

CITY COUNCIL – 14 JANUARY 2015

REPORT OF THE LEADER

DECISIONS TAKEN UNDER URGENCY PROCEDURES

1 SUMMARY

- 1.1 As required by the Council's Constitution, this report informs Council of urgent decisions taken under provisions within both the Overview and Scrutiny Procedure Rules and Access to Information Procedure Rules.

2 RECOMMENDATIONS

- 2.1 It is recommended that Council notes the urgent decisions taken, as detailed in the appendices.

3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

- 3.1 To ensure compliance with the procedures detailed in the Council's Constitution.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 None.

5 BACKGROUND

- 5.1 Call-in and Urgency (Overview and Scrutiny) Procedure Rules: Councillors will be aware that the call-in procedure 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. Part 4, paragraph 15, of the Constitution requires that where a decision is taken under the urgency procedure, that decision needs to be reported to the next available meeting of Council, together with the reasons for urgency. The urgency procedure requires that the Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and that it should be treated as a matter of urgency. In the absence of the Chair, the Vice-Chair's consent is required. In the absence of both, the Chief Executive or his nominee's consent is required. Details of the decisions made where the call-in procedure has not applied due to urgency are set out in Appendix 1.
- 5.2 Special Urgency – Access to Information Procedure Rules: The Local Authorities Executive Arrangements (Access to Information) (England) Regulations 2012 introduced a requirement for 28 clear days public notice to be given of all proposed key decisions. Where it is not possible to give the full 28 days notice, but there is time to give at least 5 clear days notice, then the General Exception procedure (as set out in Part 4 of the Constitution, paragraph 13 of the Access to Information Procedure Rules) applies. Where 5 clear days notice is also not possible, the above regulations provide for a Special Urgency Procedure (Part 4 of the Constitution, paragraph 14).

- 5.3 An urgent key decision may only be taken under the Special Urgency procedure where the decision taker has obtained agreement that the decision is urgent and cannot reasonably be deferred from:
- (i) the Chair of the Overview and Scrutiny Committee or
 - (ii) if there is no such person, or if the Chair of the Overview and Scrutiny Committee is unable to act, the Lord Mayor (as Chair of the Council) or
 - (iii) where there is no Chair of either the Overview and Scrutiny Committee or Lord Mayor, the Sheriff (as Vice Chair of Council).
- Once agreement has been sought and as soon as reasonably practicable, the decision maker must publish a notice at the Council's offices and on the Council's website that the decision is urgent and cannot reasonably be deferred.

- 5.4 In addition the procedure requires that the Leader submits quarterly reports to Council containing details of each executive decision taken during the period since the last report where the making of the decision was agreed as a case of special urgency (paragraph 16.2, Part 4 of the Constitution).

- 5.5 Details of key decisions taken under the special urgency procedures are set out in appendix 2.

6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 6.1 None.

7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)

- 7.1 None.

8. EQUALITY IMPACT ASSESSMENT (EIA)

- 8.1 An EIA is not required as the report does not relate to new or changing services or policies.

9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 9.1 None.

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 10.1 The City Council's Constitution

- 10.2 The delegated decisions and committee reports detailed in the appendix to this report.

**COUNCILLOR JON COLLINS
LEADER OF THE COUNCIL**

URGENT DECISIONS (EXEMPT FROM CALL-IN)

| <u>Decision reference number</u> | <u>Date of decision</u> | <u>Subject</u> | <u>Value of decision</u> | <u>Decision Taker</u> | <u>Consultee on urgency</u> | <u>Reasons for urgency</u> |
|---|--------------------------------|---|---------------------------------|---|---|---|
| 1764 | 12/12/2014 | Procurement of a solution to remove network switches that are causing Council wide service issues | £24,840 | Portfolio Holder for Resources and Neighbourhood Regeneration | Chair of Overview and Scrutiny Committee | In order to purchase the switch as soon as possible and minimise the risk of failure |
| 1774 | 18/12/2014 | Approval of the costs of an Adults Care Package | Exempt | Corporate Director for Children and Adults | Chair of Overview and Scrutiny Committee | To allow for a timely implementation of the decision. |
| 1775 | 18/12/2014 | Approval of the costs of an Adults Care Package | Exempt | Corporate Director for Children and Adults | Chair of Overview and Scrutiny Committee | To allow for a timely implementation of the decision. |
| 1776 | 18/12/2014 | Approval of the costs of an Adults Care Package | Exempt | Corporate Director for Children and Adults | Chair of Overview and Scrutiny Committee | To allow for a timely implementation of the decision. |
| 1777 | 18/12/2014 | Approval of the costs of an Adults Care Package | Exempt | Portfolio Holder for Adults, Commissioning and Health | Chair of Overview and Scrutiny Committee | To allow for a timely implementation of the decision. |
| 1780 | 22/12/2014 | Purchase of vacant land at Oakford Close, Broxtowe | Up to £67,568.16 | Portfolio Holder for Resources and Neighbourhood Regeneration | Vice-Chair of Overview and Scrutiny Committee | The land experiences high levels of maintenance and anti-social behaviour issues, so ownership needs to be transferred as soon as possible. |

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|----------------------------------|-------------------------|---|--------------------------|--|--|---|
| 1790 | 23/12/2014 | Acquisition of land at Oakford Close, Broxtowe, NG8 | Up to £70,000 | Acting Head of Estates | Chair of Overview and Scrutiny Committee | The land experiences high levels of maintenance and anti-social behaviour issues, so ownership needs to be transferred as soon as possible. |
| 1805 | 09/01/2015 | Approval of the costs of an Adults Care Package | Exempt | Corporate Director for Children and Adults | Chair of Overview and Scrutiny Committee | To allow for a timely implementation of the decision. |
| 1806 | 09/01/2015 | Approval of the costs of an Adults Care Package | Exempt | Corporate Director for Children and Adults | Chair of Overview and Scrutiny Committee | To allow for a timely implementation of the decision. |

KEY DECISIONS – SPECIAL URGENCY PROCEDURE

| <u>Date of decision</u> | <u>Subject</u> | <u>Value of decision</u> | <u>Decision Taker</u> | <u>Reasons for special urgency</u> |
|--------------------------------|--|---------------------------------|---|---|
| 17/12/2014 | Unlocking Loxley – Phase 2a – Ground Floor | £1,257,726 | Leader of the Council | To enable the works to be commissioned in time to ensure that DWP can move into Loxley House |
| 05/01/2015 | Horizon 2020 European Fund: REMOURBAN Project: Acceptance of Grant and Accountable Body Status | £3,566,000 | Leader of the Council | The European Commission brought forward the signing of the grant offer at short notice |
| 09/01/2015 | Building Foundations for Growth: Enterprise Zone Capital Grant Fund | £5,500,000 | Deputy Leader of the Council (acting in the Leader's absence) | If 28 days notice were to be given this would leave insufficient time to action the activity required in order to secure the grant. |