

# COUNCIL

22 JANUARY 2018

## REPORT OF LEADER OF THE COUNCIL

### A.1 EXECUTIVE DECISION TAKEN AS A MATTER OF URGENCY

#### PART 1 – KEY INFORMATION

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

To notify Members of any 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).

##### **EXECUTIVE SUMMARY**

In accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and Rule 18(i) of the Overview and Scrutiny Procedure Rules, this report notifies Members of any 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 TAKEN AS A MATTER OF URGENCY**

##### **Phase 3 – Superfast Essex Broadband Programme**

On 29 November 2017, 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 and Scrutiny Procedure Rules, I sought and subsequently obtained the Chairman of the

Corporate Management Committee's (Councillor Steady) consent that my decision relating to agreeing that the Council supports Phase 3 of the Superfast Essex Broadband programme should be taken under the Special Urgency procedure and also be exempt from the call-in procedure.

My decision was as follows:

*“(1) That the Council supports Phase 3 of the Superfast Essex Broadband programme to deliver superfast broadband coverage to around 98.5% of premises in the Tendring District;*

*(2) That the Council contributes £0.250m to the scheme (which will attract £9.050m of partner funding) to be funded from the £0.598m budget set aside for improved broadband in Tendring; and*

*(3) That, subsequent to the above, a Funding Agreement will be entered into with Essex County Council setting out the terms and conditions of the arrangement as agreed by the Corporate Director (Planning and Regeneration) in consultation with the Section 151 and Monitoring Officers.”*

It was felt that any delay likely to be caused by the call-in process and by not being allowed to use the special urgency process would have seriously prejudiced the Council's and the public's interest for the following reasons:-

*“To not proceed with a contribution would prevent significant third party funding into the District and would not support the delivery of key financial strands of the Council's long-term forecast, such as business and housing growth.”*

## **BACKGROUND PAPERS**

Letter dated 29 November 2017 from the Leader of the Council to the Chairman of the Corporate Management Committee.

Reply dated 20 November 2017 from the Chairman of the Corporate Management Committee signifying consent to allow the decision to be taken under the Special Urgency procedure and to be exempted from call-in.

Report from the Corporate Director (Planning and Regeneration) to the Leader of the Council.

Executive Decision dated 30 November 2017.

## **APPENDICES**

None.