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| **Report to** | | **On** | | |  | | |
| **Scrutiny Committee**  **Council** | | **13 April 2021**  **21 April 2021** | | |
|  |  | |  | | |
| **Title** | | | | **Portfolio Holder** | | | **Report of** | |
| Urgent Executive Decisions | | | | **Leader of the Council and Cabinet Member (Strategy and Reform)** | | | **Director of Governance and Monitoring Officer** | |

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| Is this report confidential? | No |

## Purpose of the Report

1. This report informs Council of a number of urgent decisions taken by the Executive (i.e. Cabinet or Individual Executive Members) in accordance with urgency procedures outlined in the Council’s Constitution since the last meeting of Council held on 19 May 2021.
2. These include ‘key’ decisions (as defined in the Cabinet Forward Plan / Notice of Executive Decisions), decisions which include confidential or exempt information, and urgent decisions for which the Mayor agreed to waive scrutiny call-in.

## Recommendations

1. That Scrutiny Committee is asked to note the report and to review the process to agree the urgent decision and to waive the scrutiny call-in on 29 June 2021, as outlined in the report.
2. That Council notes the report.

## Reasons for recommendations

1. The Council’s Constitution states that the following decisions taken under urgency procedures must be reported to Council:

**Part 4C - Reports on Special Urgency Decisions to Council & General Exceptions**

**19.1** The Leader must submit a report to the next available Council meeting setting out the details of any executive decision taken as a matter of special urgency under the procedure set out in Rule 18 (Key Decision - Special Urgency).

**19.2** The Cabinet must prepare a report to the next available Council meeting setting out the details of any executive decision taken without giving 28 days’ notice under the procedure set out in Rule 17 (Key Decision – General Exception

**Part 4F – Scrutiny Procedure Rules - Call In and Urgency**

**11.14**. All decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

The next available meeting of the Scrutiny Committee will review the process for agreeing the urgent decision and make appropriate recommendations.

## Other options considered and rejected

## None, for the reasons given above.

## Corporate outcomes

1. The report relates to the following corporate priorities: (tick all those applicable):

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| An exemplary council | X | Thriving communities |  |
| A fair local economy that works for everyone |  | Good homes, green spaces, healthy places |  |

## Background to the report

1. Since Council on 19 May 2021 four decisions were taken under the Council’s urgency procedures, as detailed below.

## Details of Urgent Executive Decisions taken

1. Key decisions *for which it was not possible to give 28 days’ notice on the Cabinet Forward Plan but published at least 5 workings days before the decision is taken* fall under Council Procedure Rule 17 – Key Decision – General Exception in Part 4C of the Council’s Constitution, which requires the Chair of the Scrutiny Committee to be informed of the reasons for the urgency.
2. Key decisions *published less than 5 working days before the decision was taken* fall under Council Procedure Rule 18 - **Key Decision – Special Urgency in Part 4C of the Council’s Constitution, where** the decision may only be made where agreement has been obtained from the Chair of the Scrutiny Committee.
3. Any urgent decision to waive scrutiny call-in must be agreed by the Mayor in accordance with paragraph 11.14 of Part 4F of the Constitution. A decision will be considered urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council’s or the public’s interests.

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| **Decision** | **Date and Decision Maker** | **Reasons for urgency** |
| Mutual Agreement  General Exception Procedure  **Scrutiny Call-In period waived** | 29 June 2021  Leader of the Council and Cabinet Member (Strategy and Reform) | This decision was published on 18.6.21 and taken under the General Exception Procedure. The matter was confidential and could not wait 28 days because it concerned the termination of employment of an employee and any other approach to resolve introduces significant risk to the organisation of an employment tribunal claim.  In accordance with paragraph 11.14 of Part 4F of the Council’s Constitution, the Mayor agreed to waive the Scrutiny call-in procedure in respect of this decision for the reasons given below:  The reason for the urgency is that ceasing the employment relationship with the employee on a mutual agreement basis provides the best protection for the council from litigation.  The employee has agreed to leave by mutual agreement which protects the Council and will support the service to focus on their operational objectives. |
| Corporate Support Review  Special Urgency Procedure | 23 June 2021  Leader of the Council and Cabinet Member (Strategy and Reform) | This decision was taken under the Special Urgency Procedure by reason of the need to implement the decision in line with the agreed timetable following consultation with staff. |
| Town Deal - Professional Design Team Appointments  Special Urgency Procedure | 2 July 2021  Leader of the Council and Cabinet Member (Strategy and Reform) | This decision was taken under the General Exception Procedure. The reasons were due to the timescales needing to be brought forward for the appointment of a consultant, in order assist the business case and ensure that the timetable regarding the Town Deal is kept on track. |
| Café Operator at Bamber Bridge  General Exception Procedure | To be taken in July 2021  Cabinet Member (Finance, Property and Assets) | This will be taken under the General Exception Procedure as the report contains confidential information (published in the Cabinet Forward Plan on 22.6.21). The urgency is by reason of the need for the decision to be implemented at the earliest opportunity in order for the Council to support the local businesses and residents as COVID restrictions are lifted. |

## Risk

1. There are no risk implications arising from this report.

## Equality and diversity

1. There are no Equality Impact Assessment (EIA) and Equality Act implications arising from this report.

## Air quality implications

1. There are no Air Quality implications arising from this report.

## Comments of the Statutory Finance Officer

1. The financial implications of these decisions were included in the individual reports.

## Comments of the Monitoring Officer

1. There are no issues to raise from a Monitoring Officer point of view. The report is designed to comply with the requirements in the Constitution about keeping members informed of any urgent decisions that have been made.

Background documents

**Council Constitution**

[**Modern.gov link to decisions page**](https://southribbleintranet.moderngov.co.uk/mgDelegatedDecisions.aspx?bcr=1&DM=0&DS=2&K=0&DR=&V=0)

## Appendices

None

Darren Cranshaw – Shared Services Lead - Democratic, Scrutiny & Electoral Services

Chris Moister – Director of Governance and Monitoring Officer

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