



Purpose: For Noting

Full Council Report

Date **18 MAY 2022**

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

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 consolidated annual report for 2021/2022.

RECOMMENDATION

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| 3. That this consolidated report be noted. |
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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. [PART 3 - Key Decisions.pdf \(moderngov.co.uk\)](#)
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 - Acces to Information Rules.pdf \(moderngov.co.uk\)](#)
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 2021/2022 annual report.
11. It is therefore formally reported that the special urgency provision has been used during 2021/2022 in relation to:

(1) The Holiday Activity and Food Programme (HAF) (2021)

The urgency for the making of the intended decision was because the awards of funding needed to be made in sufficient time for those who would receive the funding to make the necessary arrangements to deliver the services, and the making of such intended decision could not reasonably have been deferred due to that timescale.

The executive decision was made by Councillor Debbie Andre, Cabinet Member for Children's Services, Education and Skills. It was decided that the award for holiday activity and food (HAF) summer grants to the organisations identified in Appendix 1 to the Director of Children Services' report up to a total value of £274,674 be approved, and that the Director of Children's Services be granted delegated authority to reallocate any underspent HAF grant funding to ensure an Isle of Wight wide offer, within the grant allocation of summer [2021] of £274,674, subject to prior consultation with the Cabinet Member for Children's Services, Education and Skills.
(see report given to Full Council on 21 July 2021)

(2) COVID 19 Grants (2021)

The urgency for the making of the intended decisions was because the government had recently made funding available for support and the intended decisions needed to be made urgently if funding was to be approved in order that the funding would reach the relevant individuals/bodies in time for timely distribution.

The executive decision was made by Councillor Debbie Andre, Cabinet Member for Children's Services, Education and Skills. It was decided that the grant of £365,175 be approved for funding to schools, colleges and early

years settings for them to purchase and provide one £15 food voucher per child, per week for the school summer holiday period [2021], in accordance with the grant criteria set out in paragraph 12 of the Director of Children's Services' report. Vouchers will be available for all children eligible for free school meals and additionally all children with a social worker, all children open to early help, 16 to 18 year olds previously eligible for FSM, all two to four year olds accessing childcare and eligible for Early Years Pupil Premium, as described in paragraph 16 of the Director of Children's Services' report, that the purchase of one £75 food or fuel voucher be approved for each care leaver not forming part of the extended FSM cohort identified in paragraph 16 of the Director of Children's Services' report, to the total value of up to £11,250, that a grant of up to £2,000 be made to the YMCA Alliance such that vouchers and/or gifts and/or food can be provided to young carers not in receipt of vouchers through the free school meals voucher offer. Such grant will be provided on terms to be agreed by the Director of Children's Services and in accordance with the grant criteria set out in paragraph 12 of the Director of Children's Services' report, that delegated authority be granted to the Director of Children's Services to approve community grant awards to organisations delivering services that meet the criteria of the grant (as set out in paragraph 12 of the Director of Children's Services' report), for targeted financial support for those in need, in consultation with the Cabinet Member. Such grants to be to a total value of £55,000, that a grant of £5,000 be made available to the Citizens Advice for them to use to financially support households with fuel bills over the summer period [2021]. Such grant will be provided on terms to be agreed by the Director of Children's Services and in accordance with the grant criteria set out in paragraph 12 of the Director of Children's Services' report, that £1,500 be made available to Beaulieu House to deliver targeted support to families it works with, such that vouchers and/or gifts and/or food can be provided to families in need and not in receipt of vouchers through the free school meal voucher offer, and that the Director of Children's Services be delegated authority to approve the reallocation of any COVID Local Support grants remaining or underspent funds to organisations delivering services that meet the criteria of the grant set out in paragraph 12 to the Director of Children's Services' report in consultation with the Cabinet Member. (see report given to Full Council on 21 July 2021).

(3) Covid Household Support Fund - Release of Funding (2021)

The urgency for the making of the intended decisions was because the awards of funding needed to be made in sufficient time for those who received the funding to make the necessary arrangements to deliver the services, and the making of such intended decisions could not reasonably have been deferred due to that timescale.

The executive decision was made by Cllr Debbie Andre, Cabinet Member for Children's Services, Education and Lifelong Skills. It was decided that the award of the grant of £157,470 funding to schools, colleges and early years settings for them to purchase and provide one £15 voucher per child per week for the two-week October half-term holiday for all children eligible for free school meals plus all children with a social worker, all children open to

early help, all 2 – 4 year olds accessing Early Years Pupil Premium, be approved.
(see report given to Full Council on 17 November 2021).

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 then current 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 Stephen Hastings and 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 a consolidated annual report for 2021/2022.

BACKGROUND PAPERS

24. None.

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