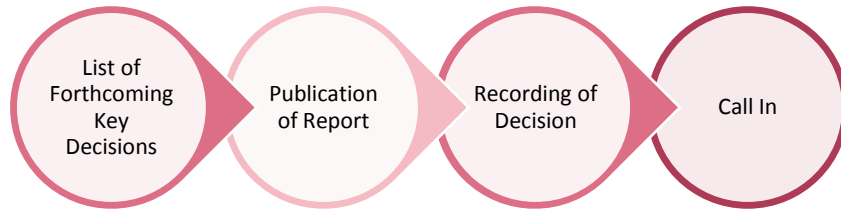


Appendix B - Monitoring of Urgent Decisions



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 August to November 2021, 44 of 46 or 96% of all key decisions were included in the LOFKD.

35 of 37 (95%) key decisions taken by officers in the reporting period were included in the LOFKD.

9 of 9 (100%) key decisions taken by Executive Board were included in the LOFKD.

Both decisions not included in the LOFKD were treated as Special Urgency and there were no decisions treated as General Exception.

4. Both of the key decisions not included in the LOFKD for the required 28 day period, were taken under the appropriate conditions for special urgency. The reasons for treating these decisions as 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 August to November 2021, 36 of 37 key decisions taken by officers (97%) were supported by reports which were published five clear working days in advance of the decision being taken.

The one decision published at short notice was authorised in accordance with the rules by the relevant Executive member and published two days in advance of the decision being taken.

Recording of Decision

9. Recording of decisions ensures that those decisions are open and transparent and that the relevant decision maker can be held to account.
10. 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 August to November 2021, 277 decisions were published with the following distribution:

	Executive Board	Officers	Total
Key	9	37	46
SOD	20	215	235
Total	29	252	281

Call In

11. 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.
12. 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.
13. 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 August to November 2021, 90% of all eligible decisions were available for Call In.

Officer Decisions: - All of the 37 key decisions taken in the reporting period were eligible for call in; of which 4 (11%) were exempted from Call In. A total of 33 (89%) of eligible decisions taken by officers were available for Call In.

Executive Board Decisions: - 4 of 29 decisions were ineligible for call in having been taken under the Budget and Policy Framework. 25 of 29 decisions taken in the reporting period were eligible for call in; of which 2 (8%) were exempted from Call In. A total of 15 (92%) of eligible decisions were available for Call In.

14. 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

15. No decisions were subject to Call In proceedings during the period.

Decisions Not Treated as Key

16. 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

17. 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.

18. 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
Oct	D54577	Director of Resources	SU	Exempt	Extension to Green Homes Grant Local Authority Delivery Phase 1b This proposal will allow Leeds City Council to extend the GHG LAD 1b programme of energy efficient improvements to homes to March 2022 with an additional £950,822 government funding. The council was informed of the additional funding award at short notice with a deadline to return the revised MoU by Friday 22nd October which means this decision must be taken as an urgent decision.
Nov	D54625	Director of Communities, Housing and Environment		Exempt	Request to extend the current Mixed Dry Recyclate Treatment Contract by modification under Regulation 72 (1) (B) of the Public Contracts Regulations 2015 Breadth of negotiations undertaken and analysis required to formulate the recommendations meant decision urgent in order to extend contract prior to expiry. If the contract was not extended then the Council risked being in a position where no contractual arrangements were in place for dealing with a significant waste stream and a significant contributor to the City's recycling rate, with the MDR service contributing significantly to the Council's overall recycling rate and amenity. Contract expiry would leave the council without a process or treatment for recyclables at the kerbside which is a requirement under legislation.
Nov	D54629	Director of Communities, Housing and Environment	SU	Exempt	DHSC: Self-Isolation Practical Support Funding to utilise for Community Care Hub provision Special urgency is requested for this decision as funding has already been allocated to the Community Care Hubs for the June to December period.
Nov	D54669	Director of Communities, Housing and Environment		Exempt	Re-procurement of the contract for the Council's Printing Requirements for Electoral Services To allow the procurement exercise to commence immediately and ensure the contract is in place in time to order election. If the decision was delayed there would be a delay to the production of election materials and failure to meet statutory deadlines within the election timetable. The decision could not have been taken earlier due to lack of resources to undertake the preparatory work for the procurement exercise within a shorter timeframe

Meaningfully Monitor - Executive Board decisions taken under urgency procedures

Month	Minute	Director	GE / SU	Call In	Title of decision Reason for urgency
Sept	9	Director of Children and Families	N/A	Exempt	<p>Outcome of statutory notice on a proposal to permanently increase learning places at St Edward's catholic primary school from September 2022</p> <p>Exempted from call in to meet statutory guidance that a final decision must be made within 2 months of the end of the statutory notice period (6 October 2021) or be referred to the Schools Adjudicator with the consequence that a local decision could no longer be made.</p> <p>The Executive Board decision to publish a statutory notice was subject to call-in.</p> <p>In addition, the objections received during the publication period were considered by Scrutiny Board as detailed in the report.</p> <p>As ratified by Scrutiny Board at its meeting in July 2019, if Scrutiny Board was convened to consider objections for these types of proposal, a recommendation would be made in the final report to Executive Board to exempt the decision from call-in to ensure that a decision was made within required period.</p>
Sept	10	Director of Children & Families	N/A	Exempt	<p>Outcome of statutory notice on a proposal to permanently increase learning places at Allerton High School from September 2022</p> <p>Exempted from call in to meet statutory guidance that a final decision must be made within 2 months of the end of the statutory notice period (6 October 2021) or be referred to the Schools Adjudicator with the consequence that a local decision could no longer be made.</p> <p>The Executive Board decision to publish a statutory notice was subject to call-in.</p> <p>In addition, the objections received during the publication period were considered by Scrutiny Board as detailed in the report.</p> <p>As ratified by Scrutiny Board at its meeting in July 2019, if Scrutiny Board was convened to consider objections for these types of proposal, a recommendation would be made in the final report to Executive Board to exempt the decision from call-in to ensure that a decision was made required period.</p>