

Report of	Meeting	Date
Director of Governance and Monitoring Officer (Introduced by Leader of the Council and Cabinet Member (Strategy and Reform))	Council	Wednesday, 21 September 2022
	Scrutiny Committee	Tuesday, 11 October 2022

Is this report confidential?	No
Is this decision key?	Not applicable

## 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 July 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; and

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

### Recommendations to Scrutiny Committee

3. Scrutiny Committee is asked to note the report; and

4. To review the process to agree the urgent decision and waive scrutiny call-in in respect of a decision by the Leader of the Council and Cabinet Member (Strategy and Reform) on 6 September 2022.

### **Recommendations to Council**

5. Council is asked to note the report.

### **Reasons for recommendations**

6. In accordance with the Council's Constitution this report informs Council and the Scrutiny Committee of any decisions which have been taken under the following urgency procedures:

### **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 (Standing Orders)**

#### **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.

In circumstances where the offices of the chairman and vice-chairman of the concerned committee, or the Leader and Deputy Leader of the Council are unfilled, the Chief Executive (or other designated officer) shall first consult the Mayor before taking an urgent decision. Such consultation shall be in written form and the decision shall be reported to the next scheduled meeting of the Cabinet or committee as appropriate.

## Other options considered and rejected

7. None, for the reasons given above.

## Corporate priorities

8. The report relates to the following corporate priorities:

<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

9. Following the meeting of Council 20 July 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

10. 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.
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. 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.

Decision	Date and Decision Maker	Reasons for urgency
<ul style="list-style-type: none"><li>• Use of Standing Order 35 – Immediate revocation of a Hackney Carriage Driver's Licence</li></ul>	Chair of the Licensing and Public Safety Committee  16 August 2022	It was necessary to revoke two Hackney Carriage Driver's Licences with immediate effect in the interest of public safety.

<ul style="list-style-type: none"> <li>• Use of Standing Order 35 – Immediate revocation of a Hackney Carriage Driver’s Licence</li> </ul>		
<p>Leyland Town Deal, Site Investigation Procurement</p> <p><b>General Exception Procedure (less than 28 days’ notice)</b></p>	<p>Cabinet</p> <p>14 September 2022</p>	<p>The original estimate for the site investigation works as part of the Leyland Town Deal project was initially an intermediate value procurement under the Contract Procedure Rules.</p> <p>However the contract value was subsequently estimated at £106,000 given the Council will be undertaking the site investigation in two phases. Any contract over £100k is a key decision. Presenting the report and recommendations at a later date was not possible as it did not align with the pressing delivery programme associated with the Leyland Town Deal project.</p>
<p>Mutual Agreement</p> <p><b>General Exception Procedure</b></p> <p>and</p> <p><b>Waive of Scrutiny Call in</b></p>	<p>Leader of the Council and Cabinet Member (Strategy and Reform)</p> <p>6 September 2022</p>	<p>Notice was given under the General Exception Procedure because the report was confidential as it concerned an individual. It was not possible to wait 28 days for the reasons given below.</p> <p>The Mayor agreed to waive scrutiny call-in in respect of this decision as any delay was not in the public interest.</p> <p>The reasons for the urgency were as follows:</p> <p>To enable the employee to leave the Council on the mutually agreed date and to</p>

		protect the Council from risk to the organisation.
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### Climate change and air quality

14. 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

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. 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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