

COUNCIL

26 JANUARY 2021

REPORT OF LEADER OF THE COUNCIL

A.1 EXECUTIVE DECISION(S) 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.

DECISION(S) TAKEN AS A MATTER OF URGENCY

(1) Acceptance of the Transfer of Plot 4, 8 Brunswick Gardens, Mistley, Manningtree

On 26 November 2020, the Assistant Director (Governance) & Monitoring Officer (Lisa Hastings), on behalf of the Housing Portfolio Holder (Councillor P B Honeywood), and in view of the urgency of the issue concerned, in accordance with Rule 18(i) of the Overview and Scrutiny Procedure Rules, sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's (Councillor M E Stephenson) consent that the Housing Portfolio Holder's decision relating to the acceptance of the transfer of Plot 4, 8 Brunswick Gardens, Mistley, Manningtree be exempt from the Council's call-in procedure.

The Housing Portfolio Holder's decision was as follows:

"To approve the acceptance of the transfer of Plot 4, 8 Brunswick Gardens, Mistley, Manningtree CO11 1FN; and acquiring a shareholding in Harwich Road Management Limited (Company Registration Number 11627235)."

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

"The decision is required urgently because, the Council had been put on notice that the delay to be caused by the call-in process would seriously prejudice the public interests. The developer is unable to dispose of another other bungalow on the development site, which was due to be purchased by an elderly couple, who have nowhere else to live and will need to be put up in temporary accommodation– given the COVID risks currently this is unacceptable and would be putting them at great risk.

The developer is restricted by the terms of the Section 106 Agreement in that they cannot dispose of properties until the gifted unit is transferred to the Council, completion was due for next Friday 4th December and they would like to complete on 27th November 2020."

BACKGROUND PAPERS

(1) Acceptance of the Transfer of Plot 4, 8 Brunswick Gardens, Mistley, Manningtree

Letter dated 26 November 2020 from the Assistant Director (Governance) & Monitoring Officer, on behalf of the Housing Portfolio Holder, to the Chairman of the Resources and Services Overview and Scrutiny Committee.

Accompanying Report prepared by Officer in Governance & Legal Services.

Reply 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.

APPENDICES

None.