RECORD OF EXECUTIVE DECISION (THE DECISIONS LIST)

Date:	Decision Maker:	Subject to Call-in*
26 July 2024	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Assets Portfolio Holder - A.1 - Removal of 25 areas of land from the Property Dealing Procedure following an initial review of 69 areas of land under the Procedure

Decision:

RESOLVED that Cabinet -

- (a) approves the list of 25 sites put forward at Appendix A to the Portfolio Holder's report (A.1) and hereby removes them from the Property Dealing Procedure based on their current status as safeguarded open space in the Local Plan;
- (b) in respect of the remaining 44 sites, as set out in Appendix B to that report, agrees to also remove them from the Property Dealing Procedure to enable resources to be allocated to other corporate projects requiring asset support; and
- (c) requests over time, when resources are available, that an assessment of the sites in Appendix B be undertaken by Officers with the Portfolio Holder for Assets to determine which ones, on a case by case basis, should be proposed for disposal to obtain a capital receipt or retained for council housing, with individual decisions.

Reasons for Decision:

In order to:-

- (i) reduce the number of sites currently the subject of the Property Dealing Procedure in order to focus resource on evaluating those that remain; and
- (ii) set the Cabinet's priorities for further assessment in order to efficiently reduce capacity required within limited resources.

Alternative Options Considered:

To keep all identified sites under the Property Dealing Procedure – Not proposed – Resources would be best used focussing on a smaller number of sites for evaluations and proposals.

To fully evaluate all 44 remaining plots immediately – Not proposed – this would be extremely resource heavy. Rather understanding the Cabinet's priorities in the short to medium term, in order to specifically focus on a smaller number of areas to achieve those, would be a better use of resources.

Conflicts of Interest Declared (and Dispensations Granted by the Monitoring Officer)

Councillor Chapman BEM had declared an interest insofar as it referred to plots of land in Brightlingsea and that she was a Ward Member for Brightlingsea.

Consultation with Ward Member:

None

Contact Officer:

Andy White, Assistant Director (Building and Public Realm)

Date:	Decision Maker:	Subject to Call-in*
26 July 2024	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.2 - Treasury Management Performance 2023/24

Decision:

RESOLVED that Cabinet -

- a) notes the Treasury Management performance position for 2023/24; and
- b) approves the Prudential and Treasury Indicators for 2023/24.

Reasons for Decision:

In order to provide timely / key financial information to Members and to demonstrate compliance with the Treasury Management and Prudential Codes.

Alternative Options Considered:

Not applicable given the requirements set out in the report.

Conflicts of Interest Declared(and Dispensations Granted by the Monitoring Officer)

None

Consultation with Ward Member:

N/A

Contact Officer:

Richard Barrett, Assistant Director (Finance and IT) & Section 151 Officer

Date:	Decision Maker:	Subject to Call-in*
26 July 2024	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Economic Growth, Regeneration and Tourism Portfolio Holder - A.3 - Resources to increase project delivery and progress Levelling Up Partnership

Decision:

RESOLVED that Cabinet –

- (a) notes the increased capacity requirements on the Council's resources to deliver a number of projects and schemes highlighted in the report, in addition to responding to the Council's existing functions and responsibilities.
- (b) subject to (a) above, and the allocation of £1.000m of funding set out within item A.9 elsewhere on the agenda, a Project Delivery Unit is agreed to be established for an initial period of 24 months from the date of the first officer starting in role;

(c) accepts:

- (i) £90,000, made available by the Government as capacity funding to support the Levelling Up Partnership Project
- (ii) a sum of £86,000 made available by the Government as capacity funding to support the Levelling Up Capital Project in Clacton;
- (d) subject to (a) to (c) above, transfers both the £90,000 and £86,000 above to the funding of the Project Delivery Unit, bringing the total initial funding to £1.176m;
- (e) notes the Chief Executive will undertake the activities required to recruit the necessary capacity within the Project Delivery Unit, as Head of Paid Service (being non-executive functions);
- (f) recognising the impact on the Council, supports the Council acting as the Accountable Body for the Partnership to the benefit of Clacton and Jaywick, delegates entering into any agreements with Partners to the Corporate Director (Place and Economy), in consultation with the Section 151 Officer, and where necessary by entering into funding agreements with partners to do so;
- (g) recommends to Full Council to approve that Tendring District Council act as the Accountable Body for the Partnership (or alternative relationship determined by Government in revised policy), which forms part of the Council's Corporate Plan 24-28, 'Our Vision' and therefore, within the Policy Framework;
- (h) subject to (g) being approved by Full Council, the delegation by Cabinet in December 2023, can be exercised by the Corporate Director (Place and Economy) in consultation with the Section 151 Officer and the Monitoring Officer to enter into any agreements with MHCLG for this Partnership;
- (i) subject to (g) being approved by Full Council and Cabinet, and Government approving

