

## Standards and Governance Committee – 11 September 2024

<b>Title of paper:</b>	Decisions taken under Urgency Procedures	
<b>Director(s)/ Corporate Director(s):</b>	Beth Brown, 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 Executive Member(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 the last report to the Committee in April 2024. During that period there have been five 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 five decisions have been taken under urgency provisions within the Overview and Scrutiny Procedure Rules (Article 11) of the Constitution since the last report to the Committee in April 2024, 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 the last report to the Committee in April 2024.	

## **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 the last report to the Committee in April 2024, there have been five 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 the last report to the Committee in April 2024 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 trends in the use of urgency procedures.

Number of exemptions from standard governance processes						
	Period (Municipal Year)					
	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25^
Exemption from call-in	16	27	12	10	4	5
Special urgency	6	14	4	2	0	0

\* new constitutional arrangements introduced 1 October 2021

^ to 12 August 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. 31.07.24

## 6. Legal colleague comments

- 6.1 The relevant legislation and sections of the Constitution are set out in the body of the report.
- 6.2 Appropriate legal comments would have been provided for each decision referenced in the report.

Anthony Heath, Head of Legal Services, 12 August 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 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 April 2024**

<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>
5128	06/06/24	Installation of Temporary Accommodation – Bluecoat Wollaton Academy	Executive Member for Children, Young People and Schools	Chair of Corporate Scrutiny Committee	To enable the accommodation to be fitted in time for use from September 2024.
5129	07/06/24	Transportation of Passenger Transport Services and School Trips, and School Meals Transport	Lead of the Council	Chair of Corporate Scrutiny Committee	To enable continuation of service until a Dynamic Purchasing System is in place.
5133	14/06/24	Midlands Net Zero Hub Grant Funding – Local Net Zero Programme	Leader of the Council	Chair of Corporate Scrutiny Committee	A draft Memorandum of Understanding had just been received from the Department for Energy Security and Net Zero with sign off required by 11 June 2024.
5141	26/06/24	Inpatient detox service ‘The Level’	Executive Member for Adult Social Care and Health	Chair of Corporate Scrutiny Committee	The new contract had to be signed before the end of June 2024 to ensure there were no gaps in provision.
5146	15/07/24	Proposed extension to the Nottingham City Council Public Spaces Protection Order (PSPO) Dane Court	Executive Member for Communities, Waste and Equalities	Chair of Corporate Scrutiny Committee	To enable the PSPO to be extended before the current PSPO expired, which would have involved a lengthy and costly process.