGEMENT

22. The discharge of this duty eliminates any risk of challenge for not reporting.

EVALUATION

23. This report is required to be submitted under the constitution and under the relevant legislation and is an annual report for 2022/2023.

BACKGROUND PAPERS

24. None.

Contact Point: Christopher Potter, Monitoring Officer, ☎ 821000 e-mail
christopher.potter@iow.gov.uk

CHRISTOPHER POTTER
Monitoring Officer

CLLR LORA PEACEY-WILCOX
Leader of the Cabinet