

# COUNCIL

24 NOVEMBER 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/or 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 18(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) North Essex Garden Settlements – Joint Bid for Government Funding

On 1 October 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, I, in my capacity as the Portfolio Holder for Planning sought and subsequently obtained the Chairman of the Community and Leadership Committee's

(Councillor Miles) consent that my decision relating to supporting a joint funding bid being submitted together with Colchester Borough Council and Braintree District Council to the Department for Communities and Local Government to develop the concept of potential 'Garden Settlements' crossing the Authorities' boundaries should be taken under the Special Urgency procedure and also be exempt from the call-in procedure.

My decision was as follows:

*“(a) To support the further exploration of the Garden Settlements concept together with partner authorities without committing the Council to including a Garden Settlement as a Preferred Option in the emerging Local Plan or any financial commitment over and above existing budgets;*

*(b) To support a funding bid being submitted to Department of Communities and Local Government to progress developing the proposed work streams;*

*(c) To delegate to the Head of Planning, in consultation with the Chief Executive, authority to finalise the funding bid together with the partner authorities;*

*(d) To request that, once the outcome of the funding bid is known, a report is presented to Cabinet providing an update;*

*(e) To approve, in accordance with the proposed bid, the commencement of basic feasibility appraisals to develop delivery options for future consideration; and*

*(f) To agree that, should the Garden Settlement not be included as a Preferred Option within the Local Plan, a further report will be presented to Cabinet outlining any further involvement by Tendring District Council.”*

“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:-

*“We only received the final bid from the Steering Group and Project Manager, acting for the partner authorities on 1 October 2015 and the DCLG had confirmed that the deadline for the final bid to be submitted to them was 4 October 2015. Consequently, if the Council had been delayed in being able to support a joint bid being submitted together with our partner authorities (Colchester Borough Council and Braintree District Council), this Council have lost out on the potential to obtain Government funding to develop the concept of ‘Garden Settlements’. It might be necessary to include those type of developments within the Council’s emerging Local Plan and their concept and potential proposals must be fully understood.”*

## **BACKGROUND PAPERS**

### **(1) North Essex Garden Settlements – Joint Bid for Government Funding**

Letter dated 1 October 2015 from the Leader of the Council & Planning Portfolio Holder to

the Chairman of the Community Leadership and Partnerships Committee.

Reply from the Chairman of the Community Leadership and Partnerships Committee signifying consent to allow the decision to be taken under the Special Urgency procedure and to be exempted from call-in.

Report from the Officers to the Leader of the Council & Planning Portfolio Holder.

Executive Decision dated 1 October 2015.

<b>APPENDICES</b>
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