

	COUNCIL
DATE:	8 MARCH 2013
TITLE OF REPORT:	ANNUAL REPORT ON EXECUTIVE DECISIONS
REPORT BY:	LEADER OF THE COUNCIL

1. Classification

Open

2. Key Decision

This is not a key decision

3. Wards Affected

County-wide

4. Purpose

To note Executive Decisions made under the urgency provisions in the Access to Information Rules.

5. Recommendation(s)

THAT:

Council notes the content of this report.

6. Key Points Summary

- Insert bullet point key issues from report.

7. Alternative Options

None

Further information on the subject of this report is available from Geoff Hardy , Governance Services
Manager
on Tel: (01432) 383408

8. Reasons for Recommendations

The requirements of regulation 19 of the Local Authorities (Executive Arrangements)(Meetings and Access to Information) (England) Regulations 2012 state that the Executive Leader of the Council must submit at least one report annually containing details of each executive decision taken where the making of the decision was agreed as urgent in accordance with Regulation 11.

9. Introduction and Background

9.1 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 came into force on 10 September 2012. These regulations included a requirement for the Executive Leader or elected Mayor to submit a report at least annually on executive decisions made using the urgency provisions.

9.2 Council has adopted the provisions of these regulations into its Access to Information Rules contained in part 4 section 2 of its Constitution.

9.3 In respect of urgency the Constitution states as follows:-

“4.2.17.1 If because of the date by which a decision must be taken, paragraph 4.2.16 (general exception) cannot be followed, then the decision can only be taken if the decision maker (if an individual) or the Chairman of the body making the decision, has obtained the agreement of

- a the Chairman of the relevant Scrutiny Committee; or
- b if there is no Chairman of the relevant Scrutiny Committee or in his /her absence, the Chairman of the Council, or
- c in the absence of the Chairman of the relevant Scrutiny Committee or the Chairman of the Council the Vice-Chairman of the Council.
- d that the making of the decision is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after agreement has been obtained in accordance with paragraph 4.2.17.1 a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred must be made available at the Designated Office and published on the Council’s website.”

9.4 In the period since the coming into force of the new Regulations and the revised Access to Information Rules, two Decisions have been made under the Urgency provisions.

9.5 On 7 September 2012 the Council published notice that the Cabinet would be making a Key Decision To seek agreement to conduct final negotiations for the delivery of improved Broadband infrastructure; and in so doing authorise Herefordshire Council’s financial contribution to the project and to progress the terms of a Partnership Agreement between Herefordshire Council and Gloucestershire County Council to oversee the delivery of the Borders Broadband project. The Chairman of Overview and Scrutiny Committee agreed to this (i) being considered in private should it be necessary under Regulation 5 and (ii) to the item being considered notwithstanding the publication of the Agenda at less than 5 clear days’ notice under Regulation 11 owing to the requirement to finalise the terms of the agreement with Gloucestershire Council.

9.6 On 4 October 2012 the Council published notice that the Cabinet Member Enterprise and Culture would be making a Key Decision to approve the development of the project of a new Hereford Archive and Records Centre and the associated submission of a planning application on 11 October 2012. The Chairman of Overview and Scrutiny Committee

agreed to the item being considered at less than 5 clear days' notice under Regulation 11 as compliance with the notice period would have been impracticable and the decision was an urgent one that could not reasonably be deferred.

10. Key Considerations

This report is to note only.

11. Community Impact

None Identified

12. Equality and Human Rights

This decision pays due regard to our public sector equality duty.

13. Financial Implications

None

14. Legal Implications

By considering this report the Council is meeting its obligations under the quoted Regulations.

15. Risk Management

There are no risks identified.

16. Consultees

None

17. Appendices

None

18. Background Papers

18.1 None identified.