business cases for funding, the Portfolio Holder for Economic Growth, Regeneration and Tourism be required to report to Cabinet the scope and details of the individual Partnership Projects together with the relevant Portfolio Holders taking the lead on delivery prior to implementation;

- (j) notes that the Chief Executive has nominated the Corporate Director (Place and Economy) as the lead officer for the Partnership; and
- (k) notes the Levelling Fund and Capital Regeneration Projects Portfolio Working Party terms of reference will be extended to include this Partnership and Town Board matters.

Reasons for Decision:

In the light of the fact that:-

- (1) the Council wished to strengthen and deepen its project management capacity. Creating a team of additional officers would enable the Council to progress its agreed major capital delivery schemes, provide advice and systems for project managers across the organisation, and protect existing business-as-usual operations from the impact of major new projects taken on by the authority. In short, without this additional capacity the Council would not be able to deliver the projects under the Long Term Plan for Towns and Levelling Up Partnership and the opportunity to invest tens of millions of pounds in the District would be lost.
- (2) the recommendations were made to capitalise on the Government's funding opportunity to address key socio-economic challenges in Clacton and Jaywick, improve local infrastructure, enhance community services, and ultimately contribute to the long-term regeneration of the area. This was a once in a decade opportunity for Tendring to deploy investment on this scale, in addition to other levelling up funding, to be benefit of Clacton and Jaywick.
- (3) the recommendations were framed to meet the current situation, namely that the Government had announced support for the Levelling Up Partnership in May 2024, but business cases were yet to be approved by HM Treasury, and new Ministers had not yet decided on continuing with the Levelling Up Partnership policy and fund since the Parliamentary General Election on 4 July 2024.

Alternative Options Considered:

Project Delivery Unit

- To deliver within existing resources. The Council considered continuing to deliver major projects within existing resources. The benefit of this approach is that it keeps a tight reign on revenue spend. However, it brings with it risks to the delivery of many millions of pounds of capital spend, with the increased risk of overspend, either due to late delivery, or not managing contractors and costs effectively.
- 2. To procure a company to provide additional resource. We explored the potential to contract in a company to provide additional capacity. This has the advantage of a quick turn around time once procurement was undertaken, as large companies have existing capacity. However, it is more appropriate for a small number of large projects that are clearly scoped with detailed requirements, rather than for a wider range of smaller projects with emerging requirements, where the likely costs of a large outsourcing company would be not be value for money.
- 3. **To employ interims.** This has the benefit of pace, flexibility and control, as interim staff can be directly line managed, and are usually available on very short notice and expect to

have fixed term appointments, not permanent contracts. However, there is a very significant cost to interims, quality is not always assured, and so with a fixed budget more capacity can be provided through a more a more traditional recruitment route. The Council remains open to the potential for interim recruitment depending on the outcome of its initial recruitment efforts.

Levelling Up Partnership

Not to accept the principle of entering the Partnership: This option was considered. Given the scale of the project work in the limited time available, and the risks to the Council if there were overspends at a time of tight finances, the option of not taking the projects forward was considered. However, it was ultimately dismissed as it would forfeit significant government funding and the opportunity to address important local issues.

