



## Report to Governance Committee

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**Report of:** General Counsel  
**Report to:** Governance Committee  
**Date of Decision:** 27 March 2024  
**Subject:** **Update on the use of Urgency Provisions**

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given?				
Has appropriate consultation taken place?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

### Purpose of Report:

The Governance Committee said that it would review the use of urgent decisions, to understand whether the process is working as intended, and whether changes are required. This report provides an update for the Committee on the use of urgency provisions since the introduction of the committee system in May 2022.

### Recommendations:

The Governance Committee is asked to:

1. Note the update on the use of urgency provisions and to agree that this information is also considered by the Review of Committee Remits task and finish group.
2. Request that a further update is submitted to the Committee in 12 months' time, subject to any activity that may have taken place.

**Background Papers:** None

**Appendices:** 1. Urgency Sub Committees & 2. Matters added to an agenda after it has been published

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Matthew Ardern
		Legal: David Hollis
		Equalities & Consultation: Ed Sexton
		Climate: N/A
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	<b>SLB member who approved submission:</b>	<i>David Hollis, General Counsel</i>
3	<b>Committee Chair consulted:</b>	<i>Councillor Fran Belbin</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> <i>Jason Dietsch</i>	<b>Job Title:</b> <i>Head of Democratic Services</i>
	<b>Date:</b> 20/03/2024	

## 1. PROPOSAL

1.1 This report asks the Governance Committee to receive and note the activity undertaken by the Council using urgency provisions since the introduction of the committee system in May 2022.

### 1.2 **How does this fit with the work of the Governance Committee?**

1.3 In May 2022 Sheffield City Council changed the way decisions are made and introduced a committee system. A list of 'design principles' was agreed by Councillors when they were planning for this change. These principles are being used to help us check how well it is working.

#### Top five principles

#### **When it comes to the way it makes decisions, Sheffield City Council aims to...**

- A. ....be democratic. Sheffield City Council is committed to local democracy
- B. ...be open and trustworthy. Make decisions publicly, so people can tell who is responsible for what
- C. ...include all Councillors. Show what decisions everyone's local councillors are involved in
- D. ...listen to everyone. Have the voice of residents at the heart of our decisions
- E. ...be forward looking and keep improving. Respond to the fast-changing world by trying new things and checking often whether it's working

1.4 One of the principles also stated that:

#### **"the new Committee System...**

9. ....should allow urgent decisions to happen quickly, without having to compromise on the other things in this list"

1.5 At the level of day to-day decision-making it is sometimes necessary to take decisions within a particular and short timeframe in order to secure an important benefit or to avoid a serious issue. Reasonably common examples might include applying for a suddenly announced grant scheme or responding to a serious local incident. In these cases, if a scheduled committee meeting will not be taking place within the necessary timeframe, other timely options might need to be available.

1.6 In the design of the committee system, the first principle was that an urgent decisions protocol should aim for Member decisions to be taken by elected Members wherever possible. The second principle is that those Members should be well-informed i.e. members of the appropriate Committee.

Thirdly, where any compromise is needed, in order to ensure that the decision is taken swiftly enough, there must be a mechanism for reporting the decision to Members and the public.

- 1.7 We want to make sure that decisions being made effectively and efficiently and have looked at how many decisions are being made urgently and in what setting, if they are in urgent meetings or outside of a meeting format.
- 1.8 Accordingly, the Committee has included an item on its work programme to review the use of urgent decisions, to understand whether the process is working as intended, and whether changes are required.

## 2. Urgent decisions in the committee system

This is a summary of the provisions for urgent decisions, and which are set out in the Council's Constitution.

### 2.1 Urgency Provisions

- These fall into three parts;
  - Matters added to an agenda after it has been published
  - Urgent decision making by Members
  - Officers taking urgent decisions on matters reserved to Committees
- These are not to be used for convenience or to bypass proper decision-making process. Officers taking reserved decisions should be an absolute last resort.
- The overall use of the urgency provisions is considered by Strategy & Resources Policy Committee and reported on an annual basis to Governance Committee who may make recommendations to change the provisions.

### 2.2 Late addition to a published agenda

- **Local Government Act 1972, Schedule 12 Para 5**
- Five clear days at least before a meeting of a principal council a summons to attend the meeting, specifying the business proposed to be transacted at the meeting shall be sent to every member of the council by an appropriate method.
- Except in the case of business required by or under this or any other Act to be transacted at the annual meeting of a principal council *and other business brought before that meeting as a matter of urgency in accordance with the council's standing orders*, no business shall be transacted at a meeting of the council other than that specified in the summons relating thereto.
- **Council Procedure Rule 26 Urgent Business**
- An item of business may be considered at a meeting of any Body as a matter of urgency, *where it has not been possible to give five clear working days' notice*, on the recommendation of the Chair but the reason for such urgency must be recorded in the minutes. Any non-

confidential or non-exempt report relating to such item must be made available for public inspection once it has been issued.

