

Report of	Meeting	Date
Director of Governance and Monitoring Officer (Introduced by Leader of the Council and Cabinet Member (Strategy and Reform))	Council Scrutiny Committee	22 September 2021 12 October 2021

Is this report confidential?	No
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Is this decision key?	Not applicable
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Urgent Executive and Council Decisions

Purpose of the Report

1. This report informs Council of a number of urgent decisions taken in accordance with urgency procedures outlined in the Council's Constitution since the report to the last meeting of Council held on 21 July 2021.
2. These urgent decisions include 'key' decisions taken by the Executive (i.e. Cabinet of Individual Executive Members) 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. For clarification, **these do not relate to urgent decisions arising from the COVID pandemic.**
3. The report also includes urgent decisions taken by the Chief Executive in consultation with the Leader of the Council in accordance with Section 35 of Part 4A of the Council's Procedure Rules. **This may include decisions relating to the COVID pandemic** such as the need to urgently release funding allocated for this purpose.

Recommendations to Council

4. Council is asked to note the report.

Recommendations to Scrutiny Committee

5. 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 30 July 2021, as outlined in the report.

Reasons for recommendations

6. 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.

Part 4A – Council Procedure Rules

- **35. Delegation of Urgent Decisions between Meetings of the Cabinet or a Committee**

Where a need for urgent action arises between meetings of a committee, but it is not considered to be sufficient justification for calling a special meeting or calling such a meeting would not be possible for any reason, such decisions may be taken by the Chief Executive (or other designated officer). The Chief Executive (or other designated officer) shall first consult the chairman or vice chairman of the concerned committee and, if the concerned committee could not itself decide the matter under delegated powers, the Leader and Deputy Leader of the Council.

Other options considered and rejected

7. None, for the reasons given above.

Corporate priorities

8. The report relates to the following corporate priorities: (please bold all those applicable):

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

Background to the report

9. Since Council on 21 July 2021 the following decisions were taken under the Council's urgency procedures, as detailed below.

Details of urgent decisions taken in accordance with the Constitution

10. 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.
11. 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.
12. 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.
13. There were two urgent decisions taken under **Section 35 of Part 4A of the Council's Procedure Rules.**

Decision	Date and Decision Maker	Reasons for urgency
<p>Application for ERVS (Early Retirement/Voluntary Severance)</p> <hr/> <p>To approve the request to leave by ERVS which would mean employment terminates on the earliest agreed date between the employee and service manager.</p>	<p>10 September 2021</p>	<p>This decision was in the best interest of the employee and the organisation.</p>
<p>Urgent Decision Under Section 35 of the Council's Constitution:</p> <p>Changes to the membership of the Planning Committee and Governance Committee</p> <p>Urgent Decision That Councillor Colin Sharples replaces Councillor</p>	<p>Chief Executive in consultation with the Leader of the Council</p> <p>16 August 2021</p>	<p>To replace Councillor Christine Melia on the Planning Committee and Governance Committee due to her temporary incapacity.</p>

<p>Christine Melia on the Planning Committee and That Councillor Kath Unsworth replaces Councillor Christine Melia on the Governance Committee.</p>		
<p>Urgent Decision Under Section 35 of the Council's Constitution: Welcome Back Fund</p> <p>Background To support communities to recover from the pandemic the Government set up the Reopening High Streets Safely (RHSS) Fund, which has latterly become the Welcome Back Fund. South Ribble was given an initial allocation of £97,965 and this was increased to £195,930 once it became clear that restrictions would be in place through into 2021.</p> <p>Urgent Decision To note the allocation of funds and to approve an expenditure budget based on the action plan at Appendix A, using the allocated funding.</p>	<p>Chief Executive in consultation with the Leader of the Council</p> <p>17 August 2021</p>	<p>To make use of this funding as soon as possible having agreed the action plan with the Government.</p> <p>In the last couple of months the criteria for how the money could be spent was expanded to include elements around tourism and attracting visitors to the area, which means it was possible to outline how we could spend the full amount of money.</p> <p>The money has to be claimed back upon expenditure and it must be spent by March 2022 otherwise we expect it to be withdrawn unless further extensions to programme are announced.</p>
<p>Approval of Decarbonisation plans for Council Buildings</p> <p>Decision That the decarbonisation plan be approved allowing its submission to the grant administrators Salix Finance to satisfy a condition of the public sector decarbonisation scheme grant award of £145,004.</p> <p>General Exception Procedure</p>	<p>Deputy Leader and Cabinet Member (Health and Wellbeing)</p> <p>19 August 2021</p>	<p>Further to the decision at Full Council, the Decarbonisation Plan was considered by the Climate Emergency Task Group with some minor revisions and questions raised by Cllr Thurlbourn were answered satisfactorily. Having been agreed by the Task Group, the latest Plans required formal approval by the Executive Member.</p> <p>The decision could not wait 28 days due the deadline for</p>

