


Non-Executive Report of the:  <b>Council</b>  Wednesday, 15 May 2019	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Corporate Director, Governance and Monitoring Officer	<b>Classification:</b> Open (Unrestricted)
<b>Use of Urgency Procedures in Executive Decision Making 2018/19</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Head of Democratic Services
<b>Wards affected</b>	(All Wards);

### **Executive Summary**

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

Council is asked to note the report.

### **Recommendations:**

Council is recommended to:

1. Note the report.

### **1. REASONS FOR THE DECISIONS**

- 1.1 The Constitution sets out that the Annual Council meeting will receive a report on the use of urgency provisions that have been applied to executive decision making in the previous year.

### **2. ALTERNATIVE OPTIONS**

- 2.1 Not applicable to a noting report.

### 3. DETAILS OF THE REPORT

#### General and Special Urgency

- 3.1 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:
- **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.
  - **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 agreed to a decision being taken through that process.
- 3.5 The one occasion where the Special Urgency Provisions were applied was as follows:

Report Title	Date of Decision	Reasons for Urgency provided at time of decision
Phoenix School Expansion – Agreement to Complete the Deed Variation to the Grouped Schools PFI Contract	Mayor's Individual Decision Making, 27 March 2019	An urgent decision is required to agree to enter into a Deed of Variation to the Group Schools PFI to enable the works to redevelop the site at Fairfield Road to be developed to provide the accommodation for the proposed upper school for Phoenix Special School. A decision is required before 29 March to ensure that the project can continue unaffected

## 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 four 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
Determination of School Admission Arrangements for 2020/21	Cabinet 27 February 2019	The report recommends that Cabinet agree the admissions policies and oversubscription criteria for community schools. These decisions need to be exempt from call-in because under the School Admissions Code, the Council must determine its admissions arrangements by 28 February.
Mulberry Place, 5 Clove Crescent, London E14 2BG - New Lease	Cabinet 9 January 2019	Once the report recommendations are approved the Council will need to move swiftly to complete the transactions within the timescale required. Any delay to this process could jeopardise the Council's ability to meet this deadline and so put the deal at risk of further protracted renegotiation where there is no guarantee that the same terms may be agreed

Tower Hamlets Town Hall - Contract Sum Risk Contingency Approval	Mayor's Individual Decision Making, 29 November 2018	The target date for entering into the main JCT design and build contract with our preferred contractor is week commencing 26 <sup>th</sup> November 2018. Mayoral sign off of this IMD to secure and approve the additional project risk contingency is vital prior to signing the main contract. It is therefore not possible to delay or defer this decision to accommodate the normal call-in procedures this is because a delay to the contract signing is likely to result in an additional programme cost of £118K per week.
Commercial Lease Guarantee - Tower Hamlets Homes	Mayor's Individual Decision Making, 18 June 2018	The delay caused by the call-in process would jeopardise the transaction and, in turn, the funds invested by THH and the savings to be generated through the deal. This would seriously prejudice the public's interests.

#### **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.
- Data Protection / Privacy Impact Assessment.

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 A report must be presented to the Annual Meeting of Council setting out when urgency provisions have been applied to Executive Key Decisions, and this report provides this detail, which Council is asked to note. As such there are no direct financial implications arising from this report. The financial implications in relation to each decision referred to in section 3.8 of this report will have been set out in the reports concerned.

## **7. COMMENTS OF LEGAL SERVICES**

7.1 This report is a requirement of the Procedure Rules as set out in the Council's Constitution which state that the Mayor will submit an annual report to Council on the executive decisions taken under the Special Urgency Rule, as explained in paragraph 3.2 of this report, in the preceding year. The report will include the number of decisions so taken and a summary of the matters in respect of which each decision was made. A similar report is to be made for any decisions for which the Call In and Urgency provision, as explained in paragraph 3.6 of this report, has been used.

---

### **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**

- None

#### **Officer contact details for documents:**

Joel West, Senior Committee Officer, 020 7364 4207