

CITY COUNCIL – 4 MARCH 2019

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 (paragraph 13, 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 (paragraph 16.2, Access to Information Rules, Part 4 of the Constitution). 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.

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 JON COLLINS
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	Reasons for Urgency
3379	18 January 2019	Parent Company Guarantee	Exempt	Deputy Leader and Portfolio Holder for Finance, Resources and Commercial Services	Chair of Overview and Scrutiny	To enable the arrangements to be in place by the required date.
3386	24 January 2019	Engagement of Professional Services	Exempt	Portfolio Holder for Finance, Resources and Commercial Services	Chair of Overview and Scrutiny	Delay would have meant that the planned action could not proceed.
3395	1 February 2019	Nottingham Science Park No.2 Building – Additional Works	Exempt	Portfolio Holder for Regeneration and Growth	Chair of Overview and Scrutiny	The Council had started works on the site under a pre-construction contract. These works will take 6 weeks. The main construction contract needed to be signed on 4 February to allow works to continue, any break would have added additional cost to the project as the contractor would

						need to have left site and then return.
	19 February 2019	Medium Term Financial Plan	£122.609m	Executive Board	Chair of Overview and Scrutiny	The Council's budget has to be approved at the Full Council meeting on 4 March 2019 and the report despatch date for the Council agenda is before the call in period would have ended.

Appendix 2 - Key Decisions taken under the Special Urgency Procedure

Decision Reference Number	Date of Decision	Subject	Value of Decision	Decision Taker	Reason for Special Urgency
Minute Number 75	22 January 2019	Highways Services - Key Decision	Exempt	Executive Board	The need to complete the project within agreed timescales.
3405	15 February 2019	Investment Acquisition – Project Green	Exempt	Deputy Leader and Portfolio Holder for Finance, Resources and Commercial Services	Heads of Terms had been agreed with the vendor and a condition of the sale was a simultaneous exchange and completion within 20 days of receiving the full legal pack.
	19 February 2019	Medium Term Financial Plan – Key Decision	£122.609m	Executive Board	The Council's budget has to be approved at Full Council in March 2019, which takes place before the March 2019 Executive Board meeting.
	19 February 2019	Treasury Management Strategy 2019/20 and Capital and Investment Strategy 2019/20	Nil	Executive Board	Approval of a Treasury Management Strategy is a legal requirement.