

Council

23 January 2025

Use Of Urgency Provisions

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Summary

This report provides details of a recent usage of urgency provisions contained within the Constitution.

1. Recommendation

1.1. The Council is asked to note the use of urgency provisions as set out in section 4 of the report.

2. Budget and policy framework

2.1. The Council's Constitution provides for a report to be submitted to Council following the usage of urgency provisions contained within the Constitution.

3. Background

3.1. Rule 17 (special urgency) of the Council's Access to Information rules, as set out in the Constitution, permits the Cabinet to make decisions when compliance with Rule 15 (The Forward Plan of Key Decisions) and Rule 16 (General Exception) is not possible.

3.2. On such occasions, a report to Council on the Cabinet decisions taken in the circumstances set out in Rule 17 (Special Urgency) will be submitted, in accordance with paragraph 18.3 of the Access to Information rules.

3.3. Paragraph 3.2 of the Responsibility for Cabinet Functions permits the Leader of the Council to make urgent decisions (which would ordinarily be a matter for Cabinet) subject to compliance with the Council's Access to Information rules, as referenced in paragraph 2.2 above. As such, all reports (unless exempt) and decisions (as well as an entry on the Forward Plan) are published on the Council's website on the day any urgency decision is made.

3.4. Leader and Cabinet – urgency. Paragraph 15.11 (call-in and urgency) of the Overview and Scrutiny rules, as set out in the Council's Constitution, states that a decision will be urgent if any delay likely to be caused by the call-in

process would seriously prejudice the Council's or the public's interests. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The chairperson (or in their absence the vice-chairperson) of the relevant Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

- 3.5. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 3.6. Council – urgent action. Paragraph 4.1 of the Employee Delegation Scheme states that in relation to Council responsibilities, subject to consultation with the Leaders of all the groups which comprise at least 1/10th of the membership of the Council (or their nominees), and the provisions for urgent decisions which are contrary to any plan or strategy which has been approved or adopted by the Council or which are contrary to or not wholly in accordance with the budget approved by the Council (set out in Chapter 4, Part 3 of the Constitution), the Chief Executive and Directors shall have the power to act on behalf of the Council in cases of urgency only where the urgent matter is of such a nature that it may be against the Council's interest to delay and where it is not practicable to obtain the approval of the Council.
- 3.7. Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.
- 3.8. A summary of the recent use of these provisions is set out in the following section.

4. Council (non-executive decisions)

- 4.1. The Director of People and Deputy Chief Executive considered an urgent report on 18 October 2024 on the Redevelopment of Aut Even. (Appendix 1).
 - 4.1.1. The Leader of the Council and the Leader of the Conservative Group were consulted on the proposals and the Director of People and Deputy Chief Executive made the following decision on 18 October 2024:
 - 4.1.2. The Director of People and Deputy Chief Executive agreed, using urgency powers that the redevelopment of Aut Even be added to the capital programme, funded from:
 - i) the DFE Regional Care Co-Operative Grant of £912,872,
 - ii) a virement of £200,000 from the Children's Assessment Unit scheme in the existing capital programme, with the balance of £950,336 (funded from borrowing) removed from the capital programme.

- 4.2. The Chief Executive considered an urgent report on 13 November 2024 on the Property Asset Management Strategy and Property Review. (Appendix 2).
- 4.2.1. The Leader of the Council and the Leader of the Conservative Group were consulted on the proposals and the Chief Executive made the following decision on 13 November 2024:
- 4.2.2. The Chief Executive, in consultation with the Leader of the Council and the Leader of the Conservative Group, approved an addition to the revenue budget for a budget of £400,000 pa for up to 3 years to fund the cost of additional staff, required to dispose of the surplus properties, this expenditure is to be funded from the resultant capital receipts, under flexibilities granted by the Government.
- 4.3. The Chief Executive considered an urgent report on 26 November 2024 in relation to the Appointment of Councillors to St Mary Hoo Parish Council
- 4.3.1. The Leader of the Council and the Leaders of both the Conservative Group and Independent Group were consulted on the proposals and the Chief Executive made the following decision on 27 November 2024:
- 4.3.2. The Chief Executive, in consultation with the Leader of the Council and the Leader of the Conservative Group, approved the making of an order under Section 91 of the Local Government Act 1972 to make the appointment of Councillors Field, Etheridge and Sands to St Mary Hoo Parish Council until such time as the Parish Council was able to coopt members and hold quorate meetings.

Lead officer contact

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Appendices

Appendix 1 – Director of People and Deputy Chief Executive Using Urgency Provisions - Redevelopment of Aut Even, 18 October 2024

Appendix 2 – Chief Executive Using Urgency Powers - Property Asset Management Strategy & Property Review, 14 November 2024

Appendix 3 – Chief Executive Using Urgency Powers - Appointment of councillors to St Mary Hoo Parish Council, 27 November 2024

Background papers

None