

CITY COUNCIL – 12 NOVEMBER 2018

REPORT OF THE LEADER OF THE COUNCIL

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 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 General Exception procedure applies (paragraph 13, Access to Information Rules, Part 4 of the Constitution). 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 if the decision taker has obtained agreement that the decision is urgent and cannot reasonably be deferred. Agreement must be obtained 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 Council), or (iii) where there is no Chair of the Overview and Scrutiny Committee or Lord Mayor, or they are unable to act, 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 to state 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, Access to Information Rules, 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 Nottingham City Council 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**

Decisions Exempt from Call-In

Decision Reference Number	Date of Decision	Subject	Value of Decision	Decision Taker	Consultee on Urgency	Reasons for Urgency
3274	5 October 2018	Engagement of professional services	Exempt	Portfolio Holder for Finance, Resources and Commercial Services	Chair of the Overview and Scrutiny Committee	A letter of engagement was required by 5 October 2018 in order to engage the provider of professional services
3297	26 October 2018	Investment acquisition – Project Fothergill	Exempt	Leader of the Council	Chair of Overview and Scrutiny Committee	The terms for the purchase stated that contracts had to be exchanged on this property matter within 15 days of receiving a full legal pack and that completion shall be 5 days after.

Key Decisions taken under the Special Urgency Procedure

Decision Reference Number	Date of Decision	Subject	Value of Decision	Decision Taker	Reason for Special Urgency
3270	28 September 2018	Investment Acquisition – Project Brookfield	Exempt	Leader of the Council	Heads of Terms had been agreed with the vendor and a condition of the sale was an exchange within 10 days of receiving the full legal pack, and completion 5 days thereafter.
3297	26 October 2018	Investment Acquisition – Project Fothergill	Exempt	Leader of the Council	Heads of Terms had been agreed with the vendor and a condition of the sale was an exchange within 15 days of receiving the full legal pack, and completion 5 days thereafter.
3301	26 October 2018	Investment Acquisition – Project Aston	£1,750,000	Leader of the Council	Legal work was already underway and waiting 28 days would have delayed receiving income from the investment further.
3309	30 October 2018	Progressing Development Projects	Exempt	Leader of the Council	Orders needed to be placed urgently in order to provide

					programme certainty.
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