

City Council – 13 November 2023

Report of the Leader of the Council

Corporate Director/ Director:

Director of Legal and Governance

Report Author:

Jane Garrard, Senior Governance Officer

jane.garrard@nottinghamcity.gov.uk

0115 8764315

Title: Decisions taken under Urgency Procedures

Does the report form part of the Budget or Policy Framework?

Yes No

Does this report contain any information that is exempt from publication?

No

Relevant Council Plan Key Outcome:

Clean and Connected Communities	<input type="checkbox"/>
Keeping Nottingham Working	<input type="checkbox"/>
Carbon Neutral by 2028	<input type="checkbox"/>
Safer Nottingham	<input type="checkbox"/>
Child-Friendly Nottingham	<input type="checkbox"/>
Healthy and Inclusive	<input type="checkbox"/>
Keeping Nottingham Moving	<input type="checkbox"/>
Improve the City Centre	<input type="checkbox"/>
Better Housing	<input type="checkbox"/>
Serving People Well	<input checked="" type="checkbox"/>

1. Summary

- 1.1 As required by the Council's Constitution, this report informs Council of any urgent decisions that have been taken under provisions within the Overview and Scrutiny Procedure Rules (Article 11) and Access to Information Procedure Rules (Article 13) in the Constitution.
- 1.2 During the period since the last report to Council in September 2023, there have been no decisions taken under these urgency provisions. This reflects the significant reduction in the use of urgency procedures since the adoption of the new Constitution in October 2021.

2. Recommendations

- 2.1 To note that no decisions have been taken under urgency provisions within the Overview and Scrutiny Procedure Rules (Article 11) and/or Access to Information Procedure Rules (Article 13) of the Constitution since the last report to Council in September 2023.

3. Reasons for recommendations

3.1 To ensure compliance with requirements of the Council's Constitution.

4. **Other options considered in making recommendations**

4.1 None. It is a Constitutional requirement that Council is informed of any urgent decisions taken under provisions within the Overview and Scrutiny Procedure Rules (Article 11) and Access to Information Procedure Rules (Article 13).

5. **Consideration of Risk**

5.1 Consideration of the risks associated with individual decisions are published as part of each of those decisions.

6. **Background (including outcomes of consultation)**

6.1 Decisions taken under the Call-in and Urgency provisions of the Overview and Scrutiny Procedure Rules

The call-in procedure set out in Article 11 of the Council's Constitution does not apply where the decision taken is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The urgency provisions require the Chair of the Corporate Scrutiny Committee (or in the absence of the Chair, the Vice-Chair; or in the absence of all three, the Chief Executive) to agree that the decision proposed is reasonable in all the circumstances and that the reasons for urgency are valid. The Constitution requires that decisions taken under these urgency provisions are reported to the next meeting of the Standards and Governance Committee and Full Council.

6.2 Decisions taken under the Special Urgency provisions of the Access to Information Procedure Rules

Where it is impracticable to give at least five clear working days notice that a Key Decision is going to be made, a Key Decision may only be made in accordance with the Special Urgency provisions set out in the Access to Information Procedure Rules (Article 13 of the Council's Constitution). The Special Urgency provisions require agreement from the Chair of the Corporate Scrutiny Committee (or in the absence of the Chair, the Lord Mayor as Chair of Council; or in the absence of both, the Sheriff as Vice Chair of Council) that the decision is urgent and cannot reasonably be deferred. The Constitution requires that decisions taken under these urgency provisions are reported to the Standards and Governance Committee and Full Council.

6.3 There have been no decisions taken under the Call-in and Urgency provisions of the Overview and Scrutiny Procedure Rules since August 2023 and no Key Decisions taken under the Special Urgency provisions of the Access to Information Procedure Rules since April 2023. This reflects a positive trend since the adoption of the new Constitution in October 2021 of a significant reduction in the use of urgency procedures.

7. **Finance colleague comments (including implications and value for money)**

7.1 Comments from Finance colleagues in relation to individual decisions are published as part of those decisions.

8. Legal colleague comments

8.1 Comments from Legal colleagues in relation to individual decisions are published as part those decisions.

9. Other relevant comments

9.1 None

10. Crime and Disorder Implications (If Applicable)

10.1 Where applicable, details of the crime and disorder implications of individual decisions are published as part of those decisions.

11. Social value considerations (If Applicable)

11.1 Where applicable, details of the social value considerations of individual decisions are published as part of those decisions.

12. Regard to the NHS Constitution (If Applicable)

12.1 Where applicable, details of the social value considerations of individual decisions are published as part of those decisions.

13. Equality Impact Assessment (EIA)

13.1 Where required, Equality Impact Assessments are published alongside individual decisions.

14. Data Protection Impact Assessment (DPIA)

14.1 Where required, the data protection impact of individual decisions is assessed and, where appropriate, details published as part of those decisions.

15. Carbon Impact Assessment (CIA)

15.1 Where required, the carbon impact of individual decisions is assessed and, where appropriate, details published as part of those decisions.

16. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

16.1 None

17. Published documents referred to in this report

17.1 Nottingham City Council Constitution

**Councillor David Mellen
Leader of the Council**

Appendix 1 - Decisions taken under the Call-in and Urgency provisions of the Overview and Scrutiny Procedure Rules

There have been no decisions taken under the Call-in and Urgency provisions of the Overview and Scrutiny Procedure Rules during the period since the last report to Council in September 2023.

Appendix 2 – Key Decisions taken under the Special Urgency provisions of the Access to Information Procedure Rules

There were no Key Decisions taken under the Special Urgency provisions of the Access to Information Procedure Rules during the period since the last report to Council in September 2023.