

NOTICE of reasons for Urgency – KEY DECISION

NORTH HERTFORDSHIRE DISTRICT COUNCIL (“the Council”)

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

The Council intends to hold a public meeting of the Cabinet on 14 January 2025 at 19.30 at which a part 1 urgent item will be considered in respect of the Leisure Centre Decarbonisation Project.

1. This meeting is deemed to be a relevant “decision-making body” 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. Where publication of the intention to make a Key Decision under Regulation 9 is impracticable, then under Regulation 10 that decision may only be made –
 - (a) where the proper officer has informed the Chair of the 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, 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. As soon as reasonably practicable after the agreement has been obtained, the Council must publish a notice setting out the reasons why compliance with Regulation 9 is impracticable.
6. 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 Chair of the Overview and Scrutiny Committee; or
 - (b) if the Chair of the Overview and Scrutiny Committee is unable to act, the Chair of the Council; or

(c) where there is no Chair of either the Overview and Scrutiny Committee or of the Council, the Vice-Chair of the Council,

that the making of the decision is urgent and cannot reasonably be deferred.

7. The Council has obtained the agreement of the Chair of the Overview and Scrutiny Committee that the making of the decision was considered urgent and could not reasonably be deferred for the following reasons:

STATEMENT OF REASONS

The report is regarding the leisure centre decarbonisation project and an anticipated significant increase in ongoing running costs. The projected increase comes from revised modelling on the expected electricity demand from the air source heat pumps for the centres, which has been identified at the detailed design stage of the project. The reason for urgency is that, to meet the Salix grant funding requirements, orders need to be placed for the heat pumps on 15 January 2025. Therefore, the decision cannot be deferred to a future Cabinet meeting.

If the window for ordering the heat pumps is missed, the Council would most likely have to return the £7.7m grant to Salix, because it would not be able to meet the primary grant condition, which is to replace gas heating with low carbon technologies. There is no guarantee that the Council would be successful in any future round of funding.

Signed: Jeanette Thompson
Proper Officer of the Council
Date: 3 January 2025