

REPORT TO:	COUNCIL 13 JULY 2020
SUBJECT:	REPORT ON THE USE OF SPECIAL URGENCY FOR KEY DECISIONS 2019/20
LEAD OFFICER:	Jacqueline Harris Baker Council Solicitor and Monitoring Officer
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT:	
The report to Council on the use of Special Urgency is prepared in accordance with the Access to Information Procedure Rules at Part 4B of the Constitution.	

1. RECOMMENDATIONS
1.1. To note the use of Special Urgency for the key decisions listed at section 3.4 of the report during the 2019/20 municipal year.

2. EXECUTIVE SUMMARY

- 2.1. In accordance with the Access to Information Procedure Rules (Part 4B of the Constitution), the Leader of the Council is required to submit an annual report to Council on the use of Special Urgency for key decisions.
- 2.2. This report details the cases where Special Urgency has been used during the 2019/20 municipal year.

3. BACKGROUND

- 3.1. The proposed making of a key decision requires the giving of 28 days' prior notice. Where the giving of such notice is impracticable the Constitution provides both General Exception and Special Urgency provisions. The General Exception provisions require, amongst other things, a period of five clear working days' notice to be given. Where compliance with the General Exception principle is impractical the decision can be taken under the Special Urgency provisions. In cases of Special Urgency the decision may only be made where the decision maker has obtained agreement that the making of the decision is urgent and cannot reasonably be deferred from:
 - a. The Chair of the Scrutiny & Overview Committee; or
 - b. If there is not such person, or if the Chair of the Scrutiny & Overview Committee is unable to act, the Mayor; or
 - c. Where there is no Chair of the Scrutiny & Overview Committee or Mayor, the Deputy Mayor of the Council.

- 3.2. In all cases during 2019/20 the approval of the Chair of Scrutiny & Overview Committee was given.
- 3.3. Following the approval of the Chair of Scrutiny & Overview Committee two notices were published and circulated to all Members of the Council:
- A notice that a decision would be made under Special Urgency which included the reason for urgency; and
 - A further notice stating the decision had been made and included the report upon which the decision was based.
- 3.4. During the municipal year, 2019/20, the provision of Special Urgency has been used on six occasions to enable urgent decisions to be made. The decisions which have been made under this provision are set out below:

Decision Title	Decision number	Decision maker	Reason for Special Urgency	Date SU notice published	Date decision notice published
Increasing Housing Supply	1720LR	Leader	The making of this decision is urgent to allow the council to complete the purchases of the various housing units for use as emergency accommodation. This has become more urgent due to the expected increase in homeless individuals and families as a result of hotels closing and people not being able to pay rent. The properties have been completed and are therefore ready for use once we have purchased them.	26/03/20 View the notice here	27/03/20 View the notice here
Purchase of 9 Homes at Longheath Gardens for retention in the Housing Revenue Account	1220HGS	Cabinet Member for Homes & Gateway Services	The making of this decision is urgent to allow the council to complete the purchases of the various housing units for use as emergency accommodation. This has become more urgent due to the expected increase in homeless individuals and families as a result of hotels closing and people not being able to pay rent. The properties have been completed and are therefore ready for use once we have purchased them.	26/03/20 View the notice here	30/03/20 View the notice here
Covid-19 Financial Implications	1820LR	Leader	The making of this decision is urgent to allow the council to offer residents and businesses support with their Council Tax and Business Rates during these unprecedented times that have arisen due to Covid19.	27/03/20 View the notice here	30/03/20 View the notice here
Council Tax Hardship Fund	2720LR	Leader	We are now seeking a Financial Implications key decision under Special Urgency, to agree to the implementation of 5 new Council Tax support schemes that will be funded by the £4.4m grant funding, by the Leader of the Council and Councillor Simon Hall, Cabinet Member for Finance	12/05/20 View the notice here	22/05/20 View the notice here