		submission of the Plans for the application for funding.
<p>Worden Hall Refurbishment – Contractor Appointment</p> <p>To appoint John Turner Construction through a JCT Standard Build Contract 2016 with Quantities, incorporating SRBC Standard Amendments.</p> <p>Special Urgency Procedure and Mayor’s agreement to waive call-in</p>	<p>Cabinet Member (Finance, Property and Assets)</p> <p>30 July 2021</p>	<p>Special Urgency Procedure</p> <p>The Executive Member approval to appoint the contractor has been before Cabinet in December 2020 and Full Council in July 2021. The budget and the procurement methodology have been applied as directed by members and although this is a key decision, it has been taken in accordance with the authority and so is transparent in that regard. If this notice is not waived it will put at risk the delivery of the scheme for the Leyland Festival in June 2022.</p> <p>Mayor’s agreement to Waive call-in</p> <p>The decision to bring forward the Leyland Festival brought forward the timetable for the delivery of the Worden Hall works which needed to be delivered prior to the commencement of the festival. Given that all members received a report at Council and debated the matter the need for a call in had been significantly curtailed.</p>
<p>Award of De-Contamination of land work contract at Bent Lane</p> <p>To award the contract for the remediation of Strawberry Valley Park (Bent Lane) to Tenderer C in Table 1.</p>	<p>Cabinet Member (Finance, Property and Assets)</p> <p>30 July 2021</p>	<p>The decision needed to be taken quickly to keep up with Programme and subsequent delivery of playground later on in the year. The following Programme is what we are working to. A quick decision allowed the Council to make full use of the dryer summer months for the works and retain float within the</p>

<p>General Exception Procedure</p>		<p>playground phase for weather:</p> <p>21st Jul 2021 – Full Council to be requested to grant permission to spend capital budget for remediation works and award contract 2nd August 2021 - Proposed award of contract for remediation work 9th Aug 2021 - Remediation works proposed start on site 24th Sept 2021 - Remediation works proposed completion 27th Sep 2021 - Playground refurbishment proposed start on site 17th December 2021 - Playground refurbishment proposed completion and opening to public.</p>
<p>Additional Restrictions Grant - Final Top Up Payment</p> <p>1)That approval is given to process a top up payment of 40-50% to all successful ARG applicants; and 2)That approval is given to make additional payments to businesses in the Hospitality, accommodation, travel, events, hair and beauty and wedding sectors who have previously received Restart Grant funding</p> <p>Special Urgency Procedure</p>	<p>Leader of the Council and Cabinet Member (Strategy and Reform)</p> <p>16 July 2021</p>	<p>The reason for the urgency was that in order for the Council to qualify for the next tranche of funding to assist businesses via ARG grants, it must have spent its current funding by 30 July.</p>

Climate change and air quality

14. This report has no impact on climate change or air quality.

Equality and diversity

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

Risk

16. None.

Comments of the Statutory Finance Officer

17. The Chief Finance Officer (s151) comments have been included on all the urgent decisions referenced in this report.

Comments of the Monitoring Officer

18. Monitoring Officer comments were included on all the decisions and there are no comments on this report which is for noting.

Background documents

Council Constitution

[Modern.gov link to decisions page](#)

Appendices

None

Chris Moister – Director of Governance

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

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