

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, 23 February 2022  Tuesday, 17 March 2022

Is this report confidential?	No
Is this decision key?	No

## 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 they were last reported to the relevant meetings of Scrutiny Committee on 11 January 2022 and Council 26 January 2022.
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;

urgent reports taken to Cabinet;

urgent decisions taken outside the budget and policy framework;

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 Scrutiny Committee

3. Scrutiny Committee is asked to note the report;
4. To review the process to agree the urgent decisions and to waive the scrutiny call-in on 7 January 2022 and 28 January 2022.

## Recommendations to Council

5. Council is asked to note the report.

## Reasons for recommendations

7. This report informs Council and the Scrutiny Committee of the following decisions which have been taken under urgency procedures:-

### Part 4C – Access to Agenda and Report Before a Meeting

- **5.5** The Council will always endeavour to publish reports at least three working days before the meeting. Lesser notice than this may only be given if the Mayor decides that there are highly exceptional circumstances.

### 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 4D – Urgent Decisions outside the Budget or Policy Framework

- **4 (a)** The Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers, a Community Hubs chairman or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken: i) if it is not practical to convene a quorate meeting of the full Council; and ii) if the chairman of the Scrutiny Committee agrees that the decision is a matter of urgency.

### 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

8. None, for the reasons given above.

## Corporate priorities

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

<b>An exemplary council</b>	Thriving communities
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A fair local economy that works for everyone	Good homes, green spaces, healthy places
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## Background to the report

10. Following the meetings of Scrutiny Committee 11 January 2022 and Council 26 January 2022, the following decisions were taken under the Council's urgency procedures, as detailed below.

## Details of urgent decisions taken in accordance with the Constitution

11. The Council will always endeavour to publish reports at least three working days before a meeting. Lesser notice than this may only be given if the Mayor decides that there are highly exceptional circumstances under paragraph 5.5. of Part C of the Council Constitution.
12. 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.
13. 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.
14. 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.
15. An individual member of the Cabinet may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency and agreed by the Chair of the Scrutiny Committee in accordance with paragraph 4a) of Part 4D the Budget and Policy Framework Procedure Rules.

Decision	Date and Decision Maker	Reasons for urgency
Award of Contract for Vernon Carus  Scrutiny call in waived	7 January 2022  Cabinet Member (Finance, Property and Assets)	The Mayor agreed to waive call in for the following reasons:  i) to get work on site so we can complete the work before the start of the Cricket season in April 2022  ii) to meet the expectations of the Vernon Carus Sports Club

<p>Mutual Agreement</p> <p>General Exception Procedure</p>	<p>25 January 2022</p> <p>Leader of the Council and Cabinet Member (Strategy and Reform)</p>	<p>This decision was taken under the General Exception Procedure. The reasons are that it concerns an employee of the Council (therefore the report contains confidential information about an individual), and that the decision protects the Council from risk to the organisation.</p>
<p>ICT software and hardware procurement –</p> <p>Approval of contract award for the procurement of Server estate</p> <p>Scrutiny call in waived</p>	<p>28 January 2022</p> <p>Cabinet Member (Communities, Social Justice and Wealth Building)</p>	<p>The reasons that the Mayor agreed to waive scrutiny call in were:</p> <p>i) to ensure that both Councils can benefit from this competitive pricing before the offer expires on 28 January 2022 (contractor year end) and</p> <p>ii) to ensure timely delivery of this hardware in a market which is already struggling due to global demand.</p>
<p>COVID Business Grants Announced December 2021</p> <p>Special Urgency Procedure</p>	<p>4 February 2022</p> <p>Leader of the Council and Cabinet Member (Strategy and Reform)</p>	<p>The Chair of Scrutiny Committee agreed to the urgency of this decision for the following reasons:</p> <p>Whilst we have known about grants since Christmas we have not had the guidance from Government until very recently. Furthermore, we needed to launch and process all grants and ensure payments made by end of March 2022. Any delays in processing the payments and not meeting the deadline of end of March 2022 would mean potentially the funding would have to be returned.</p>

Mutual Agreement  General Exception Procedure	4 February 2022  Leader of the Council and Cabinet Member (Strategy and Reform)	This decision was taken under the General Exception Procedure. The reasons are that it concerns an employee of the Council (therefore the report contains confidential information about an individual), and that the decision protects the Council from risk to the organisation.
Mutual Agreement  General Exception Procedure	9 February 2022  Leader of the Council and Cabinet Member (Strategy and Reform)	This decision was taken under the General Exception Procedure. The reasons are that it concerns an employee of the Council (therefore the report contains confidential information about an individual), and that the decision protects the Council from risk to the organisation.

### **Climate change and air quality**

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

### **Equality and diversity**

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

### **Risk**

18. None.

### **Comments of the Statutory Finance Officer**

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

### **Comments of the Monitoring Officer**

20. 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 information.

## Background documents

Council Constitution

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

## Appendices

None.

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