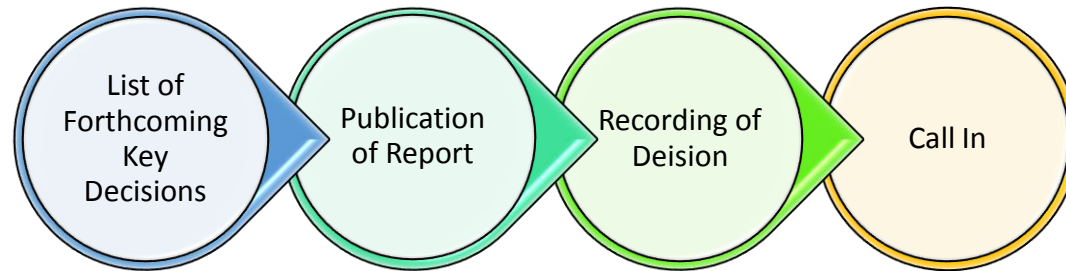


## Appendix C – Monitoring of Urgent Decisions (September to December 2023)



The information below updates Corporate Governance and Audit Committee on the ongoing monitoring of the decision-making framework and will support the assurances set out in the annual assurance report of on the decision-making framework.

### The List of Forthcoming Key Decisions (LOFKD)

1. This mechanism ensures publicity is provided before key decisions are taken in accordance with the requirements set out in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. (“The Regulations”)
2. In line with the Regulations the Executive and Decision-Making Procedure Rules provide that all potential key decisions must be published to the LOFKD (and a link circulated to all Members) not less than 28 days before the decision is taken unless:
  - The decision fits the statutory General Exception (GE) – in which case notice will be published 5 clear days in advance of the decision being taken (and circulated to all Members); or
  - The decision fits the statutory criteria for Special Urgency (SU) – in which case the relevant Scrutiny Chair will be asked to agree that the decision is urgent and cannot be delayed.
3. A performance indicator reflecting the statutory exemptions, requires that 95% of all key decisions should be published to the LOFKD not less than 28 clear calendar days before the decision is taken.

In the period from 1<sup>st</sup> September to 31<sup>st</sup> December 2023:

- **100%** of all Officer Key decision were included on the List of Forthcoming Key Decision (LOFKD)
- **93% (14 of 15)** Executive Board Key decisions were included on the List of Forthcoming Key Decisions with 28 days clear calendar days (LOFKD). *Please see the table at the end of the report for details.*

## Publication of Report

4. Publication of a decision report enables both elected Members and the public to see and consider the rationale for a key decision before that decision is taken.
5. There is no statutory requirement to publish reports in relation to officer decisions in advance of those decisions being taken. However, the Executive and Decision-Making Procedure Rules provide for a local (non-statutory) requirement that a report in support of a key decision is published five clear working days before that decision is taken by an officer.
6. The rules allow for the late publication of reports in relation to key decisions with the approval of the relevant Executive Member.
7. Corporate Governance and Audit Committee must receive an annual report giving details of any officer key decisions taken at short notice in this way.

In the period from 1<sup>st</sup> September to 31<sup>st</sup> December 2023:

- 34 of 34 (100%) of Key decisions taken by officers were supported by reports which were published five clear working days in advance of the decision being taken.
- 14 of 15 (93%) of Key decisions taken by Executive Board were supported by reports which were published five clear working days in advance of the decision being taken.

## Recording of Decision

8. Recording of decisions ensures that those decisions are open and transparent, and that the relevant decision maker can be held to account.
9. Regulation 13 of the Regulations, and in relation to non-executive functions Regulation 7 of the Openness of Local Government Bodies Regulations 2014, require a written record to be published in respect of decisions taken by officers. Arrangements set out in the Executive and Decision-Making Procedure Rules, and Access to Information Procedure Rules respectively, require publication of key and significant operational decisions as soon as reasonably practicable after those decisions are taken.

For the period 1<sup>st</sup> September to 31<sup>st</sup> December 2023, 316 decisions were published, please see below for the distribution of these decision.

	<b>Executive Board Decisions</b>	<b>Officer Decisions</b>	<b>Total</b>
<b>Key Decisions</b>	15	34	<b>49</b>
<b>Significant Operational Decisions (SODs)</b>	22	245	<b>267</b>
<b>Total</b>	<b>37</b>	<b>279</b>	<b>316</b>

## Call In

10. Section 9F of the Local Government Act 2000 requires that executive arrangements by a local authority include the provision for appointment of one or more Overview and Scrutiny Committees with, inter alia, power to review or scrutinise decisions which have been taken by the executive but not yet implemented. These are known as Call In arrangements and are set locally.
11. Part 5 of the Executive and Decision-Making Procedure Rules sets out the call-in arrangements adopted by Leeds City Council. Rule 5.1.2 sets out details of those decisions which are eligible for call in, and rule 5.1.3 provides that eligible decisions may be exempted from call in where the decision is urgent because any delay would seriously prejudice the Council's or the public's interests.
12. Reflecting the importance of Call In to enable the democratic mandate, a performance indicator has been set with a target of 95% of all eligible decisions to be available for Call In.

In the period from 1<sup>st</sup> September to 31<sup>st</sup> December 202, 92% (61 of 66) of eligible decisions were available for Call-In.

### **Officer Decisions:**

34 of 34 Key decisions taken in the reporting period were eligible for Call-In; of which 0 (0%) were exempt from Call-In. A total of 34 (100%) of eligible decision taken by offices were available for Call-In.

