

NOTICE of reasons for Urgency – KEY DECISION, Cases of Special Urgency

NORTH HERTFORDSHIRE DISTRICT COUNCIL (“the Council”)

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (“the Regulations”)

Notice under Regulation 11: Key Decisions taken in cases of Special Urgency

Pursuant to Regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (‘the Regulations’), I hereby give Notice that:-

The Council intends to make a key decision under delegated authority by Anthony Roche, Managing Director on 13 August 2021. A Part 1 report not previously notified to the public will be considered in respect of homelessness funding received from the Ministry of Housing, Communities and Local Government.

1. The Managing Director is deemed to be a relevant “decision-maker” under the Regulations.
2. In these Regulations a “key decision” means an executive decision, which is likely—
 - (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority’s budget for the service or function to which the decision relates; or
 - (b) 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 relevant local authority
3. Under Regulation 9, the Council is required to give notice of its intention to make a Key Decision, at least 28 clear days before the date of this meeting and publish this on its website.
4. Regulation 10 further provides general exceptions to this, namely:
 - (1) Subject to regulation 11, where the publication of the intention to make a key decision under regulation 9 is impracticable, that decision may only be made—
 - (a) where the proper officer has informed the chairman of the relevant overview and scrutiny committee or, if there is no such person, each member of the relevant overview and scrutiny committee by notice in writing, of the matter about which the decision is to be made;
 - (b) where the proper officer has made available at the offices of the relevant local authority for inspection by the public and published on the relevant local authority’s website, if it has one, a copy of the notice given pursuant to sub-paragraph (a); and
 - (c) after five clear days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).
5. The Council, however, relies on Regulation 11 Special urgency provisions. This Regulation provides that where the date by which a key decision must be made, makes compliance with regulation 10 impracticable, the decision may only be made where the decision maker has obtained agreement from—
 - (a) the chairman of the relevant overview and scrutiny committee; or
 - (b) if there is no such person, or if the chairman of the relevant overview and scrutiny committee is unable to act, the chairman of the relevant local authority; or
 - (c) where there is no chairman of either the relevant overview and scrutiny committee or of the relevant local authority, the vice-chairman of the relevant local authority, that the making of the decision is urgent and cannot reasonably be deferred.

6. As soon as reasonably practicable after the decision maker has obtained agreement under paragraph 5 above, that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must—
 - (a) make available at the offices of the relevant local authority a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred; and
 - (b) publish that notice on the relevant local authority's website, if it has one.
7. The Council has informed the Chair of the Overview and Scrutiny Committee that compliance with Regulation 10 was impracticable for the following reasons and agreed that this is a case of special urgency

STATEMENT OF REASONS

This decision is a key Executive decision that the Leader of the Council considers to be urgent.

It has not been possible to notify the public by including it in the Forward Plan as the opportunity will only be available until 31 August 2021 and the necessary assurances have only just been received by the Council.

The Council has received a homelessness funding allocation of £340k from the Ministry of Housing, Communities and Local Government (MHCLG) for 2021/22. The funding is ringfenced for use in managing homelessness pressures, including supporting those who are at risk of homelessness and rough sleeping.

The Council has experienced a high demand for housing related support services from single people, many of whom present with complex support needs and are at risk of rough sleeping. This decision concerns £200k of the MHCLG allocation to grant fund development of a local Keystage service with the purpose of operating accommodation-based support services for single homeless people (for a minimum period of 10 years). The overall project is conditional on completion and the service being operational from 1 October 2021, which would make compliance with the time periods set out in regulation 10 (or indeed 9) impossible. Further details of the delegated decision and reasons will be available on the Delegated Decision page for 2021: <https://www.north-herts.gov.uk/home/council-and-democracy/decisions/delegated-decisions-2021>

It is confirmed that in providing this notice the Council concludes that this is an opportunity to provide an important service for the community, hence the urgency. The Chair of the Overview and Scrutiny Committee has been informed and agreed that the decision cannot be deferred.

Signed: Jeanette Thompson
Proper Officer of the Council
Date: 13 August 2021