

## REPORT TO COUNCIL

Report No. 7

<b>Date of Meeting</b>	<b>14 October 2008</b>
<b>Title of Report</b>	<b>Quarterly Report on Special Urgency Decisions</b>
Link to Corporate Priorities	None - This report is required by the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000
Public Report	Yes

### Summary of Report

This report informs Council of Key Decisions taken by the Executive in circumstances of special urgency since 29 April 2008.

### Recommendation

**That the report be noted.**

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
NONE	NONE	NONE	NONE	NONE

### Contact Officer

Marie Todd, Senior Policy and Democratic Services Officer  
01249 706612 [mtodd@northwilts.gov.uk](mailto:mtodd@northwilts.gov.uk)

## **1. Introduction**

- 1.1 Regulation 20 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 requires the Leader of the Council to submit a quarterly report to Council on how often the special urgency procedure in respect of Key Decisions has been used.
- 1.2 The special urgency procedure only applies to Key Decisions that were not included in the Executive Workplan and where five clear days' notice has not been given.

## **2. Options**

- 2.1 That the report be noted.
- 2.2 There are no other options.

## **3. Background Information**

### Procedure for Key Decisions

- 3.1 The general procedure for taking Key Decisions requires that:
  - (a) an Executive Workplan containing reference to the decision has been published;
  - (b) at least 5 clear days have elapsed since the publication of the said Executive Workplan;
  - (c) where the decision is taken at a meeting of the Executive, notice of the meeting has been given in accordance with Rule 4.4 of the Council's Constitution.
- 3.2 Should it not be possible to comply with this procedure, a Key Decision can be taken in the following circumstances:

### General Exception

- 3.3 Regulation 15 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 allows for a Key Decision to be taken if it has not been included in the Executive Workplan and cannot be deferred until the publication of the next Executive Workplan. The decision can be taken provided that at least five clear days notice has been given to the Chairman of the Overview & Scrutiny Committee and the public before the decision is taken.

### Special Urgency

- 3.4 In certain circumstances it may not be possible to comply with the General Exception requirements. In these circumstances Regulation 16 of Regulations can be applied. Regulation 16 allows for a Key Decision to be taken without the five clear days' notice, provided that agreement has been obtained from the Chairman of the Overview & Scrutiny Committee (or in her absence the Chairman of the Council) that the decision could reasonably be regarded as urgent in the circumstances.

#### 4. Quarterly Report

4.1 As at the date of this report, one Key Decision has been taken by the Executive in circumstances of special urgency since 29 April 2008. Details of the decision are set out below:

- **Date of Meeting:** 29 May 2008
- **Minute No.:** E6
- **Subject:** Repairs to Emery Gate Car Park, Chippenham
- **Decision:**

**Resolved that:**

1. Subject to the verification of the contract specification, the cost sum and satisfactory warranties, that authority be delegated to the Assets, Design and Regeneration Manager, in consultation with the Legal Services Manager and County Council representative for the procurement of essential repair works to Emery Gate car park through a single contractor (i.e. Tesco's appointed contractor).
2. Subject to Resolution 1 above for the works to the car park surface, the capital contribution should not exceed the Budget as set out in paragraph 4.1 of the report and should be confirmed to the satisfaction of the Section 151 Officer.
3. Officers be instructed to pursue a claim against the previous contractor and/or insurance as appropriate, assembling documentary and photographic evidence during the course of remedial works.
4. In accordance with the Council's Constitution, the Executive agrees that these decisions are urgent and should not be subject to call in, as any delay caused by the call-in process would seriously prejudice the Council's or public's interest.

4.2 The Chairman of the Overview and Scrutiny Committee gave her agreement to this item being considered as a matter of special urgency in accordance with Regulation 16 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

#### 5. Risk Assessment

5.1 There are no risks associated with this report.

<b>Appendices:</b>	None
<b>Background Documents Used in the Preparation of this Report:</b>	None

**Previous Decisions Connected with this Report**

<b>Report</b>	<b>Committee &amp; Date</b>	<b>Minute Reference</b>
Repairs to Emery Gate Car Park, Chippenham	Executive – 29 May 2008	E6