

<b>Key Decision Required:</b>	<b>NO</b>	<b>In the Forward Plan:</b>	<b>NO</b>
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## CABINET

17 SEPTEMBER 2021

### REPORT OF THE LEADER OF THE COUNCIL

#### **A.3 EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY** (Report prepared by Ian Ford, Committee Services Manager)

#### **PART 1 – KEY INFORMATION**

##### **PURPOSE OF THE REPORT**

To notify Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

##### **EXECUTIVE SUMMARY**

In accordance with the procedures contained in the Note on Decision Making Business Continuity Arrangements issued by the Monitoring Officer (Lisa Hastings) on Friday 20 March 2020, this report formally notifies Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

##### **RECOMMENDATIONS**

- (a) That the contents of the report be noted; and**
- (b) That the urgent decision(s) taken by the Leader of the Council, on behalf of the Cabinet, as detailed in this report, be formally endorsed.**

#### **PART 2 – SUPPORTING INFORMATION**

##### **BACKGROUND**

As part of the Council's response to the COVID-19 public health emergency the Council's Monitoring Officer produced a formal "Note on Decision Making Business Continuity Arrangements" which set out the ways in which the normal operational business could continue in relation to decisions which would normally be referred to Cabinet, Council or Committees.

In relation to Cabinet decisions the Monitoring Officer's formal Note included, inter alia, the following information and advice:-

*"The Constitution requires certain matters to be decided by Cabinet collectively. The Leader of the Council may exercise any of the powers delegated to the Cabinet:*

- a. Following a resolution of the Cabinet (subject to the Constitution), or*
- b. In cases of urgency, in consultation with the Monitoring Officer and/or Section 151*

Officer.

*In cases of urgency the decision of the Leader of the Council will be recorded and published in accordance with the Constitution. The Leader of the Council will also be required to make a public statement at the next formal meeting of the Cabinet which will explain why they had taken the decision as a matter of urgency.*

*Therefore, following consultation with the Leader of the Council, it is recommended that to enable formal decisions to be made on behalf of Cabinet the following procedure should be adopted:*

- *a formal decision will be published recording the matters taken into account;*
- *at the first formal meeting of Cabinet a report of the decisions taken by the Leader under urgency powers will be produced; and*
- *if it was necessary for a key decision to be made under urgency provisions this must be reported to Full Council (in accordance with the Access to Information Procedure Rules 15 & 16.2).*

*Whilst it is anticipated that decisions taken during urgency provisions would be limited or uncontroversial in nature, it must be highlighted that the ability of Members to undertake the statutory overview and scrutiny function is not removed.”*

The Monitoring Officer considered that, in responding to COVID-19, the Council was in exceptional times which therefore satisfied the grounds of urgency.

In making the decision(s) in question the Leader of the Council exercised his delegated power as set out in the Council's Constitution in Part 3, Schedule 3 (Responsibility for Executive Functions) - Section 3 (General Principles Regarding Decision Making by the Cabinet) – Principle 4b [Part 3.28].

## **DECISION(S) TAKEN AS A MATTER OF URGENCY**

### **Redevelopment of the Honeycroft site, Lawford [Published 20 July 2021]**

**Decision:** *“That the Leader of the Council, acting on behalf of the Cabinet, hereby agrees that:*

1. *the Honeycroft site, Lawford be redeveloped with bungalows retained within the Council's housing stock and designated for letting to older persons;*
2. *the Corporate Director (Operations & Delivery), in consultation with the Housing Portfolio Holder, be authorised to make arrangements for a topographical survey of the site and to initiate discussions with a neighbouring land owner over a possible exchange of land;*
3. *the Corporate Director (Operations & Delivery), in consultation with the Housing Portfolio Holder, be authorised, (in accordance with the Cabinet's previous decision taken on 23rd April 2021 that delegated authority to him to continue a process of engagement with the SME sector to deliver Council housing in the District), to invite tenders on the basis of a design and build project to provide around 20 additional*

*bungalows on the site;*

4. *the Corporate Director (Operations & Delivery), in consultation with the Housing Portfolio Holder, be authorised to submit a funding bid to the Homes England Affordable Homes Programme 2021 – 2026 for grant funding towards cost of the development; and*
5. *a budget of up to £50,000 be allocated from the HRA capital programme 2021-22 to fund necessary site surveys, legal expenses and other ancillary expenses.”*

#### **Clacton Leisure Centre Artificial Grass Pitch [Published 20 July 2021]**

**Decision:** *“That the Leader of the Council, acting on behalf of the Cabinet:*

- a) *approves the refurbishment of the Artificial Grass Pitch at Clacton Leisure Centre with a total capital cost of £668,751 and delegates project delivery to the Assistant Director (Economic Growth & Leisure);*
- b) *accepts the funding offer from the Football Foundation to the value of £343,751 towards the total project costs;*
- c) *allocates the funding balance of £325,000 towards this project, from the agreement with Essex County Council for the land swap arrangement for a section of Vista Road Playing Field;*
- d) *agrees that the project be included within the 2021/22 General Fund Capital Programme;*
- e) *authorises the Assistant Director (Economic Growth and Leisure), in consultation with the Deputy Chief Executive & Monitoring Officer, to agree the terms and conditions of the funding agreement with the Football Foundation, as set out in the Appendix to the Leisure & Tourism Portfolio Holder’s report;*
- f) *notes that it had been intended if the Cabinet meeting had been able to take place that the aforementioned report would have been amended to be a joint report of the Leisure & Tourism Portfolio Holder and the Corporate Finance & Governance Portfolio Holder; and*
- g) *agrees, that following the procurement process, the contract be awarded to Limonta Smith JV Ltd, for the installation of a new 3G artificial grass pitch at Clacton Leisure Centre.”*

#### **BACKGROUND PAPERS**

Note on Decision Making Business Continuity Arrangements issued by the Monitoring Officer (Lisa Hastings) on Friday 20 March 2020.

Executive Decisions taken by the Leader of the Council published on 20 July 2021.

#### **APPENDICES**

None.