Conflicts of Interest Declared (and Dispensations Granted by the Monitoring Officer)

None

Consultation with Ward Member:

N/A

Contact Officer:

Lee Heley, Corporate Director (Place & Economy)

Date:	Decision Maker:	Subject to Call-in*
26 July 2024	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Economic Growth, Regeneration & Tourism Portfolio Holder - A.5 - Update on Officer Investigations of Milton Road and Victoria Street, Dovercourt Sites

Decision:

- a) agrees, subject to the full level of required funding being allocated, to the demolition of the Milton Road, Dovercourt car park;
- b) agrees, subject to the full level of required funding being allocated, to the demolition of the dangerous structure at 20 Victoria Street, Dovercourt;
- c) although subject to the decision set out within report item A.9 elsewhere on the agenda, agrees to allocate the additional identified sum of £250,000 to increase the overall budget to £3,798,751;
- d) subject to a) to c) above, agrees to draw down a budget of £0.450m from within the

overall sum of £3,798,751 to progress demolition and associated works; and

e) subject to (a) to (d) above, agrees that an external contractor will be commissioned to undertake the demolition works in accordance with the Council's Procurement Procedure Rules.

Reasons for Decision:

Cabinet, being of the opinion, that:-

- (1) carrying out the demolition of the existing car park on the Milton Road site, as well as removing the fire damaged structure at 20 Victoria Street, would ensure the sites were ready for development in time for commencement of the main works, and allow the sites to be made safe. Demolition would also allow the lower level of Milton Road car park to be brought back into use while detailed design and planning submissions were developed;
- (2) those enabling works would also de-risk the site in terms of safety for the public, as well as financially for the programme, since the cost inflation risk would be reduced by delivering this aspect of the works early;
- (3) the proposals would also allow the lower level of Milton Road car park to be brought back into use sooner, which would provide additional parking for Dovercourt Town Centre, and support for events at Orwell Place; and
- (4) the proposed allocation of the additional £250,000 from Council funds as proposed within report item A.9 elsewhere on the agenda, would enable the creation of a budget / risk pot, given the additional uncertainties associated with the Victoria Road sites and the re-provision of parking spaces at Milton Road.

Alternative Options Considered:

To carry out all construction activities at the same time. Milton Road car park and 20 Victoria Street would then be demolished as part of the wider construction programme. The benefit of this approach is that the tender price for all works would come in together, so the Council could take a decision in the round depending on tender prices on whether to proceed or not, or what to value engineer. However, there is more risk overall in this approach because the cost of the demolition element would not be established before the Council goes out to tender. Demolishing the structures now creates certainty on that element of cost. It also brings forward works, so reducing inflation risks to costs, and brings forward the benefits of demolition, in the look of the site.

Conflicts of Interest Declared (and Dispensations Granted by the Monitoring Officer)

None

Consultation with Ward Member:

Yes

Contact Officer:

Lee Heley, Corporate Director (Place & Economy)

Date:	Decision Maker:	Subject to Call-in*
26 July 2024	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Environment Portfolio Holder - A.6 - Waste Management, Recycling & Street Cleansing Options Appraisal

Decision:

- 1. notes the work undertaken by the Waste Contract Project Board to date and the contributions from the Member Working Group;
- 2. notes the content and recommendations made in the Options Appraisal and Outline Business Case produced in partnership with EELGA;
- endorses the proposal set out within the Options Appraisal and Outline Business Case
 to re-tender both the waste and recycling collection and street sweeping services as a
 single contract in order that a contractor is in place to deliver services at the time of the
 expiry of the current contracts on 31st December 2025 and 31st January 2026;
- 4. notes the outcome of the market engagement exercise;
- 5. agrees to the route to procurement being Competitive Dialogue;
- 6. agrees to formally adopt the Contract Principles, endorsed by the Waste Contract Project Board and against which the new service will be set, along with the Core Specification Principles set out in Table 4 within the Portfolio Holder's report (A.6);
- 7. agrees to offer a lease of the Fowler Road depot in Clacton on the existing terms as part of any future contractual arrangement, accepting that the depot is likely to require reconfiguring / modernisation during the contract period. Therefore, Cabinet also agrees to initiate the Property Dealing Procedure allowing Officers to explore options and alternative / additional land purchase or lease opportunities:
- 8. agrees a delegation to the Portfolio Holder for Assets to determine the Social Value Themes, Outcomes and Measures (TOMs) against which the social value aspects of the tender submissions will be considered;
- 9. agrees a joint delegation to the Leader of the Council, the Portfolio Holder for Environment and the Portfolio Holder for Assets to approve:
 - a. the high level service specification provided that they consult with the Waste Contract Project Board and the Member Working Group beforehand;
 - b. the aspects of the tender about which there will be dialogue held with bidders; and
 - c. the tender evaluation criteria to be used;
- 10. agrees a delegation to the Corporate Director (Operations & Delivery) to approve:

