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| **Report of** | **Meeting** | **Date** |
| Director of Governance and Monitoring Officer(Introduced by Leader of the Council and Cabinet Member (Strategy and Reform)) | CouncilScrutiny Committee | Wednesday, 20 April 2022Tuesday, 17 March 2022 |

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| Is this report confidential? | No  |

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| 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 Council 23 February 2022.

1. 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; and

urgent decisions taken under Section 35 of the Council’s Constitution.

For clarification, **these do not relate to urgent decisions arising from the COVID pandemic.**

## Recommendations to Scrutiny Committee

## Scrutiny Committee is asked to note the report; and

## To review the process to agree the urgent decisions and to waive the scrutiny call-in.

## Recommendations to Council

1. 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

1. None, for the reasons given above.

## Corporate priorities

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

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

## Background to the report

## Following the meeting of Council 23 February 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**

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.

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| Decision | Date and Decision Maker | Reasons for urgency |
| Public Sector Decarbonisation Scheme, Phase 3 grant offerGeneral Exception Procedure | Deputy Leader and Cabinet Member (Health and Wellbeing)24 February 2022  | The use of the framework agreement would usually be a Cabinet decision, however the next meeting was not until 23 March 2022. This would reduce the time to appoint a contractor and deliver the project by a further month. Considering the lead in times for ordering the equipment, increasing costs and obtaining DNO (electrical connection) authorisation this delay is likely to result in a failure to complete the project within the appointed timescales; potentially resulting in the Council having to repay any grant funding or at a minimum prejudicing any future grant applications. |
| Changes to Licensing & Public Safety Committee and other Member AppointmentsUrgent decision taken under Section 35 of the Council’s Constitution  | Chief Executive in consultation with Leader of the Council 21 March 2022 | To make changes to the membership of the Licensing and Public Safety Committee and other Member appointments following the sad passing of Councillor Bill Evans. |
| Extra Care - West Paddock (Stage 4 approval)General Exception Procedure | Cabinet 23 March 2022 | The decision was required to meet the tight delivery programme on the Extra Care Scheme at West Paddock and ensure the project is able to maintain progress.   The project currently had approval in place to progress up to Stage 3 however further actions were dependent on the progression approval to Stage 4 which included the appointment of the Main Contractor and novation of the design team. |
| Mutual Agreement General Exception Procedure | Leader and Cabinet Member (Strategy and Reform)24 March 2022 | The report contained confidential information and therefore published on the Forward Plan but the decision could not wait 28 days. This was to ensure that employment was terminated by mutual agreement and to protect the Council from risk. |
| Replacement of Yankee Camp Level Crossing, Bamber BridgeGeneral Exception Procedure | Cabinet Member (Finance, Property and Assets)25 March 2022 | This matter was urgent as Network Rail were seeking to replace a dangerous pedestrian level crossing with a footbridge and needed to start work at the end of the month to enable the works to take place around ongoing rail operations. |
| Practical Support Payments – 1)Food Poverty and 2)WellbeingScrutiny Call in waived | Deputy Leader and Cabinet Member (Health and Wellbeing)28 March 2022 | In accordance with paragraph 11.14 of Part F of the Constitution the Mayor agreed to waive scrutiny call in for the following reasons:- This funding must be spent by the deadline of 31 March 2022 otherwise it must be returned to the Government. The purpose of the funding is reducing vulnerability and supporting COVID recovery and if the money was to be returned it would not be in the interests of the residents of South Ribble. |
| Practical Support Payments – Community (Welfare Essentials)Community (Resocialisation)Scrutiny call in waived | Cabinet Member (Communities, Social Justice and Wealth Building) 25 March 2022 | In accordance with paragraph 11.14 of Part F of the Constitution the Mayor agreed to waive scrutiny call in for the following reasons  This funding must be spent by the deadline of 31 March 2022 otherwise it must be returned to the Government. The purpose of the funding is reducing vulnerability and supporting COVID recovery and if the money was to be returned it would not be in the interests of the residents of South Ribble. |

## Climate change and air quality

1. 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

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

## Risk

## None.

## Comments of the Statutory Finance Officer

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

## Comments of the Monitoring Officer

1. 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](https://southribble.moderngov.co.uk/mgDelegatedDecisions.aspx?bcr=1&DM=0&DS=2&K=0&DR=&V=0)

## Appendices

None.

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| Report Author: | Email: | Telephone: | Date: |
| Clare Gornall (Democratic and Member Services Officer) | clare.gornall@southribble.gov.uk |  | 29 March 2022 |