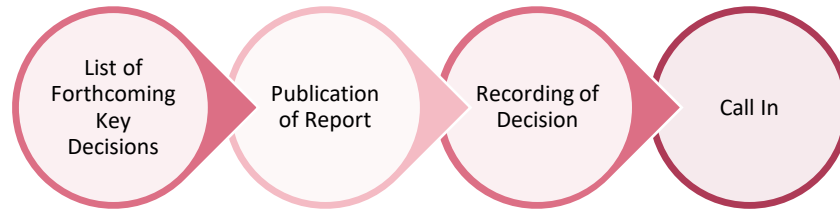


Appendix C - Monitoring of Urgent Decisions



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 on the decision making framework.

The List of Forthcoming Key Decisions (LOFKD)

1. This is the mechanism by which publicity is provided in connection with key decisions in accordance with the requirements set out in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. (“The Executive Arrangements Regulations”)
2. In line with requirements 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. Reflecting the statutory exemptions, a performance indicator of 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 September to December 2022, 53 of 58 or 91% of all key decisions were included in the LOFKD.

37 of 40 (93%) key decisions taken by officers in the reporting period were included in the LOFKD.

16 of 18 (89%) key decisions taken by Executive Board were included in the LOFKD.

2 decisions not included in the LOFKD were treated as General Exception and 3 decisions were treated as Special Urgency.

4. Each key decision not included in the LOFKD for the required 28 day period, was taken under the appropriate conditions for either the general exception or special urgency. The reasons for treating these decisions as general exception or special urgency are set out in the table below.

Publication of Report

5. 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.
6. 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.
7. The rules allow for the late publication of reports in relation to key decisions with the approval of the relevant Executive Member.
8. 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 September to December 22, 39 of 40 key decisions taken by officers (98%) were supported by reports which were published five clear working days in advance of the decision being taken.

9. The key decision, which was subject to short notice publication, was taken under the appropriate conditions as set out in the constitution. The reason for publishing this decision at short notice is set out in the table below.

Recording of Decision

10. Recording of decisions ensures that those decisions are open and transparent, and that the relevant decision maker can be held to account.
11. Regulation 13 of the Executive Arrangements 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.

In the period from September to December 2022, 325 decisions were published with the following distribution:

	Executive Board	Officers	Total
Key	18	40	58
SOD	26	240	266
Total	44	280	324

Call In

12. 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.
13. 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.
14. 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 September to December 2022, 95% of all eligible decisions were available for Call In.

Officer Decisions: - 40 of the 40 key decisions taken in the reporting period were eligible for call in; of which 3 (8%) were exempted from Call In. A total of 37 (93%) eligible decisions taken by officers were available for Call In.

Executive Board Decisions: 41 of 44 decisions taken in the reporting period were eligible for call in; of which 1 (2%) was exempted from Call In. A total of 40 (98%) eligible decisions were available for Call In.

15. Each eligible decision not available for call in was subject to a decision to exempt it taken by the relevant decision maker. Reasons for exemption are set out in the tables below.

Use of Call In

16. One decision was subject to Call In proceedings during the period. The Executive Board decision - Taxi & Private Hire Licensing – Results of consultation on suitability (minor motoring convictions) (minute 43) was released for implementation by Scrutiny Board (Strategy and Resources) on 7th October 2022.

Decisions Not Treated as Key

17. 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 0 decisions have been referred to a Scrutiny Board as wrongly treated.

Decisions Taken Under Urgency Provisions

18. 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. Having reviewed each of the decisions taken under urgency provisions during the reporting period the Chief Officer Financial Services is satisfied that all decisions have been taken in accordance with the relevant requirements.

19. The tables below set out details of each of those key decisions taken at short notice, or which have been exempted from Call In, together with a summary of the reason for urgency in each case.

Meaningfully Monitor : Officer Key decisions taken under urgency procedures					
Month	DDN	Director	GE / SU	Call In	Title of decision Reason for urgency
Sept 2022	D55613	Director of Resources	GE	Exempt	New 3 year Server Cloud Enrolment agreement with Microsoft Not added to List of Forthcoming Key Decisions as result of administrative error. Decision time sensitive to ensure licences did not expire and key council systems continued working.
Oct 2022	D55742	Director of Adults and Health	SU	Exempt	Supporting Hospital Social Work Decision taken under emergency planning arrangements to create capacity and improve system flow in light of projected increase in Covid rates and incidence of flu.
Nov 2022	D55786	Director of Children and Families	SU	Exempt	Youth Justice Service Turnaround Grant Under the terms of the grant, the signed conditions must be returned by the 14th November 2022 in order to access funding.
Meaningfully Monitor - Executive Board decisions taken under urgency procedures					
Month	Minute	Director	GE / SU	Call In	Title of decision Reason for urgency
Sept 2022	38	Director of City Development	SU	Exempt	Bid to Host the Eurovision Song Contest 2023 Decision urgent to meet short timescales of the bidding process and bid submission deadline.
Sept 2022	46	Director of City Development		Not eligible	Local Plan Update 1 (Publication Draft) Decision being made in accordance with the Budget and Policy Framework Procedure Rules.
Dec 2022	91A	Chief Officer, Financial Services		Not eligible	(7A) Proposed Budget for 2023/24 and Provisional Budgets for 2024/25 and 2025/26

					Matters referred to within this Minute No. 91(A) (a), (b) and (c), given that these were decisions being made in accordance with the Budget and Policy Framework Procedure Rules were not eligible for Call In. However, Minute No. 91(A) (d) and 91(B) (a) - (d) were eligible and available for Call In.
Dec 2022	97	Director of City Development		Not eligible	Further main modifications to the remitted Leeds site allocation plan. Decision being made in accordance with the Budget and Policy Framework Procedure Rules.
Dec 2022	99	Director of Resources	GE		Development of Solar Farm Capacity Added to List of Forthcoming Key Decisions for 26 days as result of administrative error. A decision in principle to develop the solar farms was urgently required, to ensure procurement processes could begin without delay, given the time pressures arising from the current energy crisis.