

COUNCIL

24 JANUARY 2023

REPORT OF LEADER OF THE COUNCIL

A.3 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 allocation of £1.18m from the UK Shared Prosperity Fund

In December 2022, the Corporate Director (Economy & Place), in view of the urgency of the issue concerned, and in accordance with 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 consent, that his decision relating to the acceptance of the Council's allocation of money from the UK Shared Prosperity Fund, be exempted from the call-in procedure.

The Corporate Director's decision was as follows:-

"To accept the allocation of £1.18m plus resourcing allocation from the Government's UK Shared Prosperity Fund (UKSPF), as applied for in July 2022."

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 reason:-

"The Government notified TDC Officers of the application's success and gave a deadline of Friday 16th December 2022 to sign and return a MoU and associated documents to accept the allocation. A Cabinet report on the subject, including the projects proposed, is on the agenda for Cabinet's meeting on the 16th December in order to gain approval to commence spend of the Year 1 allocation (which must be spent by 31 March 2023).

An exemption from call-in is sought due to the overlapping deadline, which would otherwise mean Tendring District Council would not be able to receive the allocation through the UKSPF."

BACKGROUND PAPERS

(1) Acceptance of the allocation of £1.18m from the UK Shared Prosperity Fund

Letter from the Corporate Director (Economy and Place), to the Chairman of the Resources and Services Overview and Scrutiny Committee (Councillor Mark Stephenson).

Reply dated 16 December 2022 from the Chairman of the Resources and Services Overview and Scrutiny Committee signifying his consent to allow the Corporate Director's decision to be exempt from call-in.

APPENDICES

None