

| Report of  | Meeting            | Date                    |
|--|--------------------|-------------------------|
| Director of Governance and Monitoring Officer (Introduced by Leader of the Council and Cabinet Member (Strategy and Reform)) | Council            | Wednesday, 20 July 2022 |
|  | Scrutiny Committee | Tuesday, 12 July 2022   |

|                              |    |
|------------------------------|----|
| Is this report confidential? | No |
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| Is this decision key? | No |
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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 they were last reported to Council on 20 April 2022.

The decisions to waive call-in on 25 and 28 March as detailed in the report have previously been reported to Council. However they are also required to be reported to the next scheduled meeting of the Scrutiny Committee and hence are included in this report.

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; 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**

3. Scrutiny Committee is asked to note the report; and
4. To review the process to agree the urgent decisions and waive of scrutiny call-in in respect of Practical Support Payments on 25 and 28 March 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):

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

## Background to the report

10. Following the meeting of Council 20 April 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 working 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   |
|--|--|---|
| <b>Practical Support Payments –</b><br><b>1)Food Poverty and</b><br><b>2)Wellbeing</b><br><br><b>Scrutiny Call in waived</b> | <b>Deputy Leader and</b><br><b>Cabinet Member (Health</b><br><b>and Wellbeing)</b><br><br><b>28 March 2022</b> | In accordance with paragraph 11.14 of Part 4F of the Council Constitution, the Mayor agreed to waive call in of |

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|   |  | <p>this decision. The reasons for the urgency were as follows:-</p> <p>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.</p>  |
| <p><b>Practical Support Payments –</b></p> <p>1) <b>Community (Welfare Essentials)</b></p> <p>2) <b>Community (Resocialisation)</b></p> <p><b>Scrutiny call in waived</b></p> | <p><b>Cabinet Member (Communities, Social Justice and Wealth Building)</b></p> <p><b>25 March 2022</b></p> | <p>In accordance with paragraph 11.14 of Part 4F of the Council Constitution, the Mayor agreed to waive call in of</p> <p>this decision. The reasons for the urgency were as follows:-</p> <p>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.</p> |
| <p><b>Sale of Land at Four Oaks</b></p> <p><b>General Exception Procedure</b></p>   | <p><b>Cabinet Member (Finance, Property and Assets)</b></p> <p><b>11 April 2022</b></p>                    | <p>Due to the nature of this decision, the report contained exempt information. However, it was not possible to give 28 days' notice on the Cabinet Forward Plan because the sale was due for completion and any delay may have jeopardised the interests of the Council and would not have been in the public interest.</p>   |

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| <p><b>Procurement of waste Management Software to support the Insourcing of Waste</b></p> <p><b>General Exception Procedure</b></p>                         | <p><b>Cabinet Member (Communities, Social Justice and Wealth Building)</b></p> <p><b>30 May 2022</b></p>  | <p>This decision relates to the award of contract for approval of software to support the in sourcing of the waste contract from FCC on 11 June 2022. The reason it could not wait 28 days was that the decision must be implemented by 11 June 2022.</p>   |
| <p><b>Test Track Site</b></p> <p><b>General Exception Procedure</b></p>   | <p><b>Cabinet Member (Finance, Property and Assets)</b></p> <p><b>20 June 2022</b></p>                    | <p>Due to the nature of this decision, the report contained exempt information. However it was not possible to give 28 days' notice on the Forward Plan because due to strict timescales the decision must be implemented by the end of June 2022.</p>  |
| <p><b>COVID 19 Additional Relief Fund</b></p> <p><b>General Exception Procedure</b></p>   | <p><b>Cabinet Member (Communities, Social Justice and Wealth Building)</b></p> <p><b>21 June 2022</b></p> | <p>This was a key decision in that involved a spend of funding over £100k. However, it was not possible to give 28 days' notice on the Forward Plan because the Council needed to begin allocating the funding by the end of June 2022.</p>   |
| <p><b>Procurement Strategy for Leisure Centre Investment Work</b></p> <p><b>Report published less than 3 working days before the meeting of Cabinet</b></p> | <p><b>Cabinet</b></p> <p><b>20 June 2022</b></p>  | <p>In accordance with paragraph 5.5 of Part 4C of the Council's Constitution, the Mayor agreed that the report be considered as a matter of urgency for the reasons that Cabinet requested greater detail around the procurement options and contract forms to enable a fully informed decision to be made by them. Therefore, the report was only finalised ready for publication on 16 June 2022.</p> |
| <p><b>Levelling Up Funding Bid</b></p> <p><b>General Exception Procedure</b></p>  | <p><b>Cabinet</b></p> <p><b>30 June 2022</b></p>  | <p>This was a key decision involving expenditure of over £100k. It was not possible to wait 28 days due</p>   |

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|  |  | to the timescales involved in submitting the Bid. |
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### **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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| Report Author:   | Email:                           | Telephone: | Date:       |
| Clare Gornall (Democratic and Member Services Officer) | clare.gornall@southribble.gov.uk |            | 5 July 2022 |