- a. the detail of the service specification providing that they have consulted with the Portfolio Holder for the Environment; and also
- b. the membership of the tender evaluation panel; and
- 11. authorises a joint delegation to the Leader of the Council, the Portfolio Holder for Environment and the Portfolio Holder for Assets, in consultation with the Corporate Director (Operations & Delivery), the Section 151 Officer and the Monitoring Officer to agree any short term extension to the current contractual arrangements, where permissible to do so and solely for the purpose of assisting with the mobilisation of the new contracts.

Reasons for Decision:

Cabinet, having taken into account the fact that:-

- (1) the Council's contracts with Veolia Environmental Services for household waste and recycling collection and street sweeping would both expire in 2026 and that, as such, a contractor needed to be found to deliver those services upon expiry of the current arrangements;
- (2) the Portfolio Holder's recommendations would ensure that the Council continued to progress the future of this important statutory service and would also ensure value for money, whilst complying with the Environment Act 2021 requirements due to be introduced during 2026; and
- (3) under the Environmental Protection Act 1990 the Council was designated as a Waste Collection Authority (WCA and as such had a statutory duty to collect household waste and recycling from homes in the District. From 2026, the Council would be required under provisions in the Environment Act 2021 to collect a wider range of recyclable material and as such any new service commencing in 2026 must be complaint with this requirement.

Alternative Options Considered:

The alternative options that have been considered are those set out within the Options Appraisal and Outline Business Case in Appendix A to this report. That document should be read in conjunction with this report as it sets out additional context and the scoring methodology applied to each option.

The market engagement exercise has provided valuable insight into a number of areas, in particular the procurement method. In the Outline Business Case the preferred option suggested was to use Competitive Procedure with Negotiation. That has now been amended to Competitive Dialogue based on the market engagement feedback and advice from the Councils external legal advisors for the project. A Competitive Dialogue process can be undertaken in a similar timeframe as Competitive Procedure with Negotiation and the process includes additional flexibility. Bidders in this market are also familiar with this approach which reduces the likelihood of non-compliance with the rules.

Conflicts of Interest Declared (and Dispensations Granted by the Monitoring Officer)

None

Consultation with Ward Member:

Contact Officer:

Tim Clarke, Assistant Director (Housing and Environment)

Date:	Decision Maker:	Subject to Call-in*
26 July 2024	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Housing & Planning Portfolio Holder - A.7 - Adoption of First Seven Conservation Area Appraisals and Management Plans and Start of the Local List Project

Decision:

RESOLVED that Cabinet -

- (a) agrees to the formal adoption, by the Council, of the final Conservation Area Character Appraisal and Management Plan for the following areas (found at Appendices A to G):
 - · Brightlingsea,
 - Lower Dovercourt,
 - Frinton and Walton,
 - · Great Bentley,
 - · Harwich,
 - Thorpe-Le-Soken, and
 - Thorpe-Le-Soken Station and Maltings.
- (b) agrees to the formal adoption, by the Council, of the Local List Criteria (found at Appendix H to the Portfolio Holder's report (A.7); and
- (c) authorises the Director (Planning), in consultation with the Portfolio Holder for Housing and Planning, to commence public consultation for the 'Call for Heritage Sites' for a period of no less than six months.

Reasons for Decision:

In order to progress projects specifically identified in the Council's Heritage Strategy.

Alternative Options Considered:

To not formally adopt the Conservation Area Character Appraisal and Management Plans nor the Local List Criteria. To take this approach would mean that the Council could not give weight to the Conservation Area Character Appraisals and Management Plans as a material consideration in planning decisions and would not progress the opportunity to give the heritage of the District greater protection through the establishment of a Local List. The Council's ability to conserve and enhance the District's historic environment would be reduced.

Conflicts of Interest Declared (and Dispensations Granted by the Monitoring Officer)

Councillor Barry had declared an interest insofar as the report mentioned the Brightlingsea Lido of which he was a Trustee.

