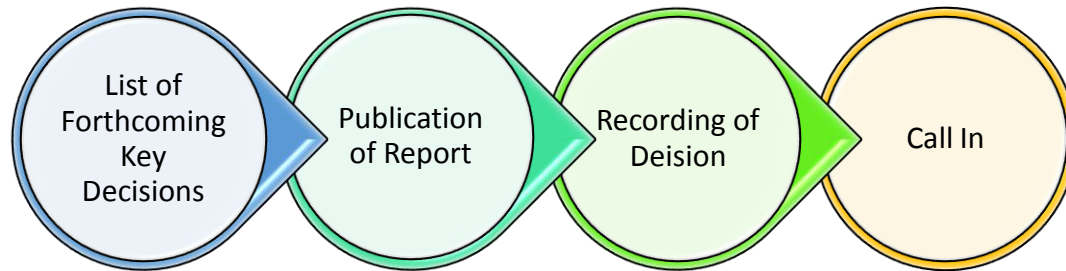


## Appendix D – Monitoring of Urgent Decisions (January – April 2024)



**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 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> January to 30<sup>th</sup> April 2024

- **26 of 30 (87%)** of Officer Key decision were included on the List of Forthcoming Key Decision (LOFKD)
- **9 (100%)** 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> January to 30<sup>th</sup> April 2024:

- **30 of 30 (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.
- **9 of 9 (100%)** 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> January to 31<sup>st</sup> March 2024, **257** 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>	9	30	<b>39</b>
<b>Significant Operational Decisions (SODs)</b>	5	213	<b>218</b>
<b>Total</b>	<b>14</b>	<b>243</b>	<b>257</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> January to 30<sup>th</sup> April 2024, **97% (38 of 39)** of eligible decisions were available for Call-In.

### **Officer Decisions:**

**29 of 30** Key decisions taken in the reporting period were eligible for Call-In; of which **1 (3%)** were exempt from Call-In. A total of **29 (97%)** of eligible decision taken by offices were available for Call-In.

### **Executive Board Decisions**

**9 of 9** decisions taken in the reporting period were eligible for Call-In; of which **0 (0%)** were exempt from Call-In. A total of **9 (100%)** 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.
D57206	Director of Adults & Health	<b>Special Urgency / Exempt from Call-In.</b>	<b>Government International Recruitment Fund for Adult Social Care.</b> The decision was taken to exempt from call-in due to the urgency around processing of all funding payments before the DHSC deadline of 31 <sup>st</sup> March 2024. This decision was not made available for call-in.
D57236	Director of Strategy and Resources	<b>General Exception</b>	<b>MOSAIC new contract and SaaS implementation.</b> If the decision had been taken in line with standard key decision rules (i.e.: 28 days' notice) a discounted offer, to be used by end of March 2024 would not have been available and as a result additional costs would have been made by the Council.
D57313	Director of Communities, Housing and Environment	<b>Special Urgency</b>	<b>Request to directly award the Mixed Dry Recyclate contract under Regulation 32 (2) (B) (ii) of the Public Contracts Regulations 2015 to HW Martin Waste Ltd.</b> To generate and access immediate savings as part of the new contract and to ensure mobilisation period of 5 months required by HW Martin to be able to accept co-mingled glass collections by Summer 2024.
<b>Decisions not on the List of Forthcoming Key Decisions for at least 28 days.</b>			
<b>DDN / Minute</b>	<b>Decision Maker</b>	<b>Title of Decision</b> Reason for short notice report	
D57072	Director of Strategy and Resources	<b>Managed Print Service.</b> This decision was on the LOFKD for 27 days rather than the required 28 days' notice. There is no reason why the decision was taken earlier than required and therefore an administrative error is the cause of this oversight.	

