

## **City Council – 5 October 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
3939	28/07/2020	Acceptance of funding from the Department for Transport's Covid-19 Emergency Active Travel Fund – Tranche 1	£569,906	Portfolio Holder for Adult Care and Local Transport	Chair of Overview and Scrutiny Committee	To enable works to commence by 3 August 2020, which was a requirement of the funding.
3944	31/07/2020	Essential health and safety works at Broadmarsh Shopping Centre	Up to £343,500	Portfolio Holder for Regeneration, Schools and Communications	Chair of Overview and Scrutiny Committee	As of 31 July 2020 Intu removed site security and any presence on site. This would have had health and safety implications for both remaining tenants, who access the service road on the site, and also leave the site unprotected and could potentially endanger the public. In addition, works to reopen the public right of way between Lister Gate and Collin Street needed to progress at speed to allow the public to safely access the Southern Gateway of the City.
3952	31/07/2020	Contribution to service charge at a Council owned property	Exempt	Portfolio Holder for Regeneration, Schools and Communications	Chair of Overview and Scrutiny Committee	To enable payment to be made to contractors as soon as possible.
3959	17/08/2020	New 12 month Authority Public Protection 'Flare'	£90,701	Portfolio Holder for Employment and Community	Chair of Overview and Scrutiny Committee	The contract provider had imposed a deadline for the Council to commit by which could

<b>Decision Reference Number</b>	<b>Date of Decision</b>	<b>Subject</b>	<b>Value of Decision</b>	<b>Decision Taker</b>	<b>Consultee on Urgency</b>	<b>Reason for Urgency</b>
		contract		Protection		not be achieved if the call in period proceeded, and not meeting the deadline could have resulted in a detrimental financial impact on the Authority.
3975	01/09/2020	Strategic Review	Exempt	Leader of the Council	Chair of Overview and Scrutiny Committee	Timescales were driven by engagement with third parties, outside the control of the City Council. A delay could have resulted in a significant negative impact on the finances of the Council.
3983	08/09/2020	Nottingham Theatre Royal and Royal Concert Hall – External tiles replacement	£990,000	Portfolio Holder for Leisure, Culture and IT	Chair of Overview and Scrutiny Committee	To enable works to commence and be completed while the Theatre Royal and Royal Concert Hall are closed and before winter months when it would not be possible to carry out the works.

## 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
3975	01/09/2020	Strategic Review	Exempt	Leader of the Council	Chair of Overview and Scrutiny Committee	Timescales were driven by engagement with third parties, outside the control of the City Council. A delay could have resulted in a significant negative impact on the finances of the Council.
Minute ref: 35	21 July 2020	Finance, HR and Payroll System	Exempt	Executive Board	Chair of Overview and Scrutiny Committee	The programme had reached a critical point and a decision on the implementation date was required in order to finalise the implementation plan and ensure that the planned date could be achieved. Failure to make a swift decision could have resulted in an inability to meet the revised date with associated failure to achieve benefits and incurring of further costs. Without approval for the spend the Council would have been unable to retain critical resources, whose contracts were due for imminent renewal and that were essential to meet the implementation date.
Minute ref: 42	22 September 2020	Interim Budget, Medium Term Financial Plan and Draft Strategy		Executive Board	Chair of Overview and Scrutiny Committee	The Interim Budget had to be approved by Full Council on 5 October. The Interim Budget includes a number of new in year

<b>Decision reference number</b>	<b>Date of Decision</b>	<b>Subject</b>	<b>Value of Decision</b>	<b>Decision Taker</b>	<b>Consultee on Urgency</b>	<b>Reason for Special Urgency</b>
						savings that required a period of statutory consultation as detailed in the Council Financial Position – 2020/21 Budget Update report to Executive Board on 21 July 2020.