Consultation with Ward Member:

Yes

Contact Officer:

Gary Guiver, Director (Planning)

Date:	Decision Maker:	Subject to Call-in*
26 July 2024	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.8 - Tendring's Careline Service Review

Decision:

- (a) notes the outcome of the review of the service as set out in the Portfolio Holder's report (A.8) and its appendices and agrees the decision, in principle, to adopt Option 2, that is to cease the telecare and lifting/response provision of the Careline Service, in its entirety, including service delivery under third-party contracts and that the remaining service provision will solely relate to the Council's Out-of-Hours and CCTV service;
- (b) approves the necessary consultation to be undertaken with customers, residents and key stakeholders. This consultation to be based upon balancing best value principles with the needs of the Council's existing customers, who now have a wider range of options available on the open market, at more comparable rates than the Council can continue to supply the service for;
- (c) delegates the format and design of the consultation to the Leader of the Council and the Portfolio Holder for Partnerships, in consultation with the Assistant Director (Partnerships) and the Assistant Director (Governance);
- (d) agrees the Communication and Engagement Plan with an overriding objective to encourage and support active engagement with services users to understand the principles of Option 2 and the alternative providers available, as well as understanding why Option 2 is the preferred option;
- (e) requests that the outcome of the consultation be reported back to the Cabinet in either October or November 2024, for a decision as to the future provision of Careline Services (telecare/lifting/response service), which will include a detailed transition plan as necessary; and

(f) subject to the associated funding being agreed as part of report item A.9 elsewhere on the agenda, sets aside a total budget of £0.746m to meet the potential implementation costs.

Reasons for Decision:

Cabinet was satisfied that:-

- (i) given the changing market context, the recommendations of the Portfolio Holder were based on what was considered to be the best option for both service users and the Council;
- (ii) several other providers on the open market offered a like for like service, at a comparable price. Furthermore, Essex County Council provided a free of charge service, if a resident was referred to them through a statutory provider, such as Adult Social Care or a health care provider; and
- (iii) it was also important to highlight the continuing capacity challenges the Authority faced in meeting the needs of a range of service users, including those supported by third-party contractual arrangements.

Alternative Options Considered:

All options were set out in the report and its accompanying appendices.

Conflicts of Interest Declared (and Dispensations Granted by the Monitoring Officer)

Councillors Chapman BEM and P B Honeywood had both declared an interest insofar as they both had relatives who were users of the Careline service.

Consultation with Ward Member:

N/A

Contact Officer:

Katie Wilkins, Head of People

Date:	Decision Maker:	Subject to Call-in*
26 July 2024	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.9 - Financial Outturn 2023/24

Decision:

- (a) notes the high level Financial Outturn Position, as set out in the Portfolio Holder's report (A.9) and the initial favourable General Fund Revenue variance of £1.829m for the year, which is currently held within the Revenue Commitments Reserve;
- (b) agrees the use of the General Fund Outturn for the Year of £1.829m, as set out in Appendix A (Section 1a);
- (c) endorses the use of existing budget of £0.144m to provide financial support to Citizens Advice Tendring (CAT) in 2024/25, as set out within Appendix A (Section 1b);
- (d) in respect of the additional £0.259m set aside for reinvestment in the Parking Service, agrees a delegation to the Portfolio Holder for Leisure and Public Realm to utilise this funding during the year;
- (e) in respect of the additional £0.100m made available to support the Waste, Recycling and Street Cleansing Contract, agrees a delegation to the Corporate Director (Operations and Delivery), in consultation with the Portfolio Holder for the Environment, to utilise the additional proposed budget to support the work associated with the options appraisal / tender activities for the Waste and Street Cleansing Contract;
- (f) in respect of the additional £0.100m made available to support the Seasonal Grounds Maintenance and Cleansing Costs, agrees a delegation to the Corporate Director (Operations and Delivery), in consultation with the Portfolio Holder for the Environment and the Portfolio Holder for Leisure and Public Realm to utilise the additional proposed budget to support any associated work;
- (g) in respect of the £0.150m made available to support the Walton-on-the-Naze Lifestyles Facility projects associated with the Swimming Pool Grant Funded Capital Projects, agrees a delegation to the Portfolio Holder for Leisure and Public Realm to determine the business case and associated allocation of this funding;
- (h) in respect of the contribution of £0.144m to CAT, agrees a delegation to the Leader of the Council, in consultation with the Assistant Director (Partnerships) and the Monitoring Officer, to extend the current Subsidy Scheme for 2024/25 (along the same principles of the decisions of Cabinet in July 2023) before any payment is made along with other associated governance arrangements ahead of 2025/26 as required;
- (i) agrees the budget adjustments for 2024/25, as set out in Appendix A (Section 2);
- (j) agrees the establishment of a Corporate Investment Fund (CIF) along with the associated budget adjustments for 2024/25, as set out in Appendix A (Section 3), which includes the three initial allocations from this fund;
- (k) after the further review of Carry Forwards from 2023/24 that for any items subsequently not approved the associated amount shall be transferred to the CIF;
- (I) notes the updates previously requested by Cabinet that relate to the two carry forwards from 2022/23, as set out within this report;
- (m) agrees a delegation to the Council's Section 151 Officer, in consultation with the Corporate Finance and Governance Portfolio Holder, to adjust the outturn position for

