

City Council – 11 January 2021

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
4059	28/11/2020	Financing Arrangements	Exempt	Leader of the Council	Vice Chair of Overview and Scrutiny Committee (Councillor Power)	Delay would have exceeded the external funding deadlines set and jeopardise the options related for a wholly owned company.
4060	28/11/2020	Allocation of Adult Social Care Infection Control Grant funding Round 2	£2,818,193	Leader of the Council	Chair of Overview and Scrutiny Committee	To enable the funds to be allocated as quickly as possible to care providers, in accordance with the grant conditions which stipulate tight timescales for the funds to be used. This reduced the risk of clawback. Payment of the second instalment of grant is contingent on funds in the first instalment having been fully transferred to providers and reported in November 2020.
4063	04/12/2020	Covid Winter Grant Scheme	£1,414,274	Leader of the Council	Chair of Overview and Scrutiny Committee	The use of part of the funding for food vouchers required this to be put in place as rapidly as possible to ensure that schools have the ability to distribute the vouchers to parents of eligible pupils with enough time prior to the Christmas break.
4066	04/12/2020	Broadmarsh Car Park Development Contract Extension	£2,995,627	Leader of the Council	Chair of Overview and Scrutiny Committee	Delay would have resulted in an elongation of the contract timetable with Galliford Try, with an associated increase in costs.

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
4059	28/11/2020	Financing Arrangements	Exempt	Leader of the Council	Lord Mayor	Delay would have exceeded the external funding deadlines set and jeopardise the options related for a wholly owned company.
4060	28/11/2020	Allocation of Adult Social Care Infection Control Grant funding Round 2	£2,818,193	Leader of the Council	Chair of Overview and Scrutiny Committee	Funding in Round 2 is expected to be fully spent on infection control measures by 31 March 2021. Allocations to care homes and other providers must be made within tight timescales of receipt as claw back provisions enable the funding to cease or be recovered by the Department for Health and Social Care if not fully used on eligible measures and reported upon at reporting points between November and April.
4063	04/12/2020	Covid Winter Grant Scheme	£1,414,274	Leader of the Council	Chair of Overview and Scrutiny Committee	To prevent the ability to mobilise and deploy sufficient resources being severely restrained; to prevent the period for which the support is available to citizens in need being reduced by 25%; and to enable free school meals vouchers to be given to schools in time for distribution prior to the Christmas break.