

City Council – 18 May 2020

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 that it is required to note which have been taken under provisions within the Overview and Scrutiny Procedure Rules, Access to Information Procedure Rules and Scheme of Delegation.

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 (see 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. Details of key decisions taken under the Special Urgency Procedure are set out in Appendix 2.

5.5 Urgent Non-Executive Officer Decisions

Delegation 24 in the Council's Scheme of Delegation enables the Chief Executive to take a decision necessary before the next meeting of the appropriate committee after consultation with the Chair or Vice Chair and main minority party spokesperson of that committee. The exercise of the delegation must be reported to the next meeting of the relevant committee. Details of relevant urgent non-executive officer decisions are set out in Appendix 3.

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. Equality Impact Assessments were published alongside each decision referred to in the report, as required.

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 David Mellen
Leader of the Council

Appendix 1 - Decisions Exempt from Call-In

Decision Reference Number	Date of Decision	Subject	Value of Decision	Decision Taker	Consultee on Urgency	Reason for Urgency
3837	19 March 2020	Investment Acquisition – Project Shirley	Exempt	Leader of Council	Chair of Overview and Scrutiny Committee	To enable the necessary documentation to be signed and sealed and sale completed within required timescales.
3842	28 March 2020	Acceptance of grant funding from Highways England	£2.69million	Leader of the Council	Chair of Overview and Scrutiny Committee	Highways England required the funding agreement to be signed by 31 March 2020.
3845	30 March 2020	Authorisation under Business Closure Regulations 2020	Nil	Portfolio Holder for Regeneration, Safety and Communications	Chair of Overview and Scrutiny Committee	To enable enforcement action to be taken as soon as possible to protect public health.
3846	30 March 2020	Acceptance of grant funding from the Department for Transport	£18,020,502	Leader of the Council	Chair of Overview and Scrutiny Committee	Although the Department for Transport (DfT) confirmed that the Council's bid to the Transforming Cities Fund was successful as part of the 2019/20 budget, the letter formalising the grant allocation was received on 20 March 2020. The DfT proposed to pay the first instalment of the grant on 31 March 2020.
3847	30 March 2020	Additional costs associated with social care provision during the current coronavirus outbreak	Exempt	Leader of the Council	Chair of Overview and Scrutiny Committee	To enable services to respond urgently to the coronavirus situation.

3848	6 April 2020	Financing Arrangements	Exempt	Portfolio Holder for Finance, Growth and the City Centre	Vice Chair of Overview and Scrutiny Committee	Delay would have jeopardised the ongoing viability of a wholly owned company
3855	15 April 2020	Financing Arrangements	Exempt	Leader of the Council	Vice Chair of Overview and Scrutiny Committee	Delay would have jeopardised the ongoing viability of a wholly owned company

Appendix 2 - Key Decisions taken under the Special Urgency Procedure

Decision reference number	Date of Decision	Subject	Value of Decision	Decision Taker	Consultee on Urgency	Reason for Special Urgency
3846	30 March 2020	Acceptance of grant funding from the Department for Transport	£18,020,502	Leader of the Council	Chair of Overview and Scrutiny Committee	Although the Department for Transport (DfT) confirmed that the Council's bid to the Transforming Cities Fund was successful as part of the 2019/20 budget, the letter formalising the grant allocation was received on 20 March 2020. The DfT proposed to pay the first instalment of the grant on 31 March 2020 so there was insufficient time to give more notice of the decision to accept the funding.
3847	30 March 2020	Additional costs associated with social care provision during the current coronavirus outbreak	Exempt	Leader of the Council	Chair of Overview and Scrutiny Committee	To enable services to respond urgently to the coronavirus situation.
3855	15 April 2020	Financing Arrangements	Exempt	Leader of the Council	Vice Chair of Overview and Scrutiny Committee	Delay would have jeopardised the ongoing viability of a wholly owned company

Appendix 3 – Urgent Non Executive Officer Decision that would have otherwise been taken by Council

Decision reference number	Date of Decision	Subject	Value of Decision	Decision Taker	Consultees	Reason for Urgency
1	7 April 2020	Amendment to call in arrangements	Nil	Chief Executive	Chair of Council Leader of Nottingham Independents Chair of Overview and Scrutiny Committee	To avoid any delay in implementing decisions taken by officers to respond to the current outbreak of Coronavirus