

WAVERLEY BOROUGH COUNCIL

EXECUTIVE

JANUARY 2023

Title:

USE OF URGENCY PROCEDURE FOR A KEY DECISION

Portfolio Holder: Cllr Paul Follows, Leader of the Council

Head of Service: Stephen Rix, Interim Executive Head of Legal and Democratic Services (Monitoring Officer)

Key decision: No

Access: Public

1. Purpose and summary

- 1.1 This report provides an update to the Executive on the use of the procedure for taking an urgent key decision, in accordance with the provisions of Part 4.5, Paragraph 11.4 of the Council's Constitution.

2. Recommendation

That the Executive note the use of the urgency procedure for the taking of a key decision on 1, 29 and 30 November 2022.

3. Reason for the recommendation

- 3.1 The Council's Constitution makes provision for the taking of an urgent decision at Paragraph 11.4 of Part 4.5 (Overview and Scrutiny Procedure Rules).
- 3.2 Paragraph 11.4 requires that any decisions taken under the urgency procedure will be reported to the next available Council meeting together with the reasons for urgency and this was done at the Council meeting on 13 December 2022.
- 3.3. In addition, the Leader requested it is reported to the next available Executive meeting.

4. Background

- 4.1 In accordance with Paragraph 11.4 of Part 4.5 of the Constitution, a decision was taken at the meeting of the Executive on 1 November 2022 to purchase the freehold at 1-32 Wyatts Close, Godalming before the purchase deadline of 7 November. Due to a misunderstanding that the necessary approval had been secured due to the budget being made available, the item had not been placed on the Executive Forward Plan the requisite 28 days before the decision was taken.

- 4.2 As per paragraph 11.4 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 7 November. Given this, 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 11.4 of the Overview and Scrutiny Procedure rules, the Mayor's agreement to this approach being taken was sought and obtained.
- 4.3 In accordance with Paragraph 11.4 of Part 4.5 of the Constitution, a decision was taken at the meeting of the Executive on 29 November 2022 to agree an addendum to the Discretionary Energy Rebate Scheme under the eligibility criteria to award to any pensioners who were in receipt of Council Tax Support without the need for an application process. The scheme closed on 30 November, at which point the Council was required to return any unspent funds to the Government. The decision enabled a significant part of the unspent fund to be allocated to residents.
- 4.4 As per paragraph 11.4 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 deadline of 30 November. Given this, 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 11.4 of the Overview and Scrutiny Procedure rules, the Mayor's agreement to this approach being taken was sought and obtained.
- 4.5 In accordance with Paragraph 11.4 of Part 4.5 of the Constitution, a decision was taken by the Co-Portfolio Holder for Housing, under his delegated authority at on 30 November 2022 to award an interim domestic gas contract for the Housing Service. Due to a misunderstanding that the necessary approval had been secured due to the budget being made available, the item had not been placed on the Executive Forward Plan the requisite 28 days before the decision was taken.
- 4.6 As per paragraph 11.4 of the Overview and Scrutiny Procedure Rules, this was considered to be an urgent decision, a meeting was called on 30 November 2022 under the Special Urgency procedures, and therefore was not subject to call in by the relevant overview and scrutiny committee. This is because the time it would take to allow any call in to be made and dealt with would clearly exceed the deadline of 30 November. Given this, 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 11.4 of the Overview and Scrutiny Procedure rules, the Mayor's agreement to this approach being taken was sought and obtained.
- 4.7 The decisions taken by the Executive and the Co-Portfolio Holder for Housing on 1, 29 and 30 November 2022 are 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, 13 December 2022.

Background Papers

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

CONTACT OFFICER:

Name: Louise Fleming

Position: Democratic Services and Business Support Team Manager (Deputy Monitoring Officer)

Telephone: 0148 3523517

Email: louise.fleming@waverley.gov.uk