

City Council – 13 July 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 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 (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.

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
3875	21 May 2020	Procurement – Supplier Relief Payments	Nil	Portfolio Holder for Adult Care and Local Transport	Chair of Overview and Scrutiny Committee	Urgent payment was required to companies in order to relieve the financial pressures they were under.
3877	23 May 2020	Contract Extensions to Mitigate the Impact of the Coronavirus Outbreak	£24,840,628	Leader of the Council	Chair of Overview and Scrutiny Committee	The contract extensions were emergency measures to sustain the delivery of essential works, services and supplies during the current Coronavirus outbreak, when it would not be possible to renew contract through a full procurement process as it was not feasible to undertake planned procurement activity.
3879	26 May 2020	Purchase of Personal Protective Equipment during the Coronavirus Outbreak	£6,500,000	Leader of the Council	Chair of Overview and Scrutiny Committee	To enable purchases to be made as soon as possible as supplies are identified, subject to relevant minimum checks on suppliers.
3883	29 May 2020	Nottingham Small Business Grant	£3,500,000	Leader of the Council	Chair of Overview and Scrutiny Committee	The scheme was required by Government to issue grants to businesses in June.
3892	5 June 2020	Opening High Street Fund	£294,000	Portfolio Holder for Finance, Growth and the City Centre	Chair of Overview and Scrutiny Committee	The funding was to support opening the city centre and neighbourhoods, as retail reopened from 15 June. The funding was to help citizens and businesses with clear information

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						and messages. Funding was released by Government on 24 May to be spent from 1 June. Contracts and services needed to be procured to have advertising, materials and programmes in place ready for the gradual re-opening of the City post Covid-19.
3900	6 June 2020	Financial Support for the Tram	£3,700,000	Leader of the Council	Chair of Overview and Scrutiny Committee	The tram service had been running with substantially reduced passenger levels for several weeks and the transfer of the Department for Transport funding to Tramlink was urgently required for them to maintain cash-flow within their business.
3909	10 June 2020	Allocation of Adult Social Care Infection Control Grant Funding	£2,727,217	Leader of the Council	Chair of Overview and Scrutiny Committee	The Department for Health and Social Care's guidance required that, in order to ensure that the relevant infection control measures were put in place as speedily as possible, local authorities accepted the grant and made the relevant payments to providers as soon as they could, on receipt of their allocations.
3911	13 June 2020	Property Trading Account Rental Deferral	Exempt	Leader of the Council	Chair of Overview and Scrutiny Committee	The support measures needed to be implemented urgently to allow officers to negotiate flexible rental payment terms with tenants, to provide financial support to

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						tenants therefore minimising the risk of tenant failure, and securing income to the Council.
3911	25 June 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
3879	26 May 2020	Purchase of Personal Protective Equipment during the Coronavirus Outbreak	£6,500,000	Leader of the Council	Chair of Overview and Scrutiny Committee	As a result of the current Covid-19 outbreak, supplies of Personal Protective Equipment (PPE) were urgently needed for the delivery of social care services for adults and children, including both internal Council in-house services and possibly externally commissioned providers and Blue Light services across the LRF footprint. Purchasing of PPE needed to be made instantly when stocks were found to be available due to the high demand nationally and internationally. Therefore a decision was required urgently to enable purchases to be made as soon as supplies were identified, subject to relevant minimum checks on suppliers.
3883	29 May 2020	Nottingham Small Business Grant	£3,350,000	Leader of the Council	Chair of Overview and Scrutiny Committee	The scheme was required by the Government to issue grants to businesses in June.
3900	6 June 2020	Financial Support for the Tram	£3,700,000	Leader of the Council	Chair of Overview and Scrutiny Committee	The tram service had been running with substantially reduced passenger levels for several weeks and the transfer of the Department for Transport

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						funding to Tramlink was urgently required for them to maintain cash-flow within their business.
3911	13 June 2020	Property Trading Account Rental Deferral	Exempt	Leader of the Council	Chair of Overview and Scrutiny Committee	The Property Department has received numerous requests from commercial property tenants seeking financial assistance with rental payments as a result of Covid-19. Despite Government support to businesses during the lockdown period, tenants have still found themselves in exceptional financial difficulty and have turned to the Council as landlord for assistance. The support measures needed to be implemented urgently to allow officers to negotiate flexible rental payment terms with tenants, to provide financial support to tenants therefore minimising the risk of tenant failure, and securing income to the Council.
Minute ref: 12	16 June 2020	District Heating Scheme Agreement	Exempt	Executive Board	Chair of Overview and Scrutiny Committee	Delay beyond the end of June may have caused the project to have been delayed until 2021 and the project could therefore have no longer been viable.
3918	25 June 2020	Financing Arrangements	Exempt	Leader of the Council	Lord Mayor	Delay would have jeopardised the ongoing viability of a wholly owned company.

