

## COUNCIL

27 NOVEMBER 2018

### 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 recent Executive Decision(s) taken in the circumstances set out in the Council's Constitution in:-

- (a) Rule 15 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 16.2 of the Access to Information Procedure Rules and Rule 18(i) of the Overview and Scrutiny Procedure Rules, this report notifies Members of recent Executive Decision(s) taken in the circumstances set out in Rule 15 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 15 of the Access to Information Procedure Rules provides that where a key decision cannot be reasonably deferred to allow the procedure in Rule 14 (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/her the Vice-Chairman, of the relevant overview and scrutiny committee agrees both that the decision is reasonable in all its 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) Award of £4,200 to The Pharos Trust for Emergency Works regarding LV18**

On 14 September 2018, in view of the urgency of the issue concerned and in accordance with Rule 18(i) of the Overview and Scrutiny Procedure Rules, the Finance and Corporate Services Portfolio Holder (Councillor G V Guglielmi) sought and subsequently obtained the

Chairman of the Resources and Services Overview and Scrutiny Committee's (Councillor Stephenson) consent that his decision relating to awarding £4,200 to The Pharos Trust to support emergency works relating to LV18 be exempt from the call-in procedure.

Councillor Guglielmi's decision was as follows:

*"To award £4,200 (funded from the Big Society budget) to The Pharos Trust to support emergency works to ensure that LV18 is relocated whilst vital dredging is carried out. Upon return the LV18 will continue as a public tourist attraction in Harwich run by volunteers."*

It was felt that any delay likely to be caused by the call-in process would have seriously prejudiced the Council's and the public's interest for the following reasons:-

*"To not proceed with a contribution would prevent significant third party funding into the District and would not support the delivery of key financial strands of the Council's long-term forecast, such as business and housing growth."*

## **(2) Participation in a revised Essex Business Rates Pool**

On 24 September 2018, in view of the urgency of the issue concerned and in accordance with Rule 18(i) of the Overview and Scrutiny Procedure Rules, the Finance and Corporate Services Portfolio Holder (Councillor G V Guglielmi) sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's (Councillor Stephenson) consent that his decision relating to agreeing the Council's participation in a revised Essex business rates pool in 2019/2020 and to support an application to the Government to become a pilot area in the same year be taken using the 'special urgency procedure and that it also be exempt from the call-in procedure.

Councillor Guglielmi's decision was as follows:

- "(a) the Council confirms its participation in an All Essex Business Rates Pool in 2019/20 and supports the application to the Government to become a pilot area in the same year;*
- (b) subject to a) above, delegation be given to the Deputy Chief Executive to agree the final pooling agreement and application to become a pilot area in 2019/20;*
- (c) subject to a) and b) above, delegation be given to the Deputy Chief Executive in consultation with the Portfolio Holder for Finance and Corporate Resources to withdraw from the pool / pilot if disadvantageous for the Council to remain a member."*

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 application to form an Essex business rate pool and pilot for 2019/20 must be submitted to the Government by 25 September 2018."*

## **BACKGROUND PAPERS**

### **(1) Award of £4,200 to The Pharos Trust for Emergency Works regarding LV18**

Letter dated 14 September 2018 from the Finance and Corporate Services Portfolio Holder to the Chairman of the Resources and Services Overview and Scrutiny Committee.

Reply dated 14 September 2018 from the Chairman of the Resources and Services Overview and Scrutiny Committee signifying consent to allow the decision to be exempted from call-in.

Email from Tony O'Neil of The Pharos Trust requesting emergency funding for LV18.

Executive Decision dated 14 September 2018.

### **(2) Participation in a revised Essex Business Rates Pool**

Letter dated 24 September 2018 from the Finance and Corporate Services Portfolio Holder to the Chairman of the Resources and Services Overview and Scrutiny Committee.

Reply dated 24 September 2018 from the Chairman of the Resources and Services Overview and Scrutiny Committee signifying consent to allow the decision to be exempted from call-in and to be taken using the 'special urgency' procedure.

Executive Decision dated 24 September 2018.

## **APPENDICES**

None.