

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	Wednesday, 24 November 2021 Monday, 11 January 2021

Is this report confidential?	No
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Is this decision key?	Not applicable
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Urgent 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 22 September 2021.
2. These urgent decisions include 'key' decisions taken by the Executive (i.e. Cabinet or Individual Executive Members) as defined in the Cabinet Forward Plan / Notice of Executive Decisions, including decisions which contain 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.**

Recommendations to Council

3. Council is asked to note the report.

Recommendations to Scrutiny Committee

4. 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 October 2021 as outlined in the report. (The urgent decision to waive call in on 30 September 2021 was reviewed by the Scrutiny Committee on 12 October 2021).

Reasons for recommendations

5. 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

6. None, for the reasons given above.

Corporate priorities

7. 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

8. Since Council on 22 September 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

9. 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.
10. 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.
11. 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.

Decision	Date and Decision Maker	Reasons for urgency
Approval for Contract Procedure and Award of ICT Procurement – Income Management Software	30 September 2021	<p>The Chair of the Scrutiny Committee has agreed that this decision to award a contract for ICT software (income management and online payments) will be taken under the Special Urgency Procedure. The reason this decision cannot wait 5 working days is that the current contract for South Ribble Borough Council expires on 30 September 2021 and it was not possible to extend the contract until March 2022 in line with Chorley Council.</p> <p>In accordance with paragraph 11.14 of Part 4F of the Council's Constitution, the Mayor agrees to waive the Scrutiny call-in procedure in respect of this decision for the following reasons:</p> <p>The reasons for the urgency were that a joint contract needed to be</p>

		entered into by 30 th September 2021 as this is when the contract at South Ribble expires, and it was not possible extend the contract until March 2022 in line with the date that Chorley Council's contract expires. Any delay would mean that the contract at South Ribble would be terminated which would seriously damage the interests of the Council.
Low Carbon Skills Grant	27 October 2021	The Chair of the Scrutiny Committee agreed that this decision be taken under the Special Urgency Procedure. The reason for the urgency is that the use of a direct award framework will enable the Council to quickly appoint suitable contractors who have already been through a full vetting process, ensuring that we can deliver the Low Carbon Skill Fund work within the short timescales involved i.e. spend the money by March 2022.
Approval for the contract Procedure and Award for the Procurement of Network Firewalls	29 October 2021	The Chair of Scrutiny Committee agreed that this decision be taken under the Special Urgency procedure; and The Mayor agreed to waive the Scrutiny call-in procedure in accordance with paragraph 11.14 of Part 4F of the Council's Constitution for the reasons given below:

		The reasons for the urgency were to address the urgent security concerns following the PEN test for South Ribble and due to the global shortage in hardware which is leading to significant delays in delivery and price increases. The 29th October represents the proposed contractor's year end, and as such the level of discount the Council has managed to secure was only valid if an order is placed before the close of play 29/10.
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Climate change and air quality

12. The work noted in this report does not impact the climate change and sustainability targets of the Council's Green Agenda and all environmental considerations are in place.

Equality and diversity

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

Risk

14. None.

Comments of the Statutory Finance Officer

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

Comments of the Monitoring Officer

16. It is considered that the council's Constitution has been followed in this regard. Monitoring Officer comments were included on all of the decisions. This report is just for noting.

Background documents

Council Constitution

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

Appendices

None.

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