

## Standards and Governance Committee – 18 April 2024

<b>Title of paper:</b>	Decisions taken under Urgency Procedures	
<b>Director(s)/ Corporate Director(s):</b>	Malcolm Townroe, Director for Legal and Governance	<b>Wards affected:</b> All
<b>Report author(s) and contact details:</b>	Jane Garrard, Senior Governance Officer <a href="mailto:jane.garrard@nottinghamcity.gov.uk">jane.garrard@nottinghamcity.gov.uk</a>	
<b>Other colleagues who have provided input:</b>	None	
<b>Date of consultation with Portfolio Holder(s) (if relevant)</b>	Not applicable	
<b>Does this report contain any information that is exempt from publication?</b> No		
<b>Relevant Council Plan Outcome:</b>		
Green, 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"/>	
Living Well in our Communities	<input type="checkbox"/>	
Keeping Nottingham Moving	<input type="checkbox"/>	
Improve the City Centre	<input type="checkbox"/>	
Better Housing	<input type="checkbox"/>	
Serving People Well	<input checked="" type="checkbox"/>	
<b>Summary of issues (including benefits to citizens/service users):</b>		
<p>The Council's Constitution requires that decisions taken under urgency provisions within the Overview and Scrutiny Procedure Rules (Article 11) and Access to Information Procedure Rules (Article 13) are reported to Full Council and the Standards and Governance Committee.</p> <p>This report informs the Committee of decisions that have been taken under these provisions since 1 May 2023. During that period there have been four decisions taken under urgency provisions within the Overview and Scrutiny Procedure Rules and no decisions taken under the special urgency provisions within the Access to Information Procedure Rules.</p>		
<b>Recommendation(s):</b>		
<b>1</b>	To note that four decisions have taken under urgency provisions within the Overview and Scrutiny Procedure Rules (Article 11) of the Constitution since 1 May 2023, details of which are set out in Appendix A.	
<b>2</b>	To note that no decisions have been taken under the special urgency provisions within the Access to Information Procedure Rules (Article 13) of the Constitution since 1 May 2023.	

### 1. Reasons for recommendations

- 1.1 The Council's Constitution requires that decisions taken under urgency provisions within the Overview and Scrutiny Procedure Rules (Article 11) and Access to Information

Procedure Rules (Article 13) are reported to the next available meeting of the Standards and Governance Committee.

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

2.1 None. It is a constitutional requirement that the Standards and Governance Committee is informed of approved exemptions from standard decision-making processes including call-in and Executive notices.

## **3. Consideration of Risk**

3.1 Consideration of the risks associated with each of the decisions taken under these provisions was published as part of those decisions.

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

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

4.1.1 The call-in procedure set out in Article 11 of the 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. A decision can only be taken under this urgency provision if the Chair of the Corporate Scrutiny Committee (or in the absence of the Chair, the Vice Chair; or in the absence of both, the Chief Executive) agrees that the proposed decision is reasonable in all circumstances and that the reasons for urgency are valid.

4.1.2 Since 1 May 2023, there have been four decisions taken under these urgency provisions. A summary of these decisions is set out in Appendix A, and the decisions are available on the Council's website.

### **4.2 Decisions taken under the Special Urgency provisions of the Access to Information Procedure Rules**

4.2.1 Where it is impractical to give at least five clear working days notice of the intention to take a Key Decision, that 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 Constitution). These special urgency provisions require agreement from the Chair of the Corporate 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.

4.2.2 Since 1 May 2023, there have been no decisions taken under these urgency provisions.

4.3 The agenda of every ordinary Council meeting includes a report informing Council of any decisions taken under these urgency procedures since the previous report. These regular reports evidence a positive trend of a significant reduction in the use of urgency procedures since the adoption of the new Constitution in October 2021, and associated strengthened training and guidance for officers and councillors.

Number of exemptions from standard governance processes					
	Period (Municipal Year)				
	2019/20	2020/21	2021/22*	2022/23	2023/24^
Exemption from Call-in	16	27	12	10	4
Special Urgency	6	14	4	2	0

\*new constitutional arrangements introduced 1 October 2021

^ to 27 March 2024

## 5 Finance colleague comments (including implications and value for money)

- 5.1 The recommendation in this report relates to decisions that were taken under urgency provisions for which finance comments were provided at the time the decisions were taken. Consequently, there are no additional financial implications resulting from this recommendation.

Alfred Ansong, Strategic Finance Business Partner

## 6 Legal colleague comments

- 6.1 The relevant legislation and sections of the constitution are set out in the body of the report.

Beth Brown, Head of Legal, 28 March 2024

## 7 Other relevant comments

- 7.1 None

## 8 Crime and Disorder Implications (If Applicable)

- 8.1 Not applicable

## 9 Social value considerations (If Applicable)

- 9.1 Not applicable

## 10 Regard to the NHS Constitution (If Applicable)

- 10.1 Not applicable

## 11 Equality Impact Assessment (EIA)

- 11.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because the report does not contain recommendations for changes to policies, services or functions. Where required, Equality Impact Assessments were published alongside each of the decisions referred to in the report.

## 12 Data Protection Impact Assessment (DPIA)

- 12.1 Has the data protection impact of the proposals in this report been assessed?

No



A DPIA is not required because the report does not contain any recommendations involving the use of personal or sensitive data. Where required, the data protection implications of the decisions referred to in this report were assessed and, where appropriate, details published as part of those decisions.

### 13 **Carbon Impact Assessment (CIA)**

13.1 Has the carbon impact of the proposals in this report been assessed?

No



A CIA is not required because the report does not contain any recommendations for changes to policies, services or functions. Where required, the carbon impact of the decisions referred to in this report were assessed and, where appropriate, details published as part of those decisions.

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

14.1 None

### 15 **Published documents referred to in this report**

15.1 Nottingham City Council Constitution – Article 11 Overview and Scrutiny Procedure Rules and Article 13 Access to Information Procedure Rules

15.2 The committee reports and minutes, and records of delegated decisions referred to in this report (references detailed in Appendix A).

**Appendix A – Decisions taken under the Call-in and Urgency provisions of the Overview and Scrutiny Procedure Rules since 1 May 2023**

<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>
4996	27/07/23	Lease of Highwood House to Nottingham City Homes Registered Provider Ltd	Portfolio Holder for Housing	Chair of Corporate Scrutiny Committee	Delay would have had onward implications for other disposals including those with statutory timeframes, and potential to severely delay the new lease being activated.
5006	09/08/23	Purchase of Nottingham City Homes Fleet	Leader of the Council	Chair of Overview and Scrutiny Committee	To enable the vehicles to be used for service provision and payment made to Nottingham City Homes enabling financial year-end closedown procedures to be completed as soon as possible.
Minute reference: 92	13/02/24	HRA Business Plan 2024-2053, MTFP 2024-2028, Budget 2024/25 including rent setting and public sector housing capital programme 2024-2029	Executive Board	Chair of Corporate Scrutiny Committee	To enable the required 28 days notice of a rent increase to be given to tenants.
5106	14/03/24	Acceptance of grant funding from the Department for Transport	Leader of the Council	Chair of Corporate Scrutiny Committee	The acceptance letter had to be returned by 15 March 2024 and Government confirmed that the funding would not be available if that deadline was missed.