

**Report to:** Council

**Date of Meeting** 14 May 2025

**Heading/Title:** Annual Report of Leader of Council under regulation 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

**Cabinet Member(s):** Leader of Council

**Director/Assistant Director:** Director of Governance

**Author and Directorate:** Democratic Services Manager (Governance Directorate)

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**Key decision No**

**If a Key Decision has it appeared on Forward Plan** N/A

**Document classification:** Part A Public Document

**Exemption applied:** None

## **1. Background**

- 1.1 The Leader has to submit a report to Full Council containing particulars of all 'key decisions' taken as urgent during the course of the year which are required to be reported under regulation 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

## **2. Recommendations/Decision**

- 2.1 To note the annual report from the Leader of Council on key decisions taken as urgent under regulation 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

## **3. Reasons for Recommendations/Decision**

- 1.2 The Constitution states that "Decisions taken as a matter of urgency shall be reported to the next available meeting on Council, together with reasons for urgency."

- 1.3 Key decisions are decisions made by any decision-taker in respect of the discharge of executive functions which are likely to
- (a) result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the services or functions to which the decision relates or
  - (b) be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area.
- 1.4 The Council has determined that significant expenditure or savings shall be defined as the Council incurring expenditure or the making of savings of £100,000 or more.
- 1.5 A decision-taker may only take a Key Decision in accordance with the requirements of the Access to Information rules (see Constitution Part 4 – Rules of Procedure: Access To information).
- 1.6 Normally at least 28 clear days' public notice is required through publication on the Forward Plan before such a key decision can be taken.
- 1.7 It is, however, not always practicable to give such advance public notice on the Forward Plan, and it is not always practicable to give public notice by way of the general exemption procedure.
- 1.8 Where this is impracticable and the intended key decision cannot wait for such notice or shorter notice to be given by way of general exemption, then the special urgency procedure can be considered under regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
- 1.9 This requires obtaining the prior agreement from the prescribed person that the making of the decision is urgent and cannot reasonably be deferred. Permission is sought from the chair of the Overview Committee and the Monitoring Officer in such cases. Without such agreement, the making of the intended decision would be delayed.
- 1.10 Under Part 4 of the Constitution a report is required to be submitted by the Leader of Council to Full Council in accordance with the requirements in regulation of the 2012 Regulations.
- 1.11 It is therefore formally reported that the special urgency provision has been used as follows:

<b>Date of Cabinet meeting</b>	<b>Decision</b>	<b>Reason for urgent decision</b>
10 July 2024	Collaboration Agreement with Devon County Council for the provision of EV charging units across several EDDC car parks.	Delayed notification of confirmation of project from DCC giving a short timescale for EDDC to enter the project.
30 October 2024	Disposal of asset in Sidmouth.	To secure the disposal of the building to minimise the Council's risks associated with the significant capital costs of bringing the building up to the necessary statutory standards.

17 January 2025	Appointment of contractor for work on several flats in Seaton. Request for Officer Executive Decision (in place)	Deadline missed for publishing the project on the Forward Plan prior to commencement of work on site due to SLT decision to increase scope of works to ensure value for money and the best outcome for the tenants.
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#### **4. Options**

- 4.1 Set out options considered: To submit an Annual Report to the Annual Council meeting.
- 4.2 Set out options rejected: None rejected as this is a requirement of regulation and the Council's Constitution.

#### **5. Relevance to Council Plan/priorities**

Set out how report links to the Council Plan/priorities:

- ☒ A supported and engaged community that has the right homes in the right places, with appropriate infrastructure
- ☒ A sustainable environment that is moving towards carbon neutrality and which promotes ecological recovery.
- ☒ A vibrant and resilient economy that supports local business, provides local jobs and leads to a reduction in poverty and inequality.
- ☒ A well-managed, financially secure and continuously improving council that delivers quality services

#### **6. Financial Comments/Implications**

- 6.1 None arising from the recommendation set out in this report.

#### **7. Legal Comments/Implications**

- 7.1 The legal implications are set out in the body of the report.

#### **8. Risk Implications**

- 8.1 This report ensures that the Council is meeting its obligations set out in the regulations and the Constitution.

#### **9. Equality Implications (Public Sector Equality Duty)**

- 9.1 None arising from the recommendation set out in this report.

**10. HR and Workforce Implications**

10.1 None arising from the recommendation set out in this report.

**11. Community Safety Implications (Crime and Disorder)**

11.1 None arising from the recommendation set out in this report.

**12. Climate Change Implications**

None arising from the recommendation set out in this report.

**13. Health & Safety and Health & Wellbeing Implications**

None arising from the recommendation set out in this report.

**14. Procurement and Social Value implications**

14.1 None arising from the recommendation set out in this report.

**15. Land and Buildings (non-housing)/Asset Management Implications**

15.1 None arising from the recommendation set out in this report.

**16. Overview and Scrutiny Committees Comments/Recommendations**

16.1 None arising from the recommendation set out in this report.

**17. Digital and Data**

17.1 None arising from the recommendation set out in this report.

**18. Consultation and Engagement**

18.1 None arising from the recommendation set out in this report.

**19. Communications**

19.1 None arising from the recommendation set out in this report.

**20. Next Steps**

20.1 To note the report in meeting the requirements of the regulations and the Council's Constitution.

**21. Appendices**

21.1 None.

## 22. Background Papers

22.1 None.

### Proposed Report Sign Off process

Please make sure you have obtained the relevant sign off and the date completed before submitting your report to Democratic Services.

	<b>Officer Name</b>	<b>Date requested</b>	<b>Date Completed</b>
Legal & Governance	Monitoring Officer or Deputy Monitoring Officer		Required
Finance	Section 151 Officer or Deputy S151 Officer		Required
Communications	<a href="mailto:communications@eastdevon.gov.uk">communications@eastdevon.gov.uk</a>		If applicable
Digital and Data	<a href="mailto:digital@eastdevon.gov.uk">digital@eastdevon.gov.uk</a>		If applicable
Engagement	<a href="mailto:engagement@eastdevon.gov.uk">engagement@eastdevon.gov.uk</a>		If applicable
HR	HR Lead		If applicable
Equalities	Equality Officer		Required
Chief Executive	Chief Executive		If applicable
Director	Relevant Director		Required
Assistant Director(s)	Relevant Assistant Director(s)		Required
Cabinet Lead Member(s)	Relevant Lead Member (s)		Required
Executive Leadership Team	ELT		Required
Strategic Leadership Team	SLT		If applicable