

Report on Executive Decisions Precluded from “Call in” on Grounds of Urgency

The Authority’s Constitution (Part 4 - Rules of Procedure, Section 4.5 - Overview and Scrutiny Rules of Procedure, Rule 17.1) provides that its call-in procedure set out at Rule 16 shall not apply where the decision being taken by the Executive is urgent.

A decision is defined as urgent in Rule 17.1 if any delay likely to be caused by the call-in process would seriously prejudice the Council’s or the public interests.

Rule 17.4 requires the reporting to the next available meeting of the Council of decisions taken by the Executive as a matter of urgency together with the reasons for urgency.

Accordingly, decisions taken by the Executive where the above mentioned Constitutional provision has been invoked since the last ordinary meeting of the Council are set out below:

Cabinet 08 February 2012

Agenda Item 7.1 Thames Tideway Tunnel Update (CAB 067/112)

Summary of matters subject of decision

The report before the Cabinet: -

- Provided Cabinet with the opportunity to respond to Thames Water’s Phase 2 consultation on the proposal to build the Thames Tideway Tunnel. The report also provides an update on issues addressed in the previous report on the proposal presented to Cabinet on 2 November 2011.

Summary of Cabinet deliberations

The order of business was varied by decision of the Mayor in Cabinet earlier in the proceedings in order to allow the Agenda item to be considered following a deputation from SaveKEMP campaign group in respect of it (which the Mayor had permitted under the constitutional provisions of Council Procedure Rule 7.2).

Mr Halsey, Corporate Director Communities Localities and Culture, at the request of the Mayor, in introducing the report, summarised the key points contained therein.

The **Mayor agreed** the recommended decisions as set out in the report.

Decision

1. Agreed that the Mayor was satisfied that this matter was urgent, as defined in the Authority's Constitution (Part 4 Rules of Procedure, Section 4.5 Overview and Scrutiny Rules of Procedure, Rule 17 'Call In' and Urgency, sub paragraph 17.1, as any delay to implementation of all the decisions above would seriously prejudice the Authority's and the Public's interest; and therefore this matter should not be subject to 'Call In';
2. That it be noted that Thames Water had failed to provide sufficient information to allow a fully informed response to consultation to be provided;
3. That the Authority's concern at the impact of Thames Water's preferred scheme for a connection to the proposed tunnel in the foreshore of King Edward Memorial Park and its support for an alternative scheme that provides for the main connection in the Heckford Street Industrial Estate, with just a connection to the North East Storm Relief Sewer in King Edward Memorial Park, be confirmed;
4. That the draft version of the response to Thames Water based on Decisions 2 and 3 above, as set out in Appendix 1 to the report (CAB 067/112), be approved; and that the Corporate Director Communities Localities and Culture be authorised to determine the final content of the response and to submit this to Thames Water by the deadline for response of 10 February 2012

Reason for Urgency

The Thames Water's Phase 2 consultation closed on 10 February 2012. Members, if so minded, could determine not to respond to the Phase 2 public consultation. However, officers did not recommend this course of action as the promoters of this London wide project and local residents may infer that the Council has no interest in influencing the final design solution. Disengagement for constructive dialogue could result in Thames Water imposing a solution on the borough. Therefore it was considered to be in both the Council's and the public interest to make a reasoned response to the consultation; that any delay to implementation of all the decisions above would seriously prejudice the Authority's and the Public's interest; and therefore this matter should not be subject to 'Call In'.