



Leicester
City Council

WARDS AFFECTED
All

Council

22 January 2015

Access to Information Procedure Rule 17 – Monitoring Report

Report of the Monitoring Officer

1. PURPOSE OF REPORT

- 1.1 Rule 17(5) of Part 4B of the Constitution imposes a requirement to report to Council each quarter on the use of the special urgency provisions whereby Key Decisions are taken without the due notice required by Rule 13. This report fulfils that requirement.

2. RECOMMENDATIONS (OR OPTIONS)

- 2.1. To note that the Special Urgency provisions were used once in the preceding quarter, in the circumstances set out at 3.5 below

3. REPORT

- 3.1. Key Decisions are those Executive Decisions that meet the definition set out in Article 6 of the Council's Constitution. Broadly speaking, decisions are classed as key where either (i) their financial value triggers the threshold set by Council or (ii) their impact across the City is such that they are regarded as significant.
- 3.2. Key Decisions are subject to more rigour in terms of the procedure to be adopted before they are made. These procedural requirements are set out in Rule 13 of the Part 4B and can be summarised as follows:
- They must be identified on the corporate Plan of Key Decisions published at least 28 days before the decision is due
 - The report(s) on which the Key Decision are to be made are published 5 days prior to the making of the Key Decision
- 3.3. However the law recognises that the strictures imposed above will sometimes work against sensible decision-making and therefore it permits flexibility to Councils to

include “urgency” provisions which allow for Key Decisions to be made in circumstances where compliance with Rule 13 is not feasible. These exceptions are set out in Rules 15 and 16 of Part 4B and can be summarised as follows:

- Rule 15 (General Exception) permits a Key Decision to be taken (despite non-compliance with Rule 13) where, on 5 days notice, the Chair of the relevant scrutiny committee is informed of the intended exercise of the power and a public notice appears
- Rule 16 (Special Urgency) permits a Key Decision to be taken where Rule 15 cannot be fulfilled. This requires the Chair of the relevant Scrutiny Committee to agree that the decision cannot be reasonably deferred, and therefore that it should be taken urgently without notice.

3.4. Because the Rule 16 power does not otherwise involve any prior public notice of the decision, Rule 17(5) nonetheless demands that:

In any event the City Mayor will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 15 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

3.5. On 31st October 2014 Rule 16 was applied to the Key Decision entitled “Meynell’s Gorse Refurbishment Scheme”. The reason for special urgency related to the need to begin work on the site immediately in order to utilise a significant external grant (which would fund the vast majority of the refurbishment scheme) within a defined envelope of time.

4. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

4.1. Financial Implications

There are no significant direct financial implications arising from this monitoring report—Colin Sharpe, Head of Finance, ext. 37 4081

4.2. Legal Implications

The legal issues are set out within the main body of this report. It is important to bear in mind that the Rule 17(5) requirement fulfils a monitoring function and does not of itself expose the decisions which are reported-upon to be subject to substantive scrutiny or review – Kamal Adatia, City Barrister, ext 37 1401

Other Implications

| OTHER IMPLICATIONS | YES/ NO | Paragraph/References within the Report |
|---------------------------|--------------------|---|
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| Equal Opportunities | No | |
| Policy | No | |
| Sustainable and Environmental | No | |
| Crime and Disorder | No | |
| Human Rights Act | No | |
| Elderly/People on Low Income | No | |
| Corporate Parenting | No | |
| Health Inequalities Impact | No | |
| Risk Management | No | |

5. Consultations

5.1. None.

6. Report Authors

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