

# **WAVERLEY BOROUGH COUNCIL**

## **COUNCIL**

**18 OCTOBER 2022**

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**Title:**

### **USE OF URGENCY PROCEDURE FOR A KEY DECISION**

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**Portfolio Holder:** Cllr Paul Follows, Leader of the Council

**Head of Service:** Robin Taylor, Monitoring Officer

**Key decision:** No

**Access:** Public

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#### **1. Purpose and summary**

- 1.1 This report provides an update to the Council on the use of the procedure for taking an urgent key decision, in accordance with the provisions of Part 4.3, Paragraph 16.3 of the Council's Constitution.

#### **2. Recommendation**

That the Council note the use of the urgency procedure for the taking of a key decision on 18 July 2022.

#### **3. Reason for the recommendation**

- 3.1 The Council's Constitution makes provision for the taking of an urgent decision at Paragraph 16.3 of Part 4.3 (Overview and Scrutiny Procedure Rules).
- 3.2 Paragraph 16.3 requires that any decisions taken under the urgency procedure will be reported to the next available Council meeting together with the reasons for urgency.

#### **4. Background**

- 4.1 In accordance with Paragraph 16.3 of Part 4.3 of the Constitution, a special meeting of the Executive was called to consider whether to apply to the High Court to challenge the decision of the Secretary of State made on 7 June 2022 to grant planning permission at Loxley Well and, if the Executive resolved to do so, to authorise officers to make the necessary virement to meet costs of up to £13,500.
- 4.2 Given the relatively short amount of time between the decision being taken in June by the Secretary of State for Levelling Up, Housing and Communities to overturn Surrey County Council's refusal of planning consent for an exploratory well, the time taken to acquire and consider legal advice, and the 19 July legal

deadline for seeking permission to challenge that decision, it was not possible to bring the item to a scheduled Executive meeting and publish notice on the Executive Forward Plan for the requisite 28 days before the decision was taken.

- 4.3 As per paragraph 16.3 of the Overview and Scrutiny Procedure Rules, this was considered to be an urgent decision, and therefore was not subject to call in by the relevant overview and scrutiny committee. This was because the time it would take to allow any call in to be made and dealt with would clearly exceed the legal deadline of 19 July to act. Given this, and what were perceived to be the significant ramifications of the decision made by the Secretary of State for Waverley's communities, it was considered that a delay caused by the application of the call-in process would seriously prejudice the Council's and the public's interests in this matter. As per the arrangements set out in paragraph 16.3 of the Overview and Scrutiny Procedure rules, the Mayor's agreement to this approach being taken was sought and obtained.
- 4.4 The decision taken by the Executive at its special meeting on 18 July 2022 is set out at item 9 on this agenda.

## **5. Relationship to the Corporate Strategy and Service Plan**

- 5.1 This report supports the Corporate Strategy priority for open, transparent and participative governance.

## **6. Implications of decision**

### **6.1 Resource (Finance, procurement, staffing, IT)**

There are no resource implications arising from this report.

### **6.2 Risk management**

There are no risk management implications arising from this report.

### **6.3 Legal**

There are no direct legal implications arising from this report.

### **6.4 Equality, diversity and inclusion**

There are no equality, diversity and inclusion implications arising from this report.

### **6.5 Climate emergency declaration**

There are no climate emergency implications arising from this report.

## **7. Consultation and engagement**

- 7.1 None for the purposes of this report.

## **8. Other options considered**

- 8.1 None for the purposes of this report.

## **9. Governance journey**

- 9.1 Council, 18 October 2022.

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## **Background Papers**

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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