



Haverling

LONDON BOROUGH

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Key Decision Criteria in Havering

- A decision is key where it is likely:
- (i) To result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates. For this purpose "significant" is defined as (a) In excess of £500,000 (b) In excess of 10% of the gross controllable composite budget at Head of Service level (subject to a minimum value of £250,000) Whether relating to revenue expenditure/savings or capital expenditure
- (ii) To be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.
- A Key Decision can be taken by either a Senior Officer, an individual Cabinet Member or Cabinet in accordance with delegated authority.

Havering Governance Process – Key Decisions



Urgency Provisions– Key Decisions

- A Key Decision that is not shown on the Forward Plan may only be taken in exceptional circumstances. In such cases, permission is requested from the Chair of the Overview & Scrutiny Board to waive Call-in. There are a range of measures used to reflect the varying degrees of immediacy:
- **Special Urgency** – indicates that the decision has had less than 5 days' notice on the Statutory Forward Plan (public website)
- **General Exception** – indicates that a decision has had less than 28 days' notice, but more than 5 days'. (**NB:** Any decision made in this way can still potentially be subject to Call-in)

Urgency provisions within the Constitution

- Very occasionally, there are circumstances where the decision has had the full 28 days' notice, but circumstances arise where the Call-in mechanism would delay the business of the Council. In these cases, the Service area must seek advice from the Monitoring Officer before requesting exemption from Call-in and Part 4, OVERVIEW & SCRUTINY COMMITTEE PROCEDURE RULES, para.4.9.18 of the Constitution is used:
 - (a) The call-in procedure set out above shall not apply where a key decision being taken (irrespective of the decision maker) is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public interests. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.**

Grounds For Urgency Provisions

As a public authority, we have a statutory duty to give reasons for the decisions we make (Regulation 7, The Openness of Local Government Bodies Regulation 2014.)

In addition, report authors must take into account the principles of decision making set out in Part 2.9 of the Constitution, *and in compliance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012*

not least that decision are made:

(d) *with the presumption in favour of openness*

Waiver from Call-in is not an automatic right. In seeking permission from the Chair of the Overview & Scrutiny Board, Officers are required to make a business case for invoking urgency provisions and demonstrate why the call-in process would impair the business of the Council.

In Conclusion

- A list of Exemptions from Call-in are reported to Full Council at quarterly intervals.
- Urgency provisions are intended to be used sparingly, so that the right to call in a decision is removed in only the most exceptional circumstances.
- The aim is always to ensure maximum transparency in decision making.

THINGS TO REMEMBER

- A decision is only urgent if it cannot wait for the usual decision making process and delay would seriously prejudice the Council's or the public's interests.
- Urgent decisions should only be used rarely and in exceptional circumstances.
- **Urgency is not the same as lateness.**
- Urgency procedures may be quicker than usual decision making processes but there are stringent reporting requirements that need to be adhered to
- Decision takers need to obtain the permission of the Chair of Overview and Scrutiny and comply with the relevant governance procedures.
- Report authors must have business partners' (e.g. legal and finance) comments and input.
- Democratic Services can help advise whether a decision is urgent or not and if in doubt will refer the matter to the Monitoring Officer.
- Failing to comply with or misusing the urgency provisions may mean that the final decision is open to challenge (by the Ombudsman or by way of a judicial review)

Any Questions?