### **Executive Board Decisions**

32 of 37 decisions taken in the reporting period were eligible for Call-In; of which 5 (16%) were exempt from Call-In. A total of 27 (84%) eligible decisions were available for Call-In. Please see the table at the end of the report for details.

## Decisions Not Treated as Key

13. Regulation 18 of the Executive Arrangements Regulations requires that a relevant Scrutiny committee may require the executive to report to Council if a key decision has not been treated as key.

During the reporting period, no decisions have been referred to a Scrutiny Board as wrongly treated.

### Decisions Taken Under Urgency Provisions

14. Decisions taken under urgency provisions (general exception or special urgency; short notice reporting; and exemption from call in) are both lawful and constitutional providing they meet the requirements in relation to approvals and notice set out in the relevant Executive and Decision-Making Procedure Rule.
15. During the reporting period, 7 decisions have been taken under urgency provisions (general exception, special urgency, short notice reporting or are exempt from call-in). Each have been treated in accordance with the relevant procedure rule. The reasons for urgency are set out below.

<b>Decisions taken under General Exception (GE) / Special Urgency (SU)</b>			
<b>DDN / Minute</b>	<b>Decision Maker</b>	<b>General Exception/ Special Urgency</b>	<b>Title of Decision</b> Reason for urgency.
October (Minute 58)	Executive Board Director of City Development	<b>General Exception</b>	<b>Accelerated Property Releases and Disposals</b>  In the context of the Council’s current financial position, the Council’s property portfolio is continually being reviewed to generate operational savings and capital receipts. The opportunity to progress with additional disposals has recently come to light, but due to the need to progress these for completion within the current financial year, it is essential that work proceeds as soon as possible on the marketing and disposal of the assets to ensure that the receipts are achieved by the end of March 2024. Therefore, if the decision was delayed until the November meeting of Executive Board, this could result in the disposals failing to complete in the current year which would impact upon the current budget forecasts.
<b>Decisions subject to late notice reports</b>			
<b>DDN / Minute</b>	<b>Decision Maker</b>	<b>Title of Decision</b> Reason for short notice report	
Minute 53	Executive Board Director of City Development	<b>The Implications of the Network North Government Announcement for Leeds</b> the submitted report was in response to the recent Government announcement regarding Network North, and as such the report was not able to be included within the agenda as published on 10th October 2023. However, given the significance of this announcement, it was deemed appropriate for the matter to be brought to the attention of Executive Board at the earliest opportunity.	

<b>Decisions exempt from Call-in</b>		
<b>DDN / Minute</b>	<b>Decision Maker</b>	<b>Title of Decision</b> Reason for exempt from call-in
Minute 44	Executive Board (Director of City Development)	<b>Provision of a loan for Leeds Culture Trust to cover Culture Sector Tax Relief claims.</b> Any delay would impact on the Year of Culture programme and seriously prejudice the public's interests, as the Call-In period extends beyond the time when the payment of the first instalment of the loan is needed.
Minute 52	Executive Board (Director of City Development)	<b>Transpennine Route Upgrade – Transport and Works Act Order Representation.</b> The decision is urgent and that “any delay would seriously prejudice the Council’s or the public’s interests”. The ground of urgency is that the resolution from Full Council is required before the Public Inquiry for the Transport and Works Act Order begins, which is estimated to be January 2024. If the decision were to be subject to the Call-In procedure and delayed by the operation of the Call-In mechanism, it may mean that the Council is not able to participate in the Public Inquiry or while we've got arrangements in place already continue negotiations with Network Rail and other Stakeholders to endeavour to reach agreement on outstanding matters.
Minute 70	Executive Board (Director of City Development)	<b>Friendship Oath with the City of Kharkiv</b> The International Relations Team had successfully secured some funding from the British Embassy in Prague to cover the full costs of a Mayoral visit to Brno on 1 <sup>st</sup> – 7 <sup>th</sup> December 2023 to celebrate our 20 <sup>th</sup> Anniversary of partnership. This will reduce costs and carbon footprint associated with face-to-face meetings and underline the Council’s alliance with its European twinned cities. To secure the funding and ensure signing has taken place prior to deadlines, the decision was requested to be exempt from the Call-in process
Minute 77	Executive Board (Director of City Development)	<b>Leeds City Council Response on the West Yorkshire Combined Authority Bus Reform Consultation</b> The report is requested to be urgent and that “any delay would seriously prejudice the Council’s or the public’s interests”. The Consultation was launched by WYCA on October 10 <sup>th</sup> , and consultation events continue around West Yorkshire until December 8 <sup>th</sup> , therefore it was not possible to present this item at an earlier Executive Board due to governance processes.
Minute 79	Executive Board (Director of Children and Families)	<b>Outcome of statutory notice on a proposal to change the age range at Rothwell Primary School, from 3-11 years to 4-11 years and permanently close the nursery.</b>

		<p>The Executive Board is the decision maker for this proposal and statutory guidance states that a final decision must be made within 2 months of the end of the statutory notice period, therefore by 3<sup>rd</sup> January 2024, or be referred to the Schools Adjudicator.</p> <p>The representation period ended on 3<sup>rd</sup> November 2024 and the earliest that a report could be presented to Executive Board was 13<sup>th</sup> December 2023. Should the decision be “Called-In” at this point the decision may not have made the deadline of 3<sup>rd</sup> January 2024. The consequence would be that a local decision could no longer be made, and the matter would automatically be referred to the Office of the School Adjudicator to decide.</p>
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