

CITY COUNCIL – 5 MARCH 2018

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 To note the urgent decisions taken, as detailed in the appendices.

3 REASONS FOR RECOMMENDATIONS

- 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 (INCLUDING OUTCOMES OF CONSULTATION)

- 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 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 that the decision proposed is reasonable in the circumstances and that it should be treated as a matter of urgency. In the absence of the Chair, one of the Vice-Chairs' 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, the then 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.
- 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 the Overview and Scrutiny Committee or Lord Mayor, the Sheriff (as Vice Chair of Council).

Once agreement has been sought and as soon as is 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 of the Council submits at least 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). Details of key decisions taken under the special urgency procedure are set out in Appendix 2.

6 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)

6.1 None

7 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT 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 appendices to the report, as published on the City Council's website.

**COUNCILLOR JON COLLINS
LEADER OF THE COUNCIL**

APPENDIX 1**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>
3048	16/01/2018	Nottingham Homelessness Reduction Cold Weather Plan: Accommodation for Rough Sleepers	£149,612	Portfolio Holder for Planning, Housing and Heritage	Chair of Overview and Scrutiny	Contracts need to be concluded with the provider (Framework) as soon as possible to enable Nottingham City Council to formalise the decision to receive the grant and commit the expenditure to provide services for vulnerable citizens
3051	23/01/2018	Approval for funding and contractual arrangements for the expansion of Glade Hill Primary School and Middleton Primary School	£5,600,000	Leader of the Council	Chair of Overview and Scrutiny	The Council must be in contract with the contractors from the EMPA/ Scape Regional Framework by the 30 th January 2018 otherwise there will be a major delay in delivering the works by September 2018 and there will also be financial implications/ penalties (abortive costs in terms of feasibility works carried out)
3072	09/02/2018	Additional funding for new build housing scheme at former Morley School site	Exempt	Portfolio Holder for Planning, Housing and Heritage	Chair of Overview and Scrutiny	The additional funds are required to settle the final contract figure for the development of the Morley School site. Failure to pay

						promptly could result in financial penalty for the Council
3081	19/02/2018	Asbestos removal and partial demolition of former Elms School, Cranmer Street, St Anns	£350,000	Leader of the Council	Chair of Overview and Scrutiny	Contractors are already on-site. Delays will incur further costs to the City Council, and will delay the removal of hazardous waste from the site
N/A	20/02/2018	Medium Term Financial Plan	£125.651m	Executive Board	Chair of Overview and Scrutiny	The Council's budget has to be approved at the Full Council meeting on 5 March 2018 (agenda publication date is before the call-in period will have ended)
N/A	20/02/2018	Treasury Management 2018/19 Strategy and Revision to 2017/18 Debt Repayment Strategy	Nil	Executive Board	Chair of Overview and Scrutiny	The Treasury Management Strategy has to be approved at the Full Council meeting on 5 March 2018 (agenda publication date is before the call-in period will have ended)

SPECIAL URGENCY PROCEDURE – KEY DECISIONS

<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Decision taker</u>	<u>Reasons for special urgency</u>
20/02/2017	Medium Term Financial Plan 2018/19 – 2012/22 – Key Decision	£125.651m	Executive Board	The Council's budget has to be approved at Full Council in March 2018, which takes place before the March 2018 Executive Board meeting.