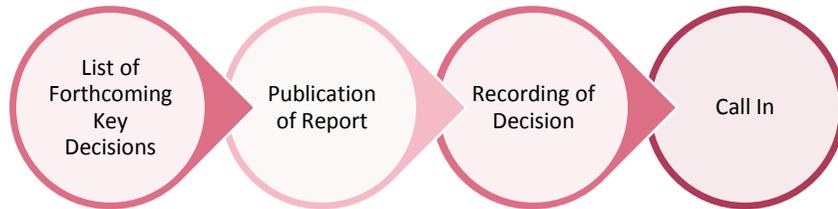


Appendix B - Monitoring of Urgent Decisions



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 December to February 2021/22, 43 of 47 or 91% of all key decisions were included in the LOFKD.

29 of 31 (94%) key decisions taken by officers in the reporting period were included in the LOFKD.

14 of 16 (88%) key decisions taken by Executive Board were included in the LOFKD.

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

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 December to February 2021/22, 31 of 31 key decisions taken by officers (100%) were supported by reports which were published five clear working 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 December to February 2021/22, 248 decisions were published with the following distribution:

	Executive Board	Officers	Total
Key	16	31	47
SOD	11	194	205
Total	27	225	252

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 December to February 2021/22, 91% of all eligible decisions were available for Call In.

Officer Decisions: - All of the 31 key decisions taken in the reporting period were eligible for call in; of which 2 (7%) were exempted from Call In. A total of 29 (93%) eligible decisions taken by officers were available for Call In.

Executive Board Decisions: - 3 of 27 decisions were ineligible for call in having been taken under the Budget and Policy Framework. 24 of 27 decisions taken in the reporting period were eligible for call in; of which 3 (13%) were exempted from Call In. A total of 21 (88%) 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
Dec	D54699	Director of Adults and Health	Special Urgency	Exempt	Funding for the Social Care Workforce The decision was taken urgently to enable the release of funding to social care providers as soon as possible to allow them to take steps to recruit and retain staff in the lead up to the Christmas holiday period.
Jan	D54789	Director of Resource	General Exception	Available for call in	Authority to Procure Additional Contractors to Support Voids Work Delay would significantly increase the voids backlog, exacerbating the housing shortage within the Authority.
Feb	D55004	Director of Communities, Housing and Environment	N/A	Exempt	Award of Social Housing Decarbonisation Fund Wave 1 Grant for high Rise Improvement Works To enable Government grant deadlines to be met
Meaningfully Monitor - Executive Board decisions taken under urgency procedures					
Month	Minute	Director	GE / SU	Call In	Title of decision Reason for urgency
Dec	91	Chief Officer (Financial Services)	General Exception	Available for call in	Revenue Savings Proposals for 2022/23 to 2024/25 The detailed service review undertaken so far which has enabled the Review of Adult Social Work proposal to be brought forward did not conclude until 17th November. This proposal is required to be brought to the December Board in line with the associated timeframe for the council's budget-setting process, and as such, cannot practically be deferred.
Dec	96	Chief Officer (Financial Services)	Special Urgency	Exempt	West Yorkshire Devolution: Consent to Non-Transport Borrowing Powers Unanimous approval of all five West Yorkshire councils is required for this matter to proceed, and Government has indicated its intention to lay a draft Order in parliament in January 2022. Therefore this decision cannot be deferred to the next scheduled Executive Board meeting, and any delay caused by the call-in process would risk prejudice to the council's interests (and those of the combined authority and other constituent councils).
Feb	117	Director of Children and Families	N/A	Exempt	Outcome of statutory notice on a proposal to lower the age range of Wetherby High School from 11-18 years to 11-16 years from September 2022 Statutory guidance states that a final decision must be made within 2 months of the end of the statutory notice period, therefore by 19 February 2022, or be referred to the Schools Adjudicator. The representation period ended on 19 December 2021 and the earliest a report could go to Executive Board was February 2022. If the decision was

					then 'called-in' and Scrutiny Board subsequently referred the matter back to Executive Board with a recommendation to reconsider its decision, this would be outside of the 2-month decision period. 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 Schools Adjudicator to decide.
Feb	119	Director of Resources	N/A	Exempt	<p>District Heating Update: Investment Plans and Renewal of Local Development Order</p> <p>Exempt from call in because the statutory time limits being worked to as set out in the legal implications section of the report and the risk of the LDO lapsing should call in periods be required. The decision could not be made sooner because of lead-in times and preparation for consultation, which have strict legal requirements. Should a requirement for call in be exercised, the LDO will lapse on the 18th February 2022 without a replacement in place. This could delay future investment decisions in the District Heating Network and risk delaying connections to public and private partners.</p>