

# City Council – 12 September 2022

## Report of the Leader of the Council

### Corporate Director/ Director:

Director of Legal and Governance

### Report Author:

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### Title: Decisions taken under Urgency Procedures

### Does the report form part of the Budget or Policy Framework?

Yes  No

### Does this report contain any information that is exempt from publication?

No

### Relevant Council Plan Key Outcome:

|                                 |                                     |
|---------------------------------|-------------------------------------|
| Clean and Connected Communities | <input type="checkbox"/>            |
| Keeping Nottingham Working      | <input type="checkbox"/>            |
| Carbon Neutral by 2028          | <input type="checkbox"/>            |
| Safer Nottingham                | <input type="checkbox"/>            |
| Child-Friendly Nottingham       | <input type="checkbox"/>            |
| Healthy and Inclusive           | <input type="checkbox"/>            |
| Keeping Nottingham Moving       | <input type="checkbox"/>            |
| Improve the City Centre         | <input type="checkbox"/>            |
| Better Housing                  | <input type="checkbox"/>            |
| Financial Stability             | <input type="checkbox"/>            |
| Serving People Well             | <input checked="" type="checkbox"/> |

## 1. Summary

- 1.1 As required by the Council's Constitution, this report informs Council of urgent decisions taken under provisions within the Overview and Scrutiny Procedure Rules (Article 11) and Access to Information Procedure Rules (Article 13).

## 2. Recommendations

- 2.1 To note the urgent decisions taken in accordance with requirements of the Council's Constitution, as detailed in the appendices.

## 3. Reasons for recommendations

- 3.1 To ensure compliance with requirements of the Council's Constitution.

#### **4. Other options considered in making recommendations**

- 4.1 None. It is a Constitutional requirement that Council is informed of urgent decisions taken under provisions within the Overview and Scrutiny Procedure Rules (Article 11) and Access to Information Procedure Rules (Article 13).

#### **5. Consideration of Risk**

- 5.1 Consideration of the risks associated with the decisions referred to in this report were published as part of each of those decisions.

#### **6. Background (including outcomes of consultation)**

- 6.1 Decisions taken under the Call-in and Urgency provisions of the Overview and Scrutiny Procedure Rules

The Call-in procedure set out in Article 11 of the Council's Constitution 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. The urgency provisions require the Chair of the Overview and Scrutiny Committee (or in the absence of the Chair, one of the Vice-Chairs; or in the absence of all three, the Chief Executive) to agree that the decision proposed is reasonable in all the circumstances and that the reasons for urgency are valid. The Constitution requires that decisions taken under these urgency provisions are reported to the next meeting of the Standards and Governance Committee and Full Council.

- 6.2 Decisions taken under the Special Urgency provisions of the Access to Information Procedure Rules

Where it is impracticable to give at least five clear working days notice that a Key Decision is going to be made, a Key Decision may only be made in accordance with the Special Urgency provisions set out in the Access to Information Procedure Rules (Article 13 of the Council's Constitution). The Special Urgency provisions require agreement from the Chair of the Overview and Scrutiny Committee (or in the absence of the Chair, the Lord Mayor as Chair of Council; or in the absence of both, the Sheriff as Vice Chair of Council) that the decision is urgent and cannot reasonably be deferred. The Constitution requires that decisions taken under these urgency provisions are reported to the Standards and Governance Committee and Full Council.

#### **7. Finance colleague comments (including implications and value for money)**

- 7.1 Comments from Finance colleagues in relation to the decisions referred to in this report were published as part of each of those decisions.

#### **8. Legal colleague comments**

- 8.1 Comments from Legal colleagues in relation to the decisions referred to in this report were published as part of each of those decisions.

#### **9. Other relevant comments**

- 9.1 None

**10. Crime and Disorder Implications (If Applicable)**

10.1 Where applicable, details of the crime and disorder implications of the decisions referred to in this report were published as part of each of those decisions.

**11. Social value considerations (If Applicable)**

11.1 Where applicable, details of the social value considerations of the decisions referred to in this report were published as part of each of those decisions.

**12. Regard to the NHS Constitution (If Applicable)**

12.1 Where applicable, details of the social value considerations of the decisions referred to in this report were published as part of each of those decisions.

**13. Equality Impact Assessment (EIA)**

13.1 Where required, Equality Impact Assessments were published alongside each decision referred to in the report.

**14. Data Protection Impact Assessment (DPIA)**

14.1 Where required, the data protection impact of the decisions referred to in this report was assessed and, where appropriate, details published as part of each of those decisions.

**15. Carbon Impact Assessment (CIA)**

15.1 Where required, the carbon impact of the decisions referred to in this report was assessed and, where appropriate, details published as part of each of those decisions.

**16. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

16.1 None

**17. Published documents referred to in this report**

17.1 Nottingham City Council Constitution

17.2 The committee reports and minutes, and delegated decisions referred to in this report, as published on the Nottingham City Council website.

**Councillor David Mellen**  
**Leader of the Council**

## Appendix 1 - Decisions taken under the Call-in and Urgency provisions of the Overview and Scrutiny Procedure Rules

| <b>Decision Reference</b> | <b>Date of Decision</b> | <b>Subject</b>   | <b>Decision Taker</b>                                       | <b>Consultee on Urgency</b>              | <b>Reason for Urgency</b>   |
|---------------------------|-------------------------|--|---|--|---|
| DD4668                    | 6 July 2022             | Approval to reallocate £335,000 Green Homes Grant Local Authority Delivery Phase 2 Grant Funding | Portfolio Holder for Energy, Environment and Waste Services | Chair of Overview and Scrutiny Committee | The programme of works would have been compromised affecting delivery by the Business, Energy and Industrial Strategy Department's deadline of 22 August 2022.  |
| DD4706                    | 31 August 2022          | Grant support for Energy Efficiency Upskilling Competition                                       | Leader of the Council                                       | Chair of Overview and Scrutiny Committee | The Business, Energy and Industrial Strategy Department required a Memorandum of Understanding to be completed during August so that the Energy Efficiency Upskilling Competition could be launched on 5 September to ensure optimum delivery during this financial year.   |
| DD4707                    | 31 August 2022          | Provision for commercial lease negotiations  | Leader of the Council                                       | Chair of Overview and Scrutiny Committee | The Council was engaged in a time critical negotiation process regarding this important commercial lease. A decision putting the right level of resourcing in place to support the negotiations was required urgently so as to ensure that the Council was in the most effective position possible to achieve best value. |
| DD4725                    | 23 September 2022       | Chewing Gum Task Force grant approval  | Portfolio Holder for Energy, Environment and Waste Services | Chair of Overview and Scrutiny Committee | In order to comply with the funding agreement, the Task Force had to be 'live' within two weeks.  |

**Appendix 2 – Key Decisions taken under the Special Urgency provisions of the Access to Information Procedure Rules**

| <b>Decision reference</b> | <b>Date of Decision</b> | <b>Subject</b>   | <b>Decision Taker</b> | <b>Consultee on Urgency</b>              | <b>Reason for Special Urgency</b>  |
|---------------------------|-------------------------|--|-----------------------|--|--|
| DD4667                    | 5 July 2022             | Private Rental Sector Enforcement Competition – Additional Funding | Leader of the Council | Chair of Overview and Scrutiny Committee | In order for the Business, Energy and Industrial Strategy Department to release the additional funding, the Council had to ensure that it was able to start transferring the grant funding to successful local authorities from the middle of July 2022. The Council needed to put measures in place to start distributing funding within the required timescales. |