

COUNCIL

15 SEPTEMBER 2020

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 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); and/or
- (c) Rule 6(b) of the Budget and Policy Framework Procedure Rules.

EXECUTIVE SUMMARY

In accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules and/or Rule 6(b) of the Budget and Policy Framework 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) Submission of a Bid for the Future High Streets Fund and other related matters as part of the Rejuvenating Clacton Town Centre Project

On 16 July 2020, in view of the urgency of the issue concerned and in accordance with Rule 18(i) of the Overview and Scrutiny Procedure Rules, the Acting Assistant Director (Building and Public Realm) (Andy White) sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's (Councillor Stephenson) consent that the Cabinet's decision relating to, inter alia, the submission of a Bid for the Future High Streets Fund and other related matters be exempt from the Council's call-in procedure.

The Cabinet's decision taken at its meeting held on 24 July 2020 was as follows:

"That Cabinet –

- a) notes the progress of the bid for the Future High Streets Fund and the proposed submission of that bid on, or before, 31 July 2020;*
- b) approves, 'in principle', the addition of an allocation in the Capital Programme in order to facilitate substantial capital investment in Town Centre Proposals, subject to the normal approval and business case processes in respect of the detail of the schemes being developed;*
- c) approves, 'in principle', the acquisition of strategic property and the appropriation of currently owned property pursuant to the proposed schemes, subject to its specific approval of the terms and details in each case;*
- d) instructs Officers, in partnership with officers of Essex County Council, to continue the development of proposals within the scope of the bid (as set out in the Portfolio Holder's report) in anticipation of award of a significant grant. Such proposals to be subject to detailed business cases and a formal decision by Cabinet; and*
- e) instructs Officers, in partnership with officers of Essex County Council, to develop further complimentary outline proposals, in line with the bid proposals, for 'Back to Business' initiatives, the further rejuvenation of Clacton Town Centre and the enhancement of its links to the Seafront and all parts of the District. Such proposals to be subject to further funding reports and a formal decision by Cabinet."*

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

"The deadline for submission of bids to the Ministry for Housing Communities and Local Government is 31 July 2020. Cabinet meets on 24 July 2020 and the normal five clear working days for call in means that the earliest date that the Cabinet's decision can be implemented is 3 August 2020.

Accordingly I seek your agreement to exempt the decision from call-in in order to allow the bid to be submitted.

As you will see from the report there is potential for some very substantial investment in the town centre that will be facilitated by a smaller net contribution by the Council.

The proposals have been the subject of wide consultation and engagement and final decisions on investment and detailed scheme, planning, contracts and the like will be

made at a later date provided that a grant is secured and a business case for the elements makes sense.”

BACKGROUND PAPERS

(1) Submission of a Bid for the Future High Streets Fund and other related matters as part of the Rejuvenating Clacton Town Centre Project

Letter dated 16 July 2020 from the Acting Assistant Director (Building and Public Realm) to the Chairman of the Resources and Services Overview and Scrutiny Committee.

Reply dated 17 July 2020 from the Chairman of the Resources and Services Overview and Scrutiny Committee signifying his consent to allow the decision to be exempt from call-in.

Published Cabinet Decision of 24 July 2020.

APPENDICES

None.