			and Resources. The making of this decision is urgent to allow the council to offer residents support with their Council Tax during these unprecedented times that have arisen due to COVID19.		
Discretionary Grant Fund – COVID 19	3620EJ	Cabinet Member for Economy & Jobs	The making of this decision is urgent to allow the council to set the criteria, process and delivery of the government announced discretionary grant scheme that delivers financial assistance to Croydon businesses during these unprecedented times that have arisen due to COVID19.	02/06/20 View the notice here	04/06/20 View the notice here
Covid-19: The Croydon Streetspace Implementation Programme	0120PL	Exec Director Place	The making of this decision is urgent to allow the council to submit proposals to TfL to release Streetspace Plan for London funding (in response to COVID19) within the required and extremely short timeframe	18/06/20 View the notice here	23/06/20 View the notice here

- 3.5. The Special Urgency procedure has only been used this municipal year as a corollary of the corona virus pandemic.
- 3.6. Decisions 1720LR (Increasing Housing Supply) and 1220HGS (Purchase of 9 Homes at Longheath Gardens for retention in the Housing Revenue Account) were due to be taken at the Cabinet meeting which was scheduled to take place on 23 March 2020. This meeting was cancelled due to Covid-19 and the decisions were required to be made to ensure provision of emergency accommodation.
- 3.7. Decisions 1820LR (Covid-19 Financial Implications), 2720LR (Council Tax Hardship Fund), 3620LR (Discretionary Grant Fund – Covid-19) and 0120PL (Covid-19: The Croydon Streetspace Implementation Programme) were all decisions made in response to Covid-19 to ensure the Council was able to properly respond to the pandemic.
- 3.8. More detail on each decision is available by clicking on the links in the table above or by visiting the website at:
<https://www.croydon.gov.uk/democracy/dande/policies/notices-statements/publicity-of-key-and-executive-decisions-cabinet-committees-cabinet-members-and-officers-2020/june%202020>

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 4.1 There are no direct financial consequences of this report. Each decision taken under the special urgency framework was supported by a report that set out the financial implications of that decision, and was subject to financial review as part of the decision making process.

Approved by: Ian Geary, Head of Finance, on behalf of Lisa Taylor, Director of Finance, Investment & Risk and Section 151 officer.

5. LEGAL CONSIDERATIONS

- 5.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance and Deputy Monitoring Officer that the statutory

definition of a key decision is set out in regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as a decision which is likely (a) to result in the council incurring expenditure which is or the making of savings which are significant having regard to the council's budget for the service or function to which the decision relates; or (b) to be significant in terms of its effects on communities living or working in an area comprising 2 or more wards in the area of the council.

5.2 Guidance issued under the Local Government Act 2000 section 38 provides that the council shall agree as a full council limits above which items are significant and publish those limits which the council has done via its Constitution.

5.3 The Constitution in Part 2 Article 13 provides that a key decision is an executive decision which is likely to: (i) result in the Council incurring expenditure or making of savings of more than one million pounds or such smaller sum which the decision maker considers is significant having regard to the Council's budget for the service or function to which the decision relates; or (ii) significant in terms of its effects on communities living or working in an area comprising two or more wards in the borough.

5.4 The Access to Information Procedure Rules in Part 4B of the Constitution paragraphs 29 – 32 set out specific requirements including publicity in relation to the taking of key decisions and in particular exceptions to the usual publicity requirements on the grounds of General Exception and cases of Special Urgency. Paragraph 34 makes specific provision for an annual report on the use of the Special Urgency provisions by the Leader to be made to full council.

Approved by: Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Law and Governance and Deputy Monitoring Officer

6. HUMAN RESOURCES IMPACT

6.1 There are not direct workforce implications arising from this report.

Approved by: Sue Moorman, Director of HR

7. EQUALITIES IMPACT

7.1 There are no direct equalities implications from this report. Each decision taken under special urgency provision was supported by a report that set out the equalities impact of that decision and was subject to review as part of the decision making process

Approved by: Yvonne Okiyo, Equalities Manager

CONTACT OFFICER:

Victoria Lower
Senior Democratic Services and Governance Officer

– Cabinet & Executive
Ext. 14773

BACKGROUND DOCUMENTS: None