


Non-Executive Report of the: Council Wednesday, 30 September 2020	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Open (Unrestricted)
Use of Urgency Procedures in Executive Decision Making (May 2019 to September 2020)	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services
Wards affected	All Wards

Executive Summary

As set out in the constitution, a report must be presented to the Annual Meeting of Council setting out when Special Urgency provisions have been applied to Executive Key Decisions.

Council is asked to note the report.

Recommendations:

The Council is recommended to:

1. Note the report on the use of special urgency provisions in relation to Executive Key Decisions be noted.

1. REASONS FOR THE DECISIONS

- 1.1 The Constitution sets out that this report must be presented to the Annual Council meeting.

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable to a noting report.

3. DETAILS OF THE REPORT

General and Special Urgency

- 3.1 In normal circumstances the Council is required to publish on its website a public notice at least 28 clear days before an Executive Key Decision is taken by the Mayor in Cabinet, at a Cabinet Sub-Committee or as an Individual Mayoral Decision.

- 3.2 On occasion, due to reasons of urgency, it is not possible to provide this level of notice and the constitution provides procedures which must be followed in those cases:
- 5.2.1 **General Urgency** – Between 5 and 28 days’ notice can be provided – the Chair of the Overview and Scrutiny Committee must be notified of the item and the reasons for urgency.
 - 5.2.2 **Special Urgency** – Less than 5 days’ notice – the Chair of the Overview and Scrutiny Committee must agree that the issue is so urgent that longer notice cannot be given.
- 3.3 In both of the above situations, the reasons for urgency are published on the website alongside the decision documentation.
- 3.4 This report informs Council of those occasions during the previous municipal year where the Special Urgency provisions had to be implemented and the Chair of the Overview and Scrutiny Committee was asked to agree to a decision being taken through that process.
- 3.5 The two occasions where the Special Urgency Provisions were applied were as follows:

Report Title	Date of Decision	Reasons for Urgency provided at time of decision
The Council’s financial response to the Corona virus (COVID-19)	9 April 2020 (as an Individual Mayoral Decision)	The Council's plans to provide a financial response to Coronavirus have been drafted urgently and could not have been anticipated in advance. Any delay to the implementation of the Council's response would be unacceptable during time of an international emergency and would seriously undermine the social and financial recovery of the Borough and its residents.
THH Major Works Contracts Variations	29 July 2020 (Mayor in Cabinet)	Urgent need to regularise and authorise capital expenditure to vary the contracts in line with the additional costs. The contracts are in place and operating, THH need the revised contract values approved in order to pay the contractors, failure to do so would render the council being in breach of the contract, and therefore bring the council in disrepute. As the contracts are being delivered, failure to honour contractual payment will lead to unfinished works and leave the

		residents with unfinished works. This will adversely affect residents' expectations/satisfaction and the image of the Council.
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Call in and Urgency

- 3.6 When an Executive Decision is taken by the Mayor in Cabinet, at a Cabinet Sub-Committee or as an Individual Mayoral Decision, it is eligible to be called in if so requested by Councillors in accordance with the relevant provisions of the Constitution. On occasion, due to reasons of urgency, decisions are published which cannot be called in. The reasons for urgency must be agreed by the Chair of Overview and Scrutiny Committee and the matter reported to Council, together with the reasons for urgency.
- 3.7 This report informs Council of those occasions during the previous municipal year where an executive decision was taken which, due to reasons of urgency, was exempt from call in.
- 3.8 The two occasions where the Call-In and Urgency Provisions were applied were as follows:

Report Title	Date of Decision	Reasons for Urgency provided at time of decision
The Council's financial response to the Corona virus (COVID-19)	9 April 2020 (as an Individual Mayoral Decision)	The Council's plans to provide a financial response to Coronavirus have been drafted urgently and could not have been anticipated in advance. Any delay to the implementation of the Council's response would be unacceptable during time of an international emergency and would seriously undermine the social and financial recovery of the Borough and its residents.
MHCLG Rough Sleeping Initiatives 2020/21	5 March 2020 (as an Individual Mayoral Decision)	MHCLG have informed the Council that it requires a signed Memorandum of Understanding by Friday 6 March 2020 to ensure grant funding can be in place for 1 April 2020. This requires approval for existing contracts with providers to be varied. Failing to meet this deadline will jeopardise receipt of funding by the Council in April 2020 meaning the Council will be unable to provide assurance to our commissioned services that services

		<p>and roles will continue throughout 2020/21. St Mungo's and Providence Row have a number of rough sleeping related services which are all at serious risk of terminating if we do not receive funding to pay them. The MHCLG year on year funding and late notification of awards have created very tight and somewhat unrealistic deadlines. However, it is not the wish of the council to see our rough sleeping population experience the consequences of these tight funding timeframes. Until we can inform our providers that they will receive MHCLG RSI 2020/21 funding they are unable to continue staff employment contracts beyond 31 March 2020. Their staff are already looking for other jobs given they have little job certainty.</p>
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4. EQUALITIES IMPLICATIONS

- 4.1 This is a noting report, the intention of which is to ensure transparency of decision making. Equalities Implications in relation to each decision will have been set out in the reports concerned.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

- 5.2 None specific to this report. Implications in relation to each decision will have been set out in the reports concerned.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 None specific to this report. Financial Implications in relation to each decision will have been set out in the reports concerned.

7. COMMENTS OF LEGAL SERVICES

- 7.1 This report is a requirement of the Council Procedure Rules as set out in Part B, Section 27 of the Council's Constitution.
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Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- None.

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None.

Officer contact details for documents:

N/A