

COUNCIL

24 MARCH 2015

REPORT OF LEADER OF THE COUNCIL

A.1 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) Business Rates Retention Scheme 2015/2016

On 28 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 to the retention of the Business Rates Scheme 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 that the Council's National Non-Domestic Rates Return (NNDR1) for 2015/2016 be submitted to the Government."

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 calculations associated with the NNDR1 return 2015/2016 can only be completed on receipt of the relevant forms from the Government. These are received relatively late in the budget setting process and Officers have been collating and calculating the necessary information on this complex area of the budget. Figures were finalised on 26 January 2015 and will be reflected in the budget subject to the agreement of the Finance and Transformation Portfolio Holder. Due to the timing of the receipt of the relevant forms and the finalisation of the figures, it has not been possible to make the decision any sooner.

It is not possible to allow a five day call-in period as the NNDR1 for 2015/2016 must be returned to the Government by no later than 31 January 2015 and notified to the major preceptors by the same date and therefore the decision must be treated as urgent."

(2) New Three Year Council Tax Sharing Agreement with the Major Council Tax Preceptors

On 28 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 to a new three year Council Tax sharing agreement with the major Council Tax preceptors 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:

"(a) That Tendring District Council enters into a new three year Council Tax Sharing Agreement with Essex County Council, Essex Police and Crime Commissioner and the Essex Fire Authority covering the period 2015/2016 to 2017/2018; and

(b) That delegation be given to the Corporate Directors for Corporate Services and Life Opportunities to undertake the necessary arrangements with the major preceptors, including the finalisation of the detailed funding agreement."

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 proposed Council Tax Sharing Agreement involves 12 District Councils and the three major preceptors in Essex with comprehensive negotiations ongoing throughout the

2015/2016 budget setting process.

Agreement across the Essex Authorities has only recently been finalised so it was not possible to make a decision in respect of Tendring District Council's involvement any sooner. The major preceptors have requested that District Councils confirm their acceptance or not of the arrangements by 30 January 2015.

Due to the timing of the conclusion of the relevant negotiations and the deadline for notification of the Council's decision it is not possible to allow a five day call-in period and therefore the decision must be treated as urgent."

BACKGROUND PAPERS

(1) Business Rates Retention Scheme 2015/2016

Letter dated 28 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 dated 29 January 2015 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 30 January 2015.

(2) New Three Year Council Tax Sharing Agreement with the Major Council Tax Preceptors

Letter dated 28 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 dated 29 January 2015 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 30 January 2015.

APPENDICES

None.