

COUNCIL

10 FEBRUARY 2015

REPORT OF LEADER OF THE COUNCIL

A.3 EXECUTIVE DECISIONS TAKEN AS A MATTER OF URGENCY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To notify Members of Executive Decisions taken in the circumstances set out in the Council's Constitution in:-

- (a) Rule 16 of the Access to Information Procedure Rules (Special Urgency); and/or
- (b) Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency).

EXECUTIVE SUMMARY

In accordance with the requirements of Rule 17.4 of the Access to Information Procedure Rules and Rule 16(i) of the Overview and Scrutiny Procedure Rules, this report notifies Members of Executive Decisions taken in the circumstances set out in Rule 16 of the Access to Information Procedure Rules and Rule 18(i) of the Overview and Scrutiny Procedure Rules.

RECOMMENDATION

That the contents of the report be noted.

PART 2 – SUPPORTING INFORMATION

BACKGROUND

The "Special Urgency" procedure in Rule 16 of the Access to Information Procedure Rules provides that where a key decision which has not been included in the Forward Plan and cannot be reasonably deferred to allow the procedure in Rule 15 (General Exception) of those procedure rules to be followed, it may still be taken with the agreement of the Chairman of the relevant overview and scrutiny committee, or failing him/her, the Chairman or Vice-Chairman of the Council.

Rule 16(i) of the Overview and Scrutiny Procedure Rules provides that the "call-in" procedure will not apply to a decision if the Chairman, or failing him the Vice-Chairman, of the relevant overview and scrutiny committee agrees both that the decision is reasonable in all the circumstances and that any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

DECISIONS TAKEN AS A MATTER OF URGENCY

(1) Council Tax Base 2015/2016

On 8 January 2015, in view of the urgency of the issue concerned and in accordance with Rule 16 of the Access to Information Procedure Rules and Rule 18(i) of the Overview and Scrutiny Procedure Rules, the Finance and Transformation Portfolio Holder (Councillor Goggin) sought and subsequently obtained the Chairman of the Corporate Management

Committee's (Councillor Steady) consent that his decision relating the approval of the Council Tax Base for 2015/2016 should be taken under the Special Urgency procedure and also be exempt from the call-in procedure.

The Finance and Transformation Portfolio Holder's decision was as follows:

"To agree the Council Tax Base for 2015/2016. The calculation is in accordance with Regulations and incorporates the discounts agreed by Council on 25 November 2014 and the Local Council Tax Scheme agreed on 8 January 2015."

It was felt that any delay likely to be caused by the call-in process and by not being allowed to use the special urgency process would have seriously prejudiced the Council's and the public's interest for the following reasons:-

"The calculation of the Council Tax Base for 2015/2016 must have regard to the LCTS Scheme before it can formally be agreed. Due to the LCTS Scheme for 2015/2016 not being considered by full Council until 8 January 2015 it has not been possible to agree the tax base any sooner.

It is not possible to allow a five day call-in period as the Council Tax Base for 2015/2016 must be notified to the major preceptors and Town and Parish Councils by no later than 13 January 2015 and therefore the decision must be treated as urgent."

BACKGROUND PAPERS

(1) Council Tax Base 2015/2016

Letter dated 8 January 2015 from the Finance and Transformation Portfolio Holder to the Chairman of the Corporate Management Committee.

Reply from the Chairman of the Corporate Management Committee signifying consent to allow the Finance and Transformation Portfolio Holder's decision to be taken under the Special Urgency procedure and to be exempted from call-in.

Report from the Corporate Director (Corporate Services) to the Finance and Transformation Portfolio Holder.

Executive Decision dated 8 January 2015.

APPENDICES

None.