

## **CITY COUNCIL – 11 NOVEMBER 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.

**COUNCILLOR DAVID MELLEN  
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>
3626	29 August 2019	Highway Services	Exempt	Leader of the Council	Vice Chair of Overview and Scrutiny Committee	To comply with legal timeframes and prevent increased costs.
3630	4 September 2019	Approval of revised Articles of Association for Nottingham City Homes	Nil	Portfolio Holder for Housing, Planning and Heritage	Chair of Overview and Scrutiny Committee	To enable the proposals to be submitted for approval at the Nottingham City Homes Annual Meeting.
3651	29 September 2019	Education and Skills Funding Agency – Adult Education Contract 2019/20	£551,768	Portfolio Holder for Early Years, Education and Employment	Vice Chair of Overview and Scrutiny Committee	Delay would have had an adverse impact on the ability to deliver the contract and put future Education and Skills Funding Agency contracts at risk.
3668	4 October 2019	Additional affordable housing acquisition at Padstow, Bestwood	Exempt	Portfolio Holder for Regeneration, Safety and Communications	Chair of Overview and Scrutiny Committee	To enable a developer to be secured within the necessary timescales. Delay would have put the desired outcomes of the scheme at risk.
3674	14 October 2019	Parent Company Guarantee	Exempt	Councillor David Mellen	Chair of Overview and Scrutiny Committee	Further costs would have been incurred to a wholly owned company as it would have been unable to urgently purchase commodities.
3680	16 October 2019	Midlands Engine appointment of ADE Regeneration Ltd	£33,600	Portfolio Holder for Regeneration, Safety and Communications	Chair of Overview and Scrutiny Committee	The contract was required due to a vacancy in the team and cover was needed urgently to represent the Midlands Engine as 'client' on a portfolio of major projects.

Minute Ref: 46	22 October 2019	Financing arrangements	Exempt	Executive Board	Chair of Overview and Scrutiny Committee	One of the Council's group companies required alternative funding arrangements prior to the end of the month. The Council was required to notify third parties of its intention to secure alternative financing arrangements by the end of 22 October 2019.
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**Appendix 2 - Key Decisions taken under the Special Urgency Procedure**

<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 Special Urgency</b>
3674	14 October 2019	Parent Company Guarantee	Exempt	Leader of the Council	Chair of Overview and Scrutiny Committee	Further costs would have been incurred to a wholly owned company as it would have been unable to urgently purchase commodities.
Minute Ref: 46	22 October 2019	Financing arrangements	Exempt	Executive Board	Chair of Overview and Scrutiny Committee	One of the Council's group companies required alternative funding arrangements prior to the end of the month. The Council was required to notify third parties of its intention to secure alternative financing arrangements by the end of 22 October 2019.