


Cabinet 11 July 2022	 TOWER HAMLETS
Report of: Will Tuckley, Chief Executive	Classification: Unrestricted
Decisions taken by the Chief Executive under urgency procedures	

Lead Member	Mayor
Originating Officer(s)	Matthew Mannion, Head of Democratic Services
Wards affected	All
Key Decision?	No
Reason for Key Decision	This report has been reviewed as not meeting the Key Decision criteria.
Strategic Plan Priority / Outcome	All

Executive Summary

The Council's Constitution authorises the Chief executive to exercise any executive function in cases of emergency or extreme urgency. The provision requires that following the exercise of such power, the Chief Executive will provide a written report to the Mayor setting out the decision taken and the reason for it including the reasons for emergency or extreme urgency.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Note the decision made by the Chief Executive under the Constitutional provision on emergency or extreme urgency as set out in the attached appendix.

1 REASONS FOR THE DECISIONS

- 1.1 The Council's Constitution authorises the Chief executive to exercise any executive function in cases of emergency or extreme urgency. The provision requires that following the exercise of such power, the Chief Executive will provide a written report to the Mayor setting out the decision taken and the reason for it including the reasons for emergency or extreme urgency.

2 ALTERNATIVE OPTIONS

2.1 None. This is a noting report.

3 DETAILS OF THE REPORT

3.1 The Council's Constitution (Section 18 Responsibility for Executive Functions) states that all executive functions of the Council are vested in the Mayor. The Mayor may exercise those functions themselves or may delegate specified executive functions to be exercised by the Cabinet meeting, a Cabinet committee, an individual Cabinet Member or an officer.

3.2 The Mayor has delegated functions to the Cabinet, Cabinet sub committees and officers. The delegation of functions by the Mayor is specified in the Executive Scheme of Delegation (Constitution Section 29 part 3).

3.3 The Constitution also states (Section 24 Functions of the Chief Executive and Corporate Directors) that in cases of emergency or extreme urgency, the Chief Executive can exercise any executive function. This provision requires that following the exercise of such power, the Chief Executive will provide a written report to the Mayor setting out the decision taken and the reason for it including the reasons for emergency or extreme urgency. This Cabinet report has been prepared to satisfy this requirement.

3.4 Appendix 1 is **a report** and accompanying decision record for a decision on Tower Hamlets Town Hall – Deed of Variation and contract budget adjustments taken by the Chief Executive under the Section 24 emergency or extreme urgency provision. The report lists the reason for the decision including the reasons for emergency or extreme urgency.

4 EQUALITIES IMPLICATIONS

4.1 No implications. This report is presented for noting only.

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 No other statutory implications have been identified.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This noting report relates to approval as per the appendix for a supplementary capital budget provision of £1.1m and the formal allocation of the existing approved contingency of £8.4m revising the new Town Hall budget (which includes construction, design, CIL, surveys and professional fees) to £132.85m to cover all of the risks associated with the existing building, BREXIT, inflation, COVID and other matters at a value that is within 10% of the combined original contract sum and the contingency that was approved when the original contract was entered into.
- 6.2 The further £1.1m growth to the New Town Hall project budget will need to be financed from additional borrowing, which will result in future increased borrowing cost pressures on revenue budgets, estimated at £44k per annum.

7 COMMENTS OF LEGAL SERVICES

- 7.1 The decision was taken in line with the constitution which also stipulates that where the Chief Executive takes such a decision a noting report detailing the decision will be taken to cabinet.
- 7.2 This original decision was correctly identified as urgent within the meaning of Section 24 to part B of the constitution as a failure to make the decision at that point would have jeopardised the agreement relating to the close out of the risk elements with the contractor exposing the Council and the public to significant further costs.
- 7.3 Therefore, both the provision of this noting report and the original exercise of this discretion by the Chief Executive comply with the Council's constitution

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix 1 – Decision notice and report for Tower Hamlets Town Hall – Deed of Variation and contract budget adjustments

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- None

Officer contact details for documents:

Joel West, Democratic Services Team Leader (Committee)