

## **CITY COUNCIL – 9 SEPTEMBER 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 (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.

**LEADER OF THE COUNCIL**

**Appendix 1 - Decisions Exempt from Call-In**

<b>Decision Reference Number</b>	<b>Date of Decision</b>	<b>Subject</b>	<b>Value of Decision</b>	<b>Decision Taker</b>	<b>Consultee on Urgency</b>	<b>Reason for Urgency</b>
3564	26 June 2019	Property Investment Disposal	Exempt	Leader of the Council	Chair of Overview and Scrutiny	The timescale agreed with the purchaser had to be met to secure the capital receipt. A delay may have resulted in the purchaser pulling out of the deal, which would have had significant financial consequences for the Council. The capital receipt would have been put at risk and, as part of the sale, the letting of a large vacant part of the property was put on hold which led to the prospective tenant seeking alternative accommodation.
3565	26 June 2019	Works to be undertaken at Dolomite Avenue, Coventry Business Park, Coventry, CV5 6UE	Exempt	Leader of the Council	Chair of Overview and Scrutiny	A delay may have meant the loss of the tenant and rent, which would have meant that the Council had no rent coming in but would still have incurred running costs such as rates on a void property.

**Appendix 2 - Key Decisions taken under the Special Urgency Procedure**

There are no decisions to be reported.