

COUNCIL

12 JULY 2022

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) Discretionary Council Tax Energy Rebate Scheme

On 10 May 2022, the Corporate Finance & Governance Portfolio Holder (Councillor G V Guglielmi) and the Housing Portfolio Holder (Councillor P B Honeywood), in view of the urgency of the issue concerned, and in accordance with Rule 15 of the Access to Information 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 Corporate Finance & Governance Portfolio Holder's and Housing Portfolio Holder's joint decision relating to the adoption of a discretionary Council Tax energy rebate scheme be taken under the Council's "Special Urgency" procedure.

The Corporate Finance & Governance Portfolio Holder's and Housing Portfolio Holder's joint decision was as follows:-

- (1) "That a Discretionary Council Tax Energy Rebate Scheme be approved and adopted by Tendring District Council;*
- (2) That the Assistant Director (Finance & IT), be authorised under existing officer delegations, as set out in the Scheme of Delegation to determine:*
 - a) the final 'top up' payments to those households in properties with a council tax band of A to D and in receipt of LCTS to fully utilise the associated funding made available by the Government.*
 - b) any other technical changes required to implement and administer the scheme to reflect any emerging Government guidance as necessary; and*
- (3) That any payments made to households under both the mandatory and discretionary are disregarded for the purpose of calculating entitlement to LCTS as a potential interim approach until further Government guidance is made available."*

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

"There would be a potential delay in households being able to access a council tax energy rebate payment under the associated discretionary scheme along with opportunities that could be missed by overlapping the administration of the discretionary scheme with the roll-out of the mandatory scheme."

(2) North Essex Parking Partnership Joint Committee Agreement

On 30 June 2022, the Deputy Chief Executive & Monitoring Officer (Lisa Hastings), acting on behalf of the Leader of the Council (Councillor Stock OBE), in view of the urgency of the issue concerned, and in accordance with Rule 15 of the Access to Information Procedure Rules and Rule 18(i) of the Overview & 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 Leader of the Council's decision relating to be taken under the Council's "Special Urgency" procedure and that it also be exempted from the call-in procedure.

The Leader of the Council's decision was as follows:-

“To renew the Council's participation in the North Essex Parking Partnership Joint Committee agreement.”

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

“Unfortunately, this Council (TDC) was placed in a situation whereby it had become necessary for the Leader to exercise his power to make an urgent decision for the benefit of the Council. The North Essex Parking Partnership Joint Committee agreement expired at midnight on 30 June 2022. The intention was to take this matter to Cabinet on 15th July 2022 for approval for the new agreement, which had only just been received, however TDC had been in various conversations with Essex County Council (ECC) on 30 June 2022 and had two choices, either to take an urgent decision and complete on that day or not to be part of the Joint Committee and Partnership and request to join after the event, which for the Council's reputation would not have been ideal. The Leader had sought assurances from ECC that this Council would not be in any adverse financial position under the terms of the new agreement and this had been provided.”

BACKGROUND PAPERS

(1) Discretionary Council Tax Energy Rebate Scheme

Letter dated 10 May 2022 from the Corporate Governance & Finance Portfolio Holder and the Housing Portfolio Holder, to the Chairman of the Resources and Services Overview and Scrutiny Committee.

Reply dated 11 May 2022 from the Chairman of the Resources and Services Overview and Scrutiny Committee signifying his consent to allow the Portfolio Holders' decision to be taken under the “Special Urgency” Procedure.

(2) North Essex Parking Partnership Joint Committee Agreement

Email dated 30 June 2022 from the Deputy Chief Executive & Monitoring Officer to the Chairman of the Resources and Services Overview and Scrutiny Committee.

Reply dated 30 June 2022 from the Chairman of the Resources and Services Overview and Scrutiny Committee signifying his consent to allow the Leader of the Council's decision to be taken under the “Special Urgency” Procedure and to be exempt from call-in.

APPENDICES

None.