

CITY COUNCIL – 13 JANUARY 2020

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

Decision Reference Number	Date of Decision	Subject	Value of Decision	Decision Taker	Consultee on Urgency	Reason for Urgency
3691	1 November 2019	Midlands Engine Funding and Regional Leaders Summit	Nil	Portfolio Holder for Regeneration, Safety and Communications	Chair of Overview and Scrutiny Committee	To secure the booking on the venue as rapidly as possible, as equivalent alternatives were not available in the required summit location, and the proposed venue's availability may have been lost.
3692	5 November 2019	Granting of a lease for a new substation at the Elizabeth Garrett Anderson Building, Nottingham Science Park	Exempt	Portfolio Holder for Regeneration, Safety and Communications	Chair of Overview and Scrutiny Committee	To ensure that the development project was not subject to further delay and substantial additional cost to the Council.
3694	5 November 2019	Greater Nottingham Housing Growth Study and 'Building Council Homes' study	£80,000	Portfolio Holder for Housing, Planning and Heritage	Chair of Overview and Scrutiny	A partner council needs to complete its housing needs assessment by January. The full study has to be completed, reported on and paid for by 31 March 2020 and, due to the Christmas period, the time required to procure and produce the two studies within the deadline was running very short.
Minute number 62	19 November 2019	Financing Arrangements	Exempt	Executive Board	Chair of Overview and Scrutiny Committee	One of the Council's group companies required alternative financing arrangements prior to the end of the month and therefore it was not possible to wait until the next scheduled

						Executive Board meeting to consider this item. The Council was required to notify third parties of its intention to secure alternative financing arrangements by the end of November.
Minute number 71	17 December 2019	Company Arrangements	Nil	Executive Board	Vice Chair of Overview and Scrutiny Committee	To enable the Council to respond to a recommendation issued by its External Auditor. The Council was required to notify the External Auditor of its proposed response by 17 December 2019.
3749	30 December 2019	Purchase of Ice Plant Replacement and Decommissioning Works	Exempt	Portfolio Holder for Finance, Growth and the City Centre	Vice Chair of Overview and Scrutiny Committee	The order for the replacement ice plant had to be placed prior to the end of 2019.

Appendix 2 - Key Decisions taken under the Special Urgency Procedure

Decision reference number	Date of Decision	Subject	Value of Decision	Decision Taker	Consultee on Urgency	Reason for Special Urgency
Minute number 62	19 November 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 and therefore it was not possible to wait until the next Executive Board meeting. The Council was required to notify third parties of its intention to secure alternative financing arrangements by the end of the November.