### 2.3 Urgent Decisions by Committees

- All Policy Committees have an Urgency Sub-Committee consisting of 3 members.
- An Urgency Sub Committee can only be called for an Urgent Decision if the Monitoring Officer in consultation with the Chair has confirmed that the decision could not have been foreseen and to delay taking the decision until the next scheduled meeting of the Committee would seriously prejudice either the Council's or the public's interests
- Any Committee can only meet on 5 clear days' notice. There are no provisions for calling an 'urgent' meeting on less than 5 clear days' notice
- Strategy & Resources Policy Committee can consider an Urgent Decision at a scheduled meeting only if the Urgency Sub-Committee of the relevant Committee has been unable to meet in the necessary timeframe.

### 2.4 Extraordinary Meetings of Committees

- An extraordinary meeting of a committee can be called within the same timescales as an Urgency Sub-Committee. There are no constitutional restrictions on when to call an extraordinary meeting
- If an additional meeting is required, we can consider if an extraordinary meeting with full committee attendance is better than an Urgency Sub-Committee with reduced attendance, even if meets the definition of an Urgent Decision.
- Extraordinary meetings can be used for decisions that do not meet the definition but cannot wait until the next Scheduled meeting.

### 2.5 Urgent Decision by Officers

- Two types:
  - Urgent Decision
  - Extreme Urgency
- **'Urgent Decisions'** may be taken by certain Officers in consultation with the Chair, Deputy Chair and Group Spokesperson of the appropriate Committee, only if, in the opinion of the Monitoring Officer in consultation with the Chair, it would not be possible to convene an Urgency Sub-Committee Meeting or take the decision to a scheduled meeting of Strategy and Resources Policy Committee within a timescale that would not seriously prejudice either the Council's or the public's interests.
- **'Extreme Urgency'** means a situation where a decision-maker reasonably believes that a failure to deal with a matter immediately would be likely to result in an appreciable risk of significant

administrative, financial or other detriment to the Council and/or another individual or organisation.

- The action being taken and the reasons for it being taken must be reported as soon as possible to the Chief Executive (except for those decisions taken by the Chief Executive) and the Chair, Deputy Chair and Group Spokesperson of the appropriate Committee or of the Strategy and Resources Policy Committee.
- The Officers are Chief Executive, Strategic Director, Chief Finance Officer and Chief Legal Officer.

### **3. Activity using Urgent Decision provisions since May 2022**

This is a summary of when urgent decisions have been made since the introduction of the committee system in Sheffield.

#### **3.1 Matters added to an agenda after it has been published**

- 3.1.1 Appendix 2 sets out 5 occasions when matters have been added to an agenda of a Policy Committee after it has been published in accordance with Council Procedure Rule 26 relating to Urgent Business.

#### **3.2 Urgent decision making by Members at Committee**

- 3.2.1 Appendix 1 sets out the occasions when Urgency Sub Committees have been convened to consider an urgent decision. There have been 6 meetings of Policy Committee Urgency Sub Committees since the Committee system in Sheffield was introduced in May 2022.
- 3.2.2 To date, 13 Extraordinary meetings of Policy Committees have been arranged to deal with decisions which cannot wait until the next scheduled meeting of the committee.

#### **3.3 Officers taking urgent decisions on matters reserved to Committees**

- 3.3.1 There are 2 occasions when urgent decisions have been taken by officers on matters reserved to a committee. These are:
- 3.3.2 Fargate/ High Street Property Acquisition: decision on 12 May 2023
- 3.3.3 Taxi Licensing Extensions to accommodate CAZ (Clean Air Zone) Grant assessment process: decision on 2 June 2023

## **4. RISK ANALYSIS AND IMPLICATIONS**

### **4.1 Equality Implications**

- 4.1.1 Equality considerations are part of the Council's decision-making processes and are factored into normal decision-making timescales. Proper and sufficient consideration of equality implications supports the organisation to:

- make better and more informed decisions, (e.g. by assessing likely impacts on residents or staff, or by anticipating the success or risk of a proposal),
- comply with its legal duties under the Equality Act 2010, (i.e. to take steps to challenge discrimination and other conduct, promote equality of opportunity and foster good relations), and
- satisfy the Council's own policy commitments, (e.g. by considering groups and interests over and above the protected characteristics proscribed by the Equality Act).

