

City Council – 13 September 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
4271	9 July 2021	Improvement and Transformation: Programme Management Office Interim Director – Appointment of Consultant	£181,000	Portfolio Holder for Finance and Resources	Chair of Overview and Scrutiny Committee	The Council is working at significant pace in responding to the Non Statutory Review and delivering the Recovery and Improvement Plan. In order to provide specialist advice relating to transformation, the Council urgently needed delivery capacity, expertise and skills that were not available within the Council as part of this agenda. The Council had the opportunity to engage additional expertise which would not only begin to deliver transformation through appropriate processes, but also develop the skillset within the Council for the future in a sustainable way. The Council is now at a critical point in delivering its transformation agenda, and the call in period would have considerably disadvantaged the Council in engaging an available external transformation expert to ensure the delivery of sustainable transformation activity.
4275	15 July 2021	Allocation of Covid	£1,331,082	Leader of the	Chair of Overview	The contract needed to be place

Decision Reference Number	Date of Decision	Subject	Value of Decision	Decision Taker	Consultee on Urgency	Reason for Urgency
		Local Support Grant		Council	and Scrutiny Committee	by 19 July (prior to schools closing for the summer holiday) to enable schools to inform parents of the availability of the vouchers.
4319	3 August 2021	Private Rental Sector Enforcement Competition	£2,500,000	Leader of the Council	Chair of Overview and Scrutiny Committee	The Competition that had been run by the Midland's Energy Hub had a large number of applicants. Central Government wanted to increase funding to increase the number of successful applicants and the Variation to the Memorandum of Understanding had to be signed prior to the deadline for informing applicants of their success in order for the funding announcement to be made in line with the agreed competition timeframes.

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
4275	15 July 2021	Allocation of Covid Local Support Grant	£1,331,082	Leader of the Council	Chair of Overview and Scrutiny Committee	Central Government confirmed an extension of the Covid Local Support Scheme on 22 June 2021. Discussions were held about how the money should be allocated and the process for approving the proposed scheme commenced. As the school term ended for some City schools on 20 July, and parents needed to be informed of the process for application prior to the end of term, there was insufficient time to give additional notice.