

## **City Council – 8 March 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

<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>
4098	21/01/2021	To approve receipt of funding and allocation of match funding for energy efficiency improvements	£5,466,869.95	Leader of the Council	Chair of Overview and Scrutiny Committee	A tight timescale was imposed on the Council by the funders. Acceptance of funding was required by 21 January. If the funding had not been accepted by this deadline, the funding would have been lost.
4109	05/02/2021	Adult social care workforce requirements due to the Covid-19 pandemic	£383,000	Portfolio Holder for Adult Care and Local Transport	Chair of Overview and Scrutiny Committee	Given the rapidly worsening Covid-19 situation, the provision of reablement support needed to be extended. In order to extend staff contracts, notice had to be given to staff within a specific timescale. If notice had not been given to staff within that time period there would have been a risk that staff may have been lost and a recruitment exercise would have been required, involving time delays and additional cost; and some or all of the reablement support would not have been provided causing potential risks to the health of citizens.
4116	10/02/2021	Green Home Grants Local Authority Delivery Phase 2	£60.95m	Portfolio Holder for Regeneration, Schools and Communications	Chair of Overview and Scrutiny Committee	Details of the grant funding conditions from the Department for Business, Energy and Industrial Strategy were delayed

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						but the Department did not revise the timescales to take this into account and therefore the decision making and project timescales were compressed. Delay in the decision could have jeopardised the funding and delivery of the programme.
4125	22/02/2021	Adult Social Care Workforce Capacity Fund	£775,014	Portfolio Holder for Adult Care and Local Transport	Chair of Overview and Scrutiny Committee	There was short notice of the grant award and a tight timescale for delivery, so any delay would have created a risk that the allocation and spend would not have been completed by the deadline, resulting in funding being returned to the Department for Health and Social Care.
4126	22/02/2021	Allocation of Adult Social Care Rapid Testing Funding	£639,400	Portfolio Holder for Adult Care and Local Transport	Chair of Overview and Scrutiny Committee	There was short notice of the grant award and a tight timescale for delivery, so any delay would have created a risk that the allocation and spend would not have been completed by the deadline, resulting in funding being returned to the Department for Health and Social Care.
Executive Board Minute	23/02/2021	Budget 2021/22 and Medium Term Financial Outlook	£1.1m	Executive Board	Chair of Overview and Scrutiny Committee	In order to meet requirements of the Housing Act 1985 to give tenants 28 days notice of rent

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Ref:83		<ul style="list-style-type: none"><li>• Housing Revenue Account budget 2021/22 element</li></ul>				increases.

## **Appendix 2 - Key Decisions taken under the Special Urgency Procedure**

There were no decisions taken under the Special Urgency Procedure during this period to report.