4.1.2 Evidence that the Council has properly taken account of equalities is shown in the key decision report itself and, where required, an Equality Impact Assessment.

4.1.3 Any regular or inappropriate use of urgent decision-making could risk there being less equality consideration, and therefore undermining the Council's legal and policy commitments summarized above, unless safeguards are built in.

4.1.4 As set out in the case of urgency provisions above, the intention is not to use such measures for convenience or to bypass proper decision-making process. The appendix indicates that urgent decision-making is not being used regularly or inappropriately, and therefore any general risk that might apply in relation to equalities is limited. No Equality Impact Assessment is required.

#### 4.2 Financial and Commercial Implications

4.2.1 There are no specific financial implications arising from this report.

#### 4.3 Legal Implications

4.3.1 The legal implications are outlined in the body of the report.

#### 4.4 Climate Implications

4.4.1 There are no specific climate implications arising from this report.

## Appendix 1: Urgency Sub Committees held between May 2022 and March 2024

Policy Committee	Date	Issue
Adult Health and Social Care	No Urgency Sub-Committee meetings	
Communities, Parks and Leisure	No Urgency Sub-Committee meetings	
Economic Development and Skills	No Urgency Sub-Committee meetings	
Education, Children and Families Urgency Sub-Committee.	29 June 2022	<b>School To Pool Transport</b>
		Approval to commission a new School to Pool framework contract, from September 2022 to August 2026, at an estimated value of £230k per annum; to provide a transport service to the council for the carriage of children to and from their school to a swimming pool for swimming lessons.
Education, Children and Families Urgency Sub-Committee.	21 July 2022	<b>Renewal Of Contract with Nexus Multi-Academy Trust to Deliver the Medical Needs Education Service</b>
		Proposal to commission the Medical Needs Education Service by way of a service contract with a 2-year term and a value of £2,608,860



		<b>Green paper consultation ‘SEND review; right support, right place, right time’</b>
		To approve the response to the Department for Education green paper ‘SEND review; right support, right place, right time’
Finance Urgency Sub-Committee	2 May 2023	<b>Changing Futures Funding Extension</b>
		Approval for the council to act as the accountable body for administering the grant funding of £1.1m from the Department for Levelling Up, Housing and Communities, subject to the application being successful. The Changing Futures programme provides support to vulnerable adults facing multiple disadvantages; the funding would enable the continued delivery of the programme in Sheffield into the financial year 2024/2025.
Housing	No Urgency Sub-Committee meetings	
Strategy and Resources Urgency Sub-Committee	8 August 2022	<b>Eurovision Song Contest 2023</b>
		To note the undertaking and seek approval for the submission of the Request for Information to the BBC as Phase 1 of the bidding process for Sheffield to be the host city for Eurovision Song Contest 2023 in collaboration with the South Yorkshire Mayoral Combined Authority (SYMCA) and South Yorkshire local authorities in solidarity with Ukraine.

Strategy and Resources Urgency Sub-Committee	7 September 2022	<b>Eurovision Song Contest 2023</b>
		Sheffield successfully got through the first round and became one of 7 cities selected to progress to Phase 2. Since that time officers and Members were working in collaboration and partnership internally and with a wide range of partners to develop the full bid. The report highlights the key financial, legal and other implications of the bid were Sheffield to be the city selected to host ESC 2023. The report also provides a sense of the scale of the event alongside the potential benefits, impacts and legacy the city could expect to see.
Transport, Regeneration and Climate	No Urgency Sub-Committee meetings	
Waste & Street Scene Urgency Sub-Committee	27 July 2022	<b>Hackney Carriage Fuel Surcharge</b>
		Report setting out the considerations of a request from Hackney Carriage Trade Representatives for a fuel surcharge to be applied to each fare.

**Appendix 2: Matters added to an agenda after it has been published**

<b>Policy Committee</b>	<b>Date</b>	<b>Issue</b>
Adult Health and Social Care	19 December 2022	Improving Wellbeing Outcomes and Tackling Inequalities Through Early Intervention, Integration and Partnership Working
Communities Parks & Leisure	None	
Economic Development & Skills	20 June 2022	Decision to Continue to Commission Work and Health Service
Education, Children & Families	None	
Finance	None	
Housing	None	
Strategy & Resources	15 September 2022	The Council's Gas and Electricity Supply
Strategy & Resources	12 December 2022	Capital Approvals – Arundel Gate Bus Gate
Strategy & Resources	15 March 2023	Street Tree Inquiry
Transport, Regeneration and Climate	None	
Waste and Street Scene	None	

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