2023/24 along with any corresponding adjustment to earmarked reserves as a direct result of any recommendations made by the Council's External Auditor during the course of their audit activities relating to the Council's 2023/24 accounts; and

- (n) allocates a further £0.075m from the Corporate Investment Fund in 2024/25 to support the Council's digital / data resilience via the following two activities:-
 - (1) increase the frequency of immutable backups from quarterly to monthly; and
 - (2) the replacement of wireless access points within the Council's digital network across the Council's estate.

Reasons for Decision:

In order to allocate the overall General Fund favourable outturn variance for 2023/24 and to agree a number of proposed budget adjustments in 2024/25.

Alternative Options Considered:

This were broadly covered in the main body of the report.

Conflicts of Interest Declared(and Dispensations Granted by the Monitoring Officer)

Councillor Barry had declared an interest insofar as the report mentioned the Brightlingsea Lido of which he was a Trustee.

Consultation with Ward Member:

N/A

Contact Officer:

Richard Barrett, Assistant Director (Finance and IT) & Section 151 Officer

Date:	Decision Maker:	Subject to Call-in*
26 July 2024	Cabinet	Yes

SUBJECT OF DECISION:

Management Team Items - Report of the Head of Democratic Services & Elections - A.10 - Petition: Request for Provision of Public Conveniences in Jaywick Sands Beach Area

Decision:

RESOLVED that Cabinet endorses the comments of the Portfolio Holder for Assets as this Council's formal response to the Petition.

Reasons for Decision:

Having duly considered the Petition together with the information provided in the report.

Alternative Options Considered:

There were several courses of action available to the Cabinet once the petition had been considered, including:

- No action (with reasons as to why no action is proposed)
- · Taking the action requested in the petition
- Taking an alternative or amended course of action to that requested in the petition (with reasons as to why such action is being taken)
- Undertaking research into the matters raised (this could include referring the matter to the relevant Portfolio Holder, or officer of the Council) and holding a meeting with the petitioners.
- Referring the petition to a Committee or Cabinet or an external person/body (such as the County Council or Government body or Public Services or the Ombudsman or Member(s) of Parliament)
- · Holding a public meeting
- Holding an inquiry
- Providing a written response to the lead petitioner setting out the Council's views on the request in the petition
- Deferring consideration of the petition to a future committee, Cabinet or Council meeting
- Calling for a referendum (if permitted under the legislation and subject to costs)

Conflicts of Interest Declared (and Dispensations Granted by the Monitoring Officer)

None

Consultation with Ward Member:

N/A

Contact Officer:

Keith Simmons, Head of Democratic Services and Elections & Deputy Monitoring Officer, Andy White, Assistant Director (Building and Public Realm)

^{*} The call-in procedure will not apply to a decision where the Chairman of the relevant overview and scrutiny committee's agreement has been obtained that any delay likely to be caused by the call-in process wold seriously prejudice the Council's or the public's interest, (Rule 16 (h) of the Overview and Scrutiny Procedure Rules) or any decision made where such decision is to be referred to the Council or one of the overview and scrutiny